



County of Orange

County Executive Office

September 1, 2015

Honorable Glenda Sanders
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "If Animals Could Talk about the Orange County Animal Shelter"

Dear Judge Sanders:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors, the OC Community Resources Director, and the Animal Care Director.

If you have any questions, please contact Jessica O'Hare of the County Executive Office at 714-834-7250.

Sincerely,

Frank Kim
County Executive Officer

Enclosure

cc: FY 2014-15 Orange County Grand Jury Foreman
Mark Denny, Chief Operating Officer, County Executive Office
Jessica O'Hare, Assistant to the COO, County Executive Office
Steve Franks, OC Community Resources Director
Jennifer Hawkins, Animal Care Director



Responses to Findings and Recommendations
2014-15 Grand Jury Report:

“If Animals Could Talk About the Orange County Animal Shelter”

SUMMARY RESPONSE STATEMENT:

On June 17, 2015, the Grand Jury released a report entitled: “If Animals Could Talk About the Orange County Animal Shelter.” This report directed responses to findings and recommendations to the Orange County Board of Supervisors, Director of OC Community Resources, and OC Animal Shelter Director, which are included below.

FINDINGS AND RESPONSES:

F.1. There are serious morale issues among Animal Shelter staff, many of which can be attributed to poor management practices and lack of effective leadership.

Response: Disagrees partially with the finding. County of Orange acknowledges that the OC Animal Care employees have morale issues. The dedicated employees of OC Animal Care face many challenges that impact the morale of the workforce. The work is emotionally charged, technically challenging, and often places employees in uncomfortable situations. Other contributing factors include the high workload, high vacancy rate, an aging facility and being subjected to intense external scrutiny which perpetuates false information about OC Animal Care. The Grand Jury correctly noted that morale issues have existed in Animal Care Services over an extended period of time.

The Grand Jury’s assertion that poor management practice and lack of effective leadership caused the morale issues was not supported by specific facts or evidence of mismanagement. The morale issues in OC Animal Care Services pre-date the formation of OC Community Resources and continued throughout a progression of different managers.

The County of Orange acknowledges that there is room for improvement in the morale and support for the dedicated employees at OC Animal Care. Countywide

focused efforts to examine and improve employee engagement and address morale will also include OC Animal Care needs.

F.2. The trap, neuter, and return practice is reportedly delaying the spaying, neutering, and treatment of domestic dogs and cats awaiting adoption and is evidence that the domestic animals have been assigned a lower priority for surgery than the spaying, neutering, and micro-chipping of the feral cats.

Response: Disagrees wholly with the finding. This finding is based on perceptions without factual substantiation. OC Animal Care does not delay any medically necessary treatment to animals. OC Animal Care implemented a schedule in spring 2014 that consistently meets the treatment needs of the domestic dogs and cats awaiting adoption as well as the surgery schedule for the trap, neuter and release program. Critical emergency cases are always given the highest priority. All routine surgeries are performed only after medical cases are properly assessed and treated.

F.3. Feral cats have been allowed to roam freely in and around the Animal Shelter and have been fed by Animal Shelter staff, possibly contributing to human and animal exposure to zoonotic diseases.

Response: Disagrees partially with the finding. The County of Orange concurs that three free roaming cats live on the premises of OC Animal Care.

These cats have been surgically sterilized, vaccinated and receive routine preventative flea treatment. Unlike the over 12,000 cats with unknown health histories that are impounded annually that are cared for by OC Animal Care staff, the 3 healthy, sterilized, vaccinated free roaming cats on the shelter campus pose no more risk than pet cats in a home environment. OC Animal Care data does not indicate an increase in zoonotic diseases at the shelter.

Credible third party literature from organizations such as the American Public Health Association and the UC Davis Koret School of Veterinary medicine outline the benefits of the trap, neuter and release programs in controlling rodents and that there are some risks associated with free roaming cats. OC Animal Care is mindful of the role that fleas in potential disease transmission. The shelter cats are treated for fleas and are monitored.

Eradication of free roaming cats would not eliminate zoonotic diseases as opossums, rodents and other domestic animals would still serve as reservoirs of potential disease organisms. Other species that potentially carry fleas are present at the shelter on a regular basis.

F.4. Animal Control Officers do not have effective equipment or appropriate procedural options to deal with unique, emergency circumstances that may require special procedures such as tranquilizing and euthanizing in the field.

Response: **Disagrees partially with the finding.** OC Animal Control officers receive 6 months of intensive training and are provided with the skills and tools to handle a wide variety of field situations, including tranquilization and humane euthanasia. At this time, it is not legally permitted for officers to transport controlled substances and protocols reflect this limitation. Animal Control Officers have been issued the proper equipment to perform their duties under existing protocols.

Senate Bill 1162 (Runner) which authorizes animal control or humane officers to possess and administer tranquilizers that contain a controlled substance, was signed into law in September of 2012. The law gives animal control officers the ability to chemically restrain wild, stray, or abandoned animals for purposes of safe capture. The law states that officer administration of tranquilizers containing a controlled substance may only be performed under direct or indirect veterinary supervision, as determined by the supervising licensed veterinarian. The law also stipulates that several requirements must be met regarding animal control department policy and officer training before the use of tranquilizers containing a controlled substance

Officers may only possess and administer tranquilizers that contain a controlled substance if they have received training in the administration of these drugs from a licensed veterinarian. The training must be approved by the California Veterinary Medical Board and California Office of Administrative Law. The CAVMB approved the training in 2014 but approval from the California Office of Administrative Law is still pending.

OC Animal Care plans to promptly implement training when the necessary guidance is provided. March 3, 2015 the Board of Supervisors formally requested the Veterinary Medical Board file the training guidelines on an emergency basis to allow Orange County to expedite the deployment of controlled substances in the field.

F.5. OC Animal Care is currently operating with a shortage of personnel, including Animal Control Officers (ACOs), thereby making it much more difficult for them to respond to calls in a timely manner throughout such a large county, especially since there is only one shelter to serve all of Orange County.

Response: **Disagrees partially with the finding.** The County of Orange recognizes that OC Animal Care has a significant vacancy rate that strains the Animal Control Officers' ability to respond to all the calls for service received by OC Animal Care. The vacancy rate was high due to budgetary constraints. The contract cities consented to the vacancy rates to control cost increases in the Animal Care program. Calls affecting public and animal safety receive the highest priority. Recruitments to fill OC Animal Care vacancies are on-going. OC Animal Care has been operating at a 20% vacancy rate for the last 2 years. The contract cities have since approved a

budget that will decrease the vacancy rate to 10%. The FY 2015-16 budget includes funding to permanently fill nine (9) vacant positions.

The finding that response to calls for service is linked to the fact that the County operates the only animal shelter in the county is wholly inaccurate. OC Animal Care serves unincorporated areas and 18 contract cities. There are 34 cities in Orange County and a number of other shelters located in the following communities: Dana Point, Mission Viejo, Irvine, Newport Beach, Seal Beach, Laguna Beach and Huntington Beach. These shelters and the other non-contact cities provide their own field services with response times that vary depending respective operational procedures and staffing.

F.6. There is little evidence that the Feral Free Program has been successful in reducing the feral cat population, which could be a contributing factor to the spread of zoonotic diseases.

Response: **Disagrees partially with the finding.** Initial indication in Orange County shows a positive impact. Overall cat intake decreased 9% and euthanasia decreased by 23% since program started. Impoundment and euthanasia of orphaned neonatal kittens has decreased 13%. Mature programs may see intakes decrease by 20-30% resulting from non-reproducing cats occupying existing niches in the community. Cats are not returned to schools, parks, mobile home parks, or County property identified as areas of concern by Vector Control.

An October 30, 2014 paper by Karen Johnson and Jon Cicirelli studied the impact of a shelter, neuter and return project involving 10,080 cats from March 2010 to June 2014 in San Jose, CA. This study reported that cat and kitten impounds decreased 29.1%, euthanasia dropped from 70% of intakes in 2009 to 23% of intakes in 2014, decrease in euthanasia at shelter from Upper Respiratory Disease decreases by 99% and dead cat pick up from the streets declined by 20%.

With a human population of 3.1 million in Orange County, it is estimated that there are 300,000 community cats (feral, unowned or semi-owned cats). Most agree that this population is growing. Prior to the implementation of the Feral Free Program, the method of “trap and kill” of community cats had previously been practiced by OC Animal Care for over 6 decades. Euthanasia of neighborhood cats impounded by animal shelters is an endless proposition that not only fails to decrease the number of community cats, it is believed to promote increased numbers of cats as cat territories shift and reproduction efforts among remaining cats increase in response to the pressure of culling. Studies have shown that culling even as many as 1/3 of community cats is counterproductive (Lazenby, et. al. 2015) and impractical. The paradigm on how to respond to the problem of community cats is shifting from one of “trap and kill” to “trap-neuter-release” as we are armed with the knowledge

that returning sterilized cats back to their communities allows them to maintain their niche and keep unaltered newcomers out.

From the start of this program in April of 2013 to July, 2015, 3,879 cats have been released back into the communities from which they came, via the Feral Free Program. This is less than 1.3% of the community cats estimated to live in Orange County. Cats that are deemed candidates for the Feral Free Program are returned only to the communities from whence they came; feral cats are *not* relocated. OC Animal Care maintains that the Feral Free Program does not promote cat overpopulation—this problem existed long before the implementation of this TNR program.

Regarding zoonotic diseases, all cats in the Feral Free Program are vaccinated against rabies virus, a virus that is deadlier than Ebola. While the percentage of community cats impounded by OC Animal Care is small relative to the estimated number of community cats countywide, cats that have the most human contact are more likely to be represented in this group. Regarding Typhus, there were 34 cases of Typhus in Orange County in 2013, 18 cases in 2014 and 6 cases thus far in 2015. These numbers do not indicate that the 1.3% of community cats sterilized and returned in Orange County is having any demonstrable negative impact on zoonotic disease.

F.7. Kennels are hosed down with dogs still present in the kennels, resulting in the dogs getting soaked and becoming more susceptible to disease.

Response: **Disagrees partially with the finding.** While it is common for cages to be cleaned with dogs in the cages in older shelters throughout the state, OC Animal Care acknowledges that these dog cage cleaning practices are not ideal. OC Animal Care cleans occupied kennels with water, but kennel employees do not soak the dogs with a hose as depicted in the finding. OC Animal Care plans to implement procedures to allow kennel staff to keep dogs dry during the cleaning process. The “move-one-down” method does not take into consideration the significant control practices necessary to ensure proper identification of each dog housed at OC Animal Care. OC Animal Care is developing protocols whereby dogs would be segregated during the cleaning process. This will require additional staff and schedule adjustments to implement this practice. The modified cleaning process is expected to be fully implemented within 45 days after additional kennel staff are hired. In the interim, OC Animal Care makes an effort to clean enclosures without getting the animals wet.

F.8. Kennel attendants were observed leaving the large water hoses running when not being used for cleaning purposes, thereby wasting large quantities of water.

Response: **Agrees with the finding.** OC Animal Care reports that kennel attendants were using large water hoses for cleaning purposes. Employees self-identified the need to change practices in order to avoid leaving hoses running when not in use. Changes were implemented in 2014 to decrease water use such as moving to sweeping of driveways and walkways rather than hosing with water. Cages are spot cleaned if appropriate, so as to not use more water than reasonably necessary for effective cleaning and disinfection.

F.9. There is limited airflow and no air conditioning in the cat trailers. The conditions in these trailers increase the vulnerability to disease.

Response: **Partially agrees with the finding.** The air conditioning unit in the cat trailer was broken and the cats were housed in another location while repairs were made. The broken air conditioning unit has been replaced. Clinical observations of the cats held by OC Animal Care did not indicate an increase in communicable diseases as a result. Cat portals (openings created to adjoin two cages and thus afford greater space) have been installed and are expected to decrease stress to the cats and, therefore, decrease their length of stay. Fewer cats housed per trailer will improve the air exchange in each trailer. Cat portal installation was completed in June of 2015.

F.10. There is a rodent problem, creating additional risk of humans and animals contracting zoonotic diseases.

Response: **Agrees with the finding.** OC Animal Care has documented rodent activity at the OC Animal Shelter. The presence of rodents can contribute to an increased risk of disease transmission. OC Animal Care has actively addressed the presence of rodents through sanitation, professional pest control services and making repairs to prevent the entrance and harborage of rodents. However, the OC Animal Shelter maintains outdoor animal enclosures with supplies of food and water for impounded animals. This arrangement will also attract rodents, insects and other pests. Due to the location next to a riverbed and outdoor nature of the facility, it is unlikely that OC Animal Shelter can completely eliminate the presence of rodents from the facility.

RECOMMENDATIONS AND RESPONSES:

R.1. Consider a change of leadership within the Orange County Community Resources Department and arrange for mandatory leadership training for all managers and supervisors that includes a curriculum of leadership skills, people skills, and diversity (F.1).

Response: **The recommendation will not be implemented because it is not warranted or reasonable.** The recommendation to consider a change of leadership within the Orange County Community Resources Department is beyond the scope of the Orange County Grand Jury which is authorized to conduct investigations, make findings and recommendations but not to engage in operational transactions such as personnel actions.

OC Animal Care leadership is already in a significant period of transition, on April 17, 2015, OC Community Resources appointed Dr. Jennifer Hawkins, DVM as the OC Animal Care Director. Dr. Hawkins is a well-respected veterinarian. She has been assisted by an Interim Assistant Animal Care Director, who is a veteran manager with the County of Orange. OC Community Resources is in the process of completing the recruitment for a permanent Assistant Director for OC Animal Care. In addition, the Manager over Field Services announced intent to retire effective August 21, 2015. The leadership composition at OC Animal Care is changing.

However, the recommendation for mandatory leadership training for all managers and supervisors has been implemented by the County of Orange. OC Community Resources is participating in the County's mandatory training. In addition to mandatory training, OC Community Resources Staff Development and Training also offers additional training open to all employees in collaboration skills, managing stress, developing trust and respect, eliminating workplace negativity, and other topics to support the workforce.

R.2. Discontinue the practice of giving feral cats priority for surgery over the domestic dogs and cats awaiting adoption (F.2).

Response: **The recommendation will not be implemented because it is not warranted.** This recommendation is based on a flawed finding. OC Animal Care does not delay any medically necessary treatment to animals. The decision to prioritize medical treatment for impounded animals is a clinical decision that must be made by a licensed veterinarian not a civil grand jury. The veterinarian staffing pattern and surgery schedule at OC Animal Care is adequate to meet the treatment needs of the domestic dogs and cats awaiting adoption, as well as to address the surgical needs of the trap, neuter and release program.

R3. Discontinue feeding feral cats and allowing feral cats to roam freely in and around the Animal Shelter (F.3).

Response: **The recommendation will not be implemented because it is not warranted.** The County does not have conclusive scientific evidence that the three free roaming cats at the OC Animal Shelter pose an increased disease risk to the people or the animals at the facility. The three cats have been surgically sterilized, vaccinated and receive routine preventative flea treatment. Working Cats Programs are accepted among shelter and humane organizations nationwide. These programs identify cats unsuited for indoor living and place them with people who will provide care for them while they provide environmentally safe pest control in warehouses, ranches or similar areas. OC Animal Care considers its 3 free roaming cats to be working cats that provide adjunct control of rodents in the outdoor animal facility.

R4. Develop proper protocols for Animal Control Officers to follow when confronted with unique circumstances in the field that require tranquilizing or euthanizing animals and take all measures necessary to ensure that the Animal Control Officers can be given the proper equipment and training in that regard (F.4.).

Response: **The recommendation has not been implemented but will be implemented in the future.** Currently, it is not legally permitted for officers to transport controlled substances. OC Animal Care provides 6 months of intensive training to ensure that Animal Control Officers have skills and tools to address a wide variety of urgent and emergent situations that may require euthanizing or tranquilizing animals. Animal Control Officers have been issued the proper equipment to perform their duties consistent with existing protocols.

Senate Bill 1162 (Runner) which authorizes animal control or humane officers to possess and administer tranquilizers that contain a controlled substance, was signed into law in September of 2012. The law gives animal control officers the ability to chemically restrain wild, stray, or abandoned animals for purposes of safe capture. The law states that officer administration of tranquilizers containing a controlled substance may only be performed under direct or indirect veterinary supervision, as determined by the supervising licensed veterinarian. The law also stipulates that several requirements must be met regarding animal control department policy and officer training before the use of tranquilizers containing a controlled substance may be used.

Officers may only possess and administer tranquilizers that contain a controlled substance if they have received training in the administration of these drugs from a licensed veterinarian. The training must be approved by the California Veterinary Medical Board and California Office of Administrative Law. The CAVMB approved the training in 2014 but approval from the California Office of Administrative Law is still pending.

OC Animal Care plans to promptly implement the approved training when the necessary guidance is provided from the State.

R5. Establish a more aggressive approach in hiring qualified personnel on a timely basis, especially with the position of Animal Control Officer (F.5.).

Response: **The recommendation has been implemented.** OC Community Resources advertised the planned recruitment for Animal Control Officer Trainees beginning June 2, 2105 and the process is proceeding. The adopted budget for FY 2015-16 includes \$454,000 to permanently fill nine (9) vacant positions in OC Animal Care.

R6. Conduct an evaluation of the Feral Free Program to determine its effectiveness in the reduction of zoonotic diseases. (F.6.).

Response: **The recommendation has not yet been implemented but will be implemented in the future.** OC Animal Care plans to analyze the outcomes and data for the Feral Free Program approximately 7 to 10 years after implementation in order to have enough data to draw meaningful conclusions on whether the program is able to reduce the numbers of community cats, reduce the number of impounds and reduce the need for euthanasia at the OC Animal Shelter.

The Feral Free Program's primary purpose and goal was not to address zoonotic diseases but to control increases in community cat populations, in impounds and euthanasia. However, it is anticipated that by reducing the reproductive potential of the community cats, the Feral Free Program should not increase the prevalence of zoonotic disease.

R7. Utilize the "move-one-down" method for cleaning kennels to avoid soaking the animals. (F.7.).

Response: **The recommendation will not be implemented because it is not reasonable.** The "move-one-down" method does not take into consideration the significant control practices necessary to ensure proper identification of each dog housed at OC Animal Care. However, OC Animal Care is developing new cage cleaning protocols whereby dogs would be segregated during the cleaning process. This will require additional staff and schedule adjustments to implement this practice.

OC Animal Care will implement a cage cleaning method in which the dog is physically separated from the area being cleaned without moving the animals from kennel to kennel as recommended by the Grand Jury. OC Animal Care is making modifications/repairs to the kennels to use the drop down doors that separate the front and back of the cages to segregate dogs from the areas being cleaned. This cleaning method will be deployed when the doors are repaired or replaced and within 45 days after the additional employees are available.

R8. Place nozzles on all water hoses and direct kennel attendants to turn off the water when not being used. (F.8.).

Response: **The recommendation will not be implemented as it is not reasonable.** The spray nozzles have been shown to aerosolize bacteria which increase the risk of disease transmission. However, OC Animal Care implemented new cleaning protocols using less water pressure and includes water saving measures.

R9. Improve the ventilation system in all cat trailers for the health and survival of the cats (F.9.).

Response: **The recommendation has been implemented.** The repairs to the inoperable air conditioning unit were completed prior to the issuance of the Grand Jury report. Besides air conditioning replacement, further modifications to the air conditioning and ventilation system are not advisable because the trailers will be replaced. OC Animal Care will request bids for new cat trailers in FY 2015/16 and will ensure new trailers have the proper air conditioning and ventilation for optimum cat health.

R10. Promptly control the rodent population in order to reduce the possibility of spreading diseases to human beings and animals (F.10.).

Response: **The recommendation has been implemented.** OC Animal Care Services is actively addressing the presence of rodents with a professional pest control service and the Working Feral Cats on the OC Animal Care property.