Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Fargo Police Department personnel when interacting with animals and responding to calls for service involving animals.

806.2 POLICY

It is the policy of the Fargo Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone; members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to the Department-approved animal care facility.

806.3.1 CONFISCATION OF NON-TRADITIONAL LIVESTOCK

Members may seize any non-traditional livestock, as defined by N.D.C.C. § 36-01-00.1, that is located on private property if probable cause exists that the animal is being held in violation of state law and there are exigent circumstances requiring the immediate confiscation of the animal. To seize the animal, the member must seek an ex parte order from the appropriate court as required by N.D.C.C. § 36-01-12.2.

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806.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on City of Fargo property and roadways should be removed by the City of Fargo Street Department. Members shall contact dispatch to request the street department pick up the deceased animal. If the animal is located after business hours and the animal is not posing a traffic hazard, dispatch should be notified to add the pick up to the Street Department task list.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to the Department-approved animal care facility.

806.6 COMMUNITY SERVICE OFFICER RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Community Service Officers (CSOs) and include the following:

(a) Animal-related matters during periods when Community Service Officer is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Community Service Officer is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

806.7 ANIMAL CRUELTY COMPLAINTS

Department members should enforce laws relating to the cruelty of animals pursuant to North Dakota Century Code (NDCC) Chapter § 36-21.2. An investigation should be conducted on all reports of animal cruelty. Members should ensure legal steps are taken to protect an animal that is in need of immediate care or protection from acts of cruelty (N.D.C.C. § 36-21.2-06) and that notifications are made related to the seizure of an animal (e.g., owner, state officials) as required under state law.

806.8 ANIMAL BITE REPORTS

Members investigating a domestic animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under quarantine for 10 days. If an owner cannot or will not quarantine the animal, it will be held at the pound at the owner's expense. If there is no owner, the animal shall be held at the pound for three (3) days. If no owner is found the animal shall be euthanized after three (3) days and tested for rabies. Members should attempt to identify and notify the owner of the final disposition of the animal.

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The Department does not take reports of bites when it occurs in a dog park or when a pet bites a family member, as long as the family members are in contact, and have a good relationship with each other.

In cases of wild animal bites, if the animal is alive the animal can be brought to the pound to be euthanized, but the victim must pick up the animal and bring it to the laboratory for testing. In cases where the wild animal is to be destroyed, officers shall not shoot the animal in the head due to laboratory testing requirements for rabies.

806.9 STRAY DOMESTIC ANIMALS

If the domestic animal or dog has a license or can otherwise be identified, the owner should be contacted. If the owner is contacted, the animal should be released to the owner and a citation may be issued unless the owner of the domestic animal or dog is a repeat or habitual offender. If an animal is taken into custody by a Community Service Officer, it shall be transported to the appropriate shelter or holding pen. Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

Sworn officers shall not pick up and transport stray domestic animals in the absence of a Community Service Officer (CSO) unless approved by the Shift Commander. Sworn member's shall only respond and take appropriate action if the animal is dangerous, vicious or an immediate threat to public safety and no CSO is working or available.

In the absence of an on-duty CSO or immediate threat to public safety, dispatch should advise the caller that if safe to do so, they may transport the animal directly to the Department-approved animal care facility if during normal business hours or if after hours they may transport to the clinic and be met by an officer to allow entry. Alternately, dispatch should advise the caller that they can wait until the next Community Service Officer is on duty to pick up and transport the domestic animal.

806.10 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Commander will be contacted to determine available resources, including requesting the assistance of animal control services from another agency.

All dogs designated as dangerous or potentially dangerous per city ordinance (12-0117), shall be registered with the City of Fargo. Any change of ownership or address must be reported immediately to the Department.

806.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

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806.12 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Use of Force policy (300) shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

806.13 REVISION DATE 04/01/25

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