

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Animal Control in Local Law Enforcement:
A Need for Sworn Officers**

**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

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June 2010**

ABSTRACT

Animal control officers as sworn peace officers are relevant to contemporary law enforcement because of the need to use all resources within a municipality or county to their fullest extent. The purpose of this research is to make it mandatory for animal control officers to be sworn peace officers. The method of inquiry used by the researcher included: a review of articles, internet sites, periodicals, journals, a survey that will be distributed, and personal interviews with police chiefs, sheriffs, and town managers. The researcher discovered that it is in the best interest of municipalities, counties, and the community that they service for animal control officers to be sworn peace officers.

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INTRODUCTION

The problem or issue to be examined considers whether or not there is a need for animal control officers to be sworn peace officers. It seems that no matter what size agency or city is, the police department gets calls and responds to animal related calls. New legislation passed in the state of Texas that went into effect September 1, 2007, created felonies for some animal related offenses (Texas Health and Safety Code 822.005). This writer will try to determine that peace officers are more suited to investigate and prepare these cases for prosecution.

The relevance of animal control in local law enforcement is that there is a need for sworn officers to help city managers, police chiefs, and officers adequately address the needs of the citizens in a timely, professional manner. The purpose of this research is to propose that municipalities and counties make animal control departments be part of the police department and /or sheriff's office and make it mandatory for those animal control officers to be sworn peace officers. The research question to be examined focuses on whether or not it will be helpful to local governments and the people they serve by making animal control officer sworn peace officers. The intended method of inquiry includes: a review of articles, internet sites, periodicals, journals, books, a survey to be distributed, and personal interviews.

The intended outcome or anticipated findings of the research is that there is a need for animal control officers to be sworn peace officers. The field of law enforcement will benefit from the research or be influenced by the conclusions because they will see the need for animal control officers to be sworn peace officers due to the fact that the

police departments will be able to deliver a higher quality of service to the citizens they serve.

REVIEW OF LITERATURE

The review of the literature found that there was very little literature on this topic. The researcher found material on code enforcement officers being sworn peace officers but not animal control officers (Lewis, 2004). It was found that animal control calls for service and the local law enforcement responding to animal control calls goes hand in hand (Bristow, 1982). There was training material from present day animal control agencies directed to law enforcement officers (Wright, 2007). The researcher also found material from as far back as 1982 that is still relevant today in showing that animal control and law enforcement have worked together for a long time (Bristow, 1982).

It seems that no matter what size or type the agency is, peace officers end up getting some sort of animal control training. This is due to the needs of the community the agency serves and the need for animal control officers to be sworn peace officers. Animal control officers cannot make arrests like sworn peace officers can (Texas Code of Criminal Procedures, 2007). Animal control officers might prepare a felony animal cruelty case and then have to call a sworn peace officer to make the arrest. Most of the time, animal control officers have to call a police officer or sheriff's deputy, who is often not even a member their agency. Other times, animal control officers have to call on sworn police officers or sheriff's deputies within their own agencies to make arrests or serve search warrants, thus doubling the amount of personnel on the same incident scene from the same agency. While animal control is not thought of as a traditional police function, there is training material over the past 25 years directed towards sworn

peace officers. Sworn peace officers are called upon to respond to a variety of animal related calls, mostly animal bites. If peace officers respond to an animal bite, there are certain legal requirements (Texas administrative Code, 2007). Animal control officers are not given the authority to carry handguns on or about their person (Texas Penal code, 2007). Oftentimes, sworn officers are called to assist animal control officers on animal bite calls. Sworn officers are called to these animal bite calls to assist animal control officers because the animal that bit a human is running loose and cannot be caught. Due to the danger the animal poses and has already done, the animal may need to be shot (Wright, 2007). This is another example of doubling of personnel. All animals that have bitten a human and have to be destroyed are required to be submitted to the state laboratory in Austin for rabies testing. Sworn peace officers have to be trained on where to shoot the animal to not ruin the animal's brain, so it can be submitted for rabies testing. Animal control officers already know this information (Texas Department of State Health Services Animal Control Officer Training Manual, 2007).

Wild animals, livestock, and domestic animals are also hit by cars. These animals may still be alive when animal control officers show up on scene. This may also require the response of a sworn peace officer to shoot these animals (Bristow 1982). Sometimes, as often happens, a sworn peace officer may make the scene of these injured animal type calls before an animal control officer does. The peace officer has training in how to shoot a weapon (TCLEOSE, 2007). The peace officer has no required training on where to shoot the animal to make it a humane death. The animal control officer has no weapons training. The animal control officer has training on this worst-case scenario of shooting an animal to make sure it is destroyed humanely. Depending

on how bad the damage to the vehicle is, a sworn peace officer will be required to complete a CR3 (Texas Peace Officer Sworn Crash Report, 2007). The law requires that if any damage to a vehicle is over \$1000, then a peace officer must complete a CR3 (Texas Transportation code, 2007). A sworn peace officer is typically in a patrol car and would have no way of removing and discarding the animal carcass. The sworn peace officer will have to call an animal control officer with the equipment to dispose of the animal carcass (Bristow, 1982). Here is another doubling of personnel. If an animal control officer was a certified peace officer, they could handle every aspect of this problem.

Chris Ford has worked on both sides of this subject. Ford was a non sworn animal control officer for almost 6 years. Ford stated that "I know how frustrating it can be to not be able to fully do your job." An animal control officer cannot arrest a person for an in-view felony offense or arrest someone that is known to have felony or misdemeanor warrants. An animal control officer may also have to call on a sworn officer to require a citizen to identify them self because the citizen has refused that information to the animal control officer. Persons are not required by law to identify themselves to animal control officers. Ford has also worked in a small town that had no designated animal control officer, and peace officers had to handle all the animal control responsibilities of the town. He also worked as a sworn peace officer for Denton County Sheriff's Office. Ford has experience being assigned to the animal control division as a sworn peace officer and being able to perform all aspects of the job. He feels like the department has benefited from this type of situation. The citizens of the community have benefited from the situation. In Ford's point of view, there is no down side to animal

control officers being sworn peace officers (C. Ford, personal communication, August 31, 2009).

METHODOLOGY

The research question to be examined considers whether or not animal control officers need be or should be sworn peace officers. The researcher hypothesizes that most agencies surveyed and people interviewed will see the need for animal control officers to be sworn peace officers. The method of inquiry will include: a review of articles, internet sites, periodicals, journals, a survey that will be distributed, and personal interviews.

The instrument that will be used to measure the researcher's findings regarding the subject of animal control as sworn peace officers will include personal interviews and a survey. The size of the survey will consist of ten questions, distributed to 20 participants from all over the state of Texas. The response rate to the survey instrument resulted in 20 surveys distributed, and ten agencies returned the survey. The survey resulted in a 50% response rate.

FINDINGS

The information obtained from the survey resulted in all ten agencies responding that animal control was a division of the department. Only one agency had sworn peace officers assigned to the animal control division. All ten agencies stated that the patrol division of the department has responded to animal control calls. None of the agencies surveyed provide animal control training to their patrol officers even though the patrol officer responds to animal related calls. The one agency that has sworn peace officers as animal control officers relayed that animal control officers have responded to patrol

calls and have been used as back up officers to patrol officers. All departments surveyed, except the one, where animal control officers are sworn, said they do not want their animal control officers to be peace officers. Six of the departments surveyed stated that they do not allow peace officers to shoot animals. Four do allow peace officers to shoot animals. All but one of the departments surveyed stated that they do complete a CR-3 for crashes involving animals but only if the damage to the vehicle results in more than \$1000.

DISCUSSION/CONCLUSIONS

The problem or issue examined by the researcher considered whether or not it is necessary to have sworn peace officers as animal control officers. The purpose of this research was to support the argument that it is beneficial for agencies to have sworn peace officers in animal control officer roles. The research question that was examined focused on the efficiency of having an animal control officer and a peace officer responding to the same call that could be handled by one officer certified as both a peace officer and animal control officer. The researcher hypothesized that there is supporting evidence that it would be more efficient for an agency to have sworn peace officers in an animal control role.

The researcher concluded from the findings that there is a definite need for a dual role officer in agencies where animal control falls under the police division. However, research through surveys showed that most agencies handling animal control are reluctant to support this change. It is unknown why this reluctance exists. It is believed that if agencies took the time to research this topic by interviewing other agencies that operate this way, the management would find that there is lost time in

having two officers with different required certifications handling the same citizen complaints and/or calls.

The findings of the research supported the hypothesis. The reason why the findings supported the hypothesis is probably due to actual experience in the field by a sworn peace officer in an animal control position documented by a personal interview with Ford. Limitations that might have hindered this study resulted because there are limited agencies that are currently utilizing certified peace officers in animal control positions, a 50% survey response from agencies included in the research, and a limited amount of printed material on this topic.

The study of animal control in local law enforcement and need for a sworn officer is relevant to contemporary law enforcement because animal control is essentially the policing of animals and their owners. The rising need for community oriented policing makes this topic relevant socially and politically for most local law enforcement agencies where animals are a large part of communities. Citizens are affected by animals whether they own them or live near others that own them. Police agencies responsible for animal control stand to benefit from the results of this research because of the obvious cost savings and efficiency of having a dually certified officer responding to overlapping calls for service, the need for having more sworn officers on the street, and officer safety.

REFERENCES

- Bristow, A.P. (1982). *Rural Law Enforcement*. Boston: Allyn & Bacon.
- Lewis, T. (2004). *Code Enforcement: Law Enforcement of the 21st Century*. Huntsville, TX: The Bill Blackwood Law Enforcement Management Institute of Texas.
- Texas Administrative Code (2007)
- Texas Code of Criminal Procedures (2007)
- Texas Commission on Law Enforcement Officer Standards and Education (2007)
- Texas Department of State and Health Services. (2008). *Animal Control Officer Training Manual*. Austin, TX: Author.
- Texas Health and Safety Code 822.005
- Texas Penal Code 42.09 – 42.10 (2007)
- Texas Peace Officer Sworn Crash Report (2007)
- Texas Transportation Code (2007)
- Wright, J. (2007, October). Close up. *Texas Commission on Law Enforcement Officer Standards and Education Newsletter*, 13 (12).

APPENDIX

Survey

1. Is animal control a division of your agency?
2. Are your animal control officers' peace officers?
3. If yes to question 2 have the animal control officers ever help out on patrol when patrol is busy?
4. If your animal control officers are peace officers have they ever responded as a backup unit to patrol staff?
5. Do you think it would be help full if your animal control officers were peace officers?
6. Does the patrol division have to respond to animal calls?
7. Do you give your patrol staff any animal control related training?
8. Would you like for your animal control officers to be peace officers?
9. Does your department's policy allow animals to be shot by peace officers?
10. Does your agency do crash reports for animals hit by cars?