

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
COURT SERVICES BUREAU
POLICIES AND PROCEDURES MANUAL

DATE	DISSEMINATION	CATEGORY	NUMBER
December 16, 2003	BUREAU-WIDE	NORMAL OPERATIONS	F.30
SUBJECT: SERVICE ANIMALS IN COURT FACILITIES			PAGE 1 of 3

Purpose:

To establish a procedure for admitting service animals into court facilities pursuant to the Americans with Disabilities Act (ADA) of 1990.

Policy:

Sheriff CSB staff who encounter an individual at a court weapon screening station who is accompanied by an animal, and the individual asserts a claim that the animal is a service animal, shall allow the individual to enter the court facility with the animal pursuant to the following procedure. Sheriff CSB staff shall not ask about the individual's disability, and are not required to verify the animal's capability as a service animal.

Court facilities are defined as a "public entity" in Federal Law (Title 42, Chapter 126, section 12131) and are subject to the provisions of the ADA. State law regarding service animals is superseded by federal law and will not be used as a guideline for exclusion of animals from courthouses, or as a basis for enforcement action concerning service animals.

Procedure:

- I. Identification of a service animal
 - A. Pursuant to U.S. Department of Justice guidelines, published in accordance to the ADA, service animals are not pets.
 - B. A service animal may be any animal individually trained to provide assistance to an individual with a disability. A service animal is not required to be licensed, or certified by a state or local government.
 - C. Additionally, the individual claiming the need for the service animal may not be asked about their disability under current medical privacy laws, and does not need to provide proof of their disability.
- II. When approached by an individual with an animal who is attempting to enter a court facility, and you are not sure if the animal is a service animal:
 - A. Ask the individual if the animal is a pet.

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- B. If the person states the animal is a pet, the animal shall be denied entrance to the court facility.
 - C. If the person states the animal is a service animal required because of a disability, the deputy shall briefly observe the animal's demeanor. If the animal appears to be adequately under the control of the handler and does not appear to be acting aggressively towards other people in the immediate area, the animal shall be admitted to the court facility.
 - D. If the animal initially barks, growls at other people, or otherwise acts out of control, it shall be excluded from the court facility on the basis that the animal's behavior poses a direct threat to the health and safety of others.
 - E. If deputies are called to a disturbance involving an animal that initially appeared to be passive and under control of the handler, but subsequently began displaying aggressive behavior, the handler may then be ordered to remove the animal from the facility due to the aggressive behavior.
- III. Every time a Sheriff CSB deputy prevents an individual from bringing an animal into a court facility, or if they order an animal to be removed from a court facility, and the person has asserted a claim that the animal is a service animal, the deputy shall prepare and submit a deputy's report to their immediate supervisor. The deputy's report shall include the following information.
- A. The name, address, telephone number, and any other identifying information of the person with the animal. If the person refuses to provide their name and identifying information, a physical description of the person shall be included in the report.
 - B. A description of the animal.
 - C. A description of the specific behavior on which the deputy based his / her decision to exclude, or order the removal of, an animal from a court facility.
 - D. Deputy's Reports will be archived at the affected command for at least two years.

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- IV. If a service animal is denied entry because of the animal's behavior, the deputy denying admittance shall:
- A. Make a reasonable attempt to accommodate the disabled person with their court business; or,
 - B. Advise the disabled person that they may petition the court for accommodation under California Rules of Court, Rule 989.3.
 - 1. If the person claiming disability requests an immediate hearing for accommodation, the deputy shall make the appropriate Judicial Counsel Form available for petition to the court. The form is available through the court administrative offices and should be stocked at the weapons screening stations.
 - 2. If the person desires to make their petition for admittance to the courthouse orally, as allowed in Rule 989.3, the deputy will inform the affected judicial officer who will be asked whether they will hear the argument.
 - C. If the disabled person's business is in response to a court order or subpoena, the deputy denying admittance shall notify the affected court so the request for accommodation may be considered at that time.