

Service animal or companion animal?

By Luis Fragoso

A WCIA member city received notice of a complaint filed with the WA State Human Rights Commission alleging that the claimant tried to attend a scheduled municipal court hearing but was not allowed to enter with her service animal, causing her to miss the hearing. The claimant then submitted a claim for monetary damages alleging the city discriminated against her based on her disability.

On the day of the alleged incident, a corrections officer responsible for the safety and security of the court stopped the claimant and her pit bull in the lobby and asked an animal control officer (ACO) to respond and ensure the legitimacy of the service dog. Initially, the claimant agreed to wait for the ACO, and she asked the corrections officer to notify the judge that she'd arrived. The corrections officer did so but when he returned to the lobby, the claimant was packing up her belongings and said she was going to find a lawyer and proceeded to leave.

A few hours later, the claimant returned and the ACO contacted her and asked her legally appropriate questions regarding her pit bull. The claimant was asked what her dog was trained to do and she said, "It circles around me when it's time to take my medications." Because of a previously reported incident in which the same pit bull growled and barked at individuals while in the courtroom, the claimant was informed that it would be removed from the building if it barked excessively, was disruptive, ran to people or jumped on them and/or acted aggressively.

Having provided satisfactory responses to the ACO's questions, the claimant was allowed to enter the courthouse and, anticipating a potential complaint against them, both officers completed reports detailing their interaction with the claimant and notified their chain of command about the incident.

The WA State Human Rights Commission's investigation concluded that the claimant and her dog were not initially denied access to a place of public accommodation and, on the day in question, the claimant left the premises prior to staff even questioning her about the dog. Therefore, there was not enough evidence to show that an unfair practice had occurred as defined by [RCW 49.60](#) - WA State Law Against Discrimination.

Here are the lessons learned from this incident:

- A. Keep a detailed record of interactions when staff is threatened with litigation.
- B. Only service animals are covered by the Americans with Disabilities Act (ADA), not emotional support/companion animals.
- C. When it comes to places of public accommodation, staff is entitled to ask two specific questions about a dog:
 - 1. Is the dog a service animal required because of a disability? And
 - 2. What work or task has the dog been trained to perform?

WCIA thanks all of our members' employees and volunteers who deal with the public on a regular basis!