



County of Orange
C a l i f o r n i a

James D. Ruth
County Executive Officer

September 2, 2004

Tom Staple, Foreman
FY 03/04 Grand Jury
Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Response to Orange County Grand Jury Report, "Orange
County Animal Shelter – Are Improvements Needed"

Dear Mr. Staple:

Per your request, and in accordance with Penal Code 993, enclosed please find the County of Orange response to the subject report as approved by the Board of Supervisors. If you have any questions, please contact Brian Wayt at the County Executive Office who will either assist you or direct you to the appropriate individual.

Very truly yours,

A handwritten signature in black ink, appearing to read "James D. Ruth", with a horizontal line extending to the right.

James D. Ruth
County Executive Officer

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2003-2004 Grand Jury Report
“The Orange County Animal Shelter – Are Improvements Needed?”
Response to Findings and Recommendations

Response to Findings:

1. Commingling newly acquired (un-assessed) animals with the population of healthy, adoptable animals encourages the spread of illness/disease and raises the likelihood of injury caused by aggressive behavior.

Response: Agrees with finding

Per ACS protocol, veterinary staff assesses each impounded animal upon arrival at the Animal Care Center (ACC), or makes an assessment the following day if impoundment occurs after-hours. All animals are assessed for medical conditions and temperament and housed accordingly; ACS maintains designated kennel areas to house animals based on medical condition, temperament and adoptability in order to prevent the spread of disease and minimize risk to the public. All animals are housed individually unless impounded with littermate(s) or found roaming with another animal.

2. The current Animal Care Services (ACS) practice of excluding kennel staff from making euthanasia decisions does not comply with ACS policy.

Response: Disagrees wholly with the finding

There is no “practice of excluding kennel staff from making euthanasia decisions.” ACS policy on euthanasia (Veterinary Public Health Policy and Procedure 400.04) requires veterinary staff to provide *medical input* while kennel staff provides *behavioral assessment*. The determination on animals to be reviewed for the process of euthanasia is not based on any one individual employee. It is first based on retention time, as mandated by State law and program policy. Once the required retention period has been met, each animal is given another evaluation for health, temperament, and general condition. A committee comprised of 3-4 individuals from kennels and veterinary staff completes this evaluation and will recommend placing the animal for adoption, or euthanasia, based on their collective findings. The ACS Veterinarian makes the ultimate decision. This procedure, while intended to be collaborative, does not mean every kennel staff member is consulted, or, for that matter, agrees with the final decisions.

3. In following the “no kill” provisions of the Hayden Bill (*California Civil Code §1833-1840, SB 1785*), ACS frequently ignores other provisions of the bill that allow animals that are too old, too ill or too aggressive for adoption to be euthanized.

Response: Disagrees wholly with the finding

ACS does not ignore provisions of the bill allowing for euthanasia under specified circumstances. The procedure for making the decision regarding euthanasia is as follows: ACS policy on euthanasia (Veterinary Public Health Policy and Procedure 400.04) requires veterinary staff to provide *medical input* while kennel staff provides *behavioral assessment*. The determination on animals to be reviewed for the process of euthanasia is not based on any one individual employee. It is first based on retention time, as mandated by State law and program policy. Once the required retention period has been met, each animal is given another evaluation for health, temperament, and general condition. A committee comprised of 3-4 individuals from kennels and veterinary staff completes this evaluation and will recommend placing the animal for adoption, or euthanasia, based on their collective findings. The ACS Veterinarian makes the ultimate decision.

4. ACS was out of compliance with *California Health and Safety Code §121575-121710* with respect to the quarantining of an animal that had repeatedly bitten humans, and did not forward tissue samples of a euthanized animal for examination.

Response: Agrees with finding

In September of 2003, an animal was euthanized prior to the end of the quarantine period established to determine the potential for rabies infection. Immediately after the error was recognized, ACS senior management contacted Orange County Epidemiology and the State Veterinarian to determine the victim's health risk. Based on the number of days that had lapsed since the bite, neither agency felt that there was a significant risk to the victim's health. The victim's parents had been advised of the incident, and were made aware of Epidemiology's and the State Veterinarian's professional opinions. Thereafter, ACS reviewed procedures with staff to ensure full compliance with policies related to quarantines.

5. ACS management frequently overrides the objections of kennel staff and allows overly aggressive animals to be adopted. Overly aggressive animals placed in adoptive homes could pose not only a public-safety hazard but also a threat of liability to the County.

Response: Disagrees partially with the finding

ACS agrees that "overly aggressive" animals, if allowed to be placed in adoptive homes, could pose a public safety hazard. However, ACS policy does not allow "overly aggressive" animals to be adopted.

ACS policy on euthanasia (Veterinary Public Health Policy and Procedure 400.04) requires veterinary staff to provide medical input, while kennel staff provides behavioral assessment. A committee comprised of veterinarians and kennel staff makes a recommendation to either euthanize, or place the animal for adoption, based on medical history and observed behavior.

It is not possible for ACS staff and management to know exactly how the animal will react in the new home environment. The animal may be subjected to circumstances and treatment that may influence the animal to manifest different behaviors than have been observed while at ACS.

ACS has a very strong track record in appropriately placing animals. In 2003, ACS placed 8,520 dogs, cats and other animals in adoptive homes. Of those, only 51, or 0.5%, were returned due to reported aggression toward humans or other animals.

6. ACS treats chronically ill animals with medication to mask the symptoms and then allows sick animals to be adopted. Many of the adopted animals are returned when the symptoms of chronic illness recur.

Response: Disagrees wholly with the finding

ACS does not intentionally or knowingly place animals with chronic illness for adoption by the general public. ACS's obligation is to provide humane care to all impounded animals. ACS routinely treats animals displaying signs of illness with medications. Treatable conditions such as kennel cough and upper respiratory infection are not uncommon in facilities that house large numbers of animals; however, ACS attempts to adequately and completely treat an animal's condition before it is put up for adoption.

ACS has a very strong track record in appropriately placing animals. In 2003, ACS placed 8,520 dogs, cats and other animals in adoptive homes. Of those, only 96, or one percent, were returned due to illness.

7. ACS has donated adoptable animals to a veterinary hospital operated by associates of one of the managers. This practice not only denies to ACS the funds that it would normally receive when the animals are adopted, but also creates a conflict of interest for managers, whose primary responsibility should be to ACS.

Response: Disagrees wholly with the finding

ACS does not donate adoptable animals under any circumstances. In 2003, ACS intensified its efforts to increase an animal's chance of survival by partnering with the veterinary community. This involved transferring unadoptable animals to private veterinary clinics, including those injured or otherwise requiring extensive medical follow-up, and those orphaned and

under-aged and unable to survive without extensive care. All costs associated with treating these animals were the sole responsibility of the receiving clinic. Had the animals remained with ACS, they would have been subject to euthanasia.

8. ACS donates popular breeds of dogs to animal-rescue groups after the dogs have been spayed or neutered at County expense. This practice effectively uses County funds to underwrite the expenses of private organizations.

Response: Disagrees wholly with the finding

ACS does not donate adoptable animals to animal-rescue groups, or to anyone else, and does not use County funds to underwrite the expenses of private organizations. Animal-rescue groups pay for spaying and neutering at the time of adoption.

9. A person hired by the Health Care Agency (HCA), and approved by the Board of Supervisors, as a senior manager of ACS, with the responsibility to administer a \$10 million annual budget, lacked experience in managing a large-budget animal shelter.

Response: Disagrees partially with the finding

The former senior manager did not have prior direct experience in managing a large-scale shelter. However, the individual had held an executive management position with a private, animal-care related corporation, managing a budget in excess of \$10 million, and had six years experience as a clinical veterinarian at ACS. The Agency maintains that this provided all essential skills and experience necessary to manage the animal care shelter services, as well as the field operations, of Animal Care Services.

10. ACS makes little or no use of volunteers for animal care, depending instead on a variable supply of Work-Release Program inmates from the Theo Lacy Jail.

Response: Disagrees wholly with the finding

ACS is particularly perplexed with this finding. ACS is very proud of their dedicated group of active volunteers who provide foster homes, grooming, training, exercise, and socialization for adoptable animals, as well as assistance to the public. ACS volunteers contributed 53,908 hours of service in 2003, which equates to nearly 30 full-time positions.

In addition to the hours of support provided by volunteers, work release or Community Work Program (CWP) inmates assist with routine cleaning and facility maintenance projects. The CWP workers do not interact with the public or with animals.

11. The Animal Control Advisory Board, whose seven members are appointed by the Board of Supervisors, is currently lacking two members.

Response: Disagrees partially with the finding

The Board of Supervisors recently appointed a sixth member to the Animal Control Advisory Board and it is anticipated that the seventh member will be appointed by the end of December 2004.

12. The purchasing and contracting practices of ACS are not in compliance with County policy.

Response: Disagrees wholly with the finding

Agency purchasing operations are managed by a separate purchasing unit staffed with County-certified deputy purchasing agents who follow County purchasing and contracting guidelines as set forth in the County Contract Policy Manual.

13. Unless ACS is able to provide for expansion of the Animal Shelter, ACS may have to limit the services it provides or the number of animals it accommodates.

Response: Disagrees wholly with the finding

Limiting services provided or number of animals accommodated is not necessary. With the success of ACS's mandatory spaying and neutering program, ACS, as well as shelters nationwide, report a decline in the number of animals impounded annually. ACS has experienced an approximate twenty (20) percent decline in animal impounds annually since the program's inception in 1999.

ACS did experience several anomalies that contributed to periods of Shelter overcrowding during the Spring and Summer of 2003. The primary factor was a fifteen (15) percent increase in animal population attributed to the addition of the City of Santa Ana as a facility contractor. This is not expected to recur due to the installation of additional kennels, together with the reduction in impounds resulting from the spay/neuter program.

14. A fundraising foundation, Friends of the Orange County Animal Services (FOCAS), was proposed in 2000 but never legally established, although it raised \$25,000 for ACS. Those funds are in a trust account controlled by HCA.

Response: Disagrees wholly with the finding

FOCAS was legally established and gained its non-profit status as a Donor Advised Fund through the Orange County Community Foundation in 2002. ACS received a donation of \$25,000 dollars in December 2001 that had no relationship to FOCAS. These funds have been held in an ACS trust fund that was reviewed and validated by, and is under the control of, the Orange County Auditor/Controller. ACS is currently in the process of utilizing these funds to lease and equip a mobile adoption van.

Response to Recommendations:

1. ACS maintain a sufficient supply of cages and kennels to preclude commingling newly acquired (unassessed) animals with healthy, adoptable animals.

Response: The recommendation has been implemented

ACS has long-standing protocols regarding housing and euthanasia, which assist kennel management in maintaining an acceptable shelter population and a sufficient supply of cages and kennels. ACS has regularly reviewed and updated protocols to reflect current housing needs, and will continue to do so.

2. ACS comply with its policies of requiring kennel-staff involvement in adoptions and euthanization decisions.

Response: The recommendation has been implemented

Since November 2000, ACS policy has provided for kennel staff involvement by requiring that the committee comprised of veterinary *and* kennel staff make recommendations regarding adoption and euthanasia. While the policy is intended to facilitate discussion and consideration of varying perspectives, it does not mean that every kennel staff member is consulted, or, for that matter, agrees with the final recommendations, or with the decisions made by the ACS Veterinarian.

3. ACS request County Counsel to provide a written opinion on ACS's obligations regarding animal euthanasia under the Hayden Bill (*California Civil Code §1833-1840, SB 1785*). ACS, guided by County Counsel's written opinion, comply with the requirements of the Hayden Bill regarding animal euthanasia.

Response: The recommendation will not be implemented because it is not warranted

ACS is, and will continue to be, in compliance with the Hayden Bill and, as needed, consults with County Counsel on ACS matters. A separate County Counsel opinion is not necessary.

4. ACS comply with *California Health and Safety Code §121575-121710* regarding quarantine of animals that have repeatedly bitten humans, and forwarding of tissue samples of the euthanized animals for examination.

Response: The recommendation has been implemented

ACS has been diligent in complying with California Health and Safety Code 121575-121710 since its enactment in 1995. ACS recognized the error in the processing of one (1) animal, in 2003, which did not result in any personal or public health hazard.

5. ACS refrain from allowing chronically ill animals to be adopted.

Response: The recommendation has been implemented

ACS policy does not allow animals with chronic illnesses to be adopted by the general public, and ACS has never intentionally or knowingly done so.

6. ACS make a concerted effort to place adoptable animals before donating them to organizations such as animal-rescue groups.

Response: The recommendation has been implemented

ACS does not, nor has it ever, donated adoptable animals to rescue groups. ACS staff works very hard to ensure the successful adoption of animals through community events, mobile adoptions, advertising and via the award winning website www.ocpetinfo.com. These efforts have resulted in a very successful adoption program.

7. HCA require that all ACS management personnel conduct themselves in such a manner that they avoid any conflict of interest that competes with or opposes the interests of ACS. HCA require that all ACS management personnel disclose at least annually any outside interests that might conflict with the terms of their employment or with the interests of ACS.

Response: The recommendation has been implemented

Per California Code, since 1983 designated ACS personnel have been required to disclose potential conflicts of interest (*Statement of Economic Interest, California Form 700*) on a yearly basis. In addition, all ACS personnel are required to adhere to the HCA Code of Conduct, in which they receive training on an annual basis, and with which they attest, in writing, to

compliance. Page 8 of the Code of Conduct specifically addresses conflicts of interest.

8. HCA provide oversight of ACS's budget management.

Response: The recommendation has been implemented

As part of a well-established budget management system, there is clear and proactive oversight of the ACS budget, including the assignment of a budget analyst to monitor expenditures and revenues.

9. HCA provide oversight of ACS's purchasing practices and contracting practices to ensure that they are in compliance with County policy.

Response: The recommendation has been implemented

In accordance with County policy, purchasing of supplies and services for ACS is managed by HCA Purchasing. This unit is organizationally separate from ACS and staffed by County deputy purchasing agents who follow the guidelines of the County's Contract Policy Manual.

10. ACS make greater use of volunteers for animal care and become less dependent on the inconsistent supply of Work-Release Program inmates from the Theo Lacy Jail.

Response: The recommendation will not be implemented because it is not reasonable

ACS currently has sufficient complement of volunteers that provide foster homes, grooming, training, exercise and socialization for adoptable animals, as well as assistance to the public. In FY 2003-04 alone, these volunteers provided 53,908 hours of services to ACS. The Work-Release Program is also a valuable resource for ACS. These workers assist with duties that are not appropriate for volunteers (for example, facility cleaning and maintenance), but do not interact with the public or animals.

11. The Board of Supervisors appoint persons to fill the two vacancies on the Animal Control Advisory Board.

Response: The recommendation has not yet been implemented, but will be implemented in the future

A sixth member of the Animal Control Advisory Board was recently appointed by the Board of Supervisors, and it is anticipated that a seventh member will be appointed by the end of December.

12. ACS and HCA jointly develop a plan either for expansion of the Animal Shelter or for limiting the services that the Animal Shelter provides or the number of animals that the Animal Shelter accommodates. HCA present the plan to the Board of Supervisors for their concurrence or approval.

Response: The recommendation will not be implemented because it is not warranted

Expanding the Animal Shelter or limiting services provided or number of animals accommodated is not necessary. With the success of ACS's mandatory spaying and neutering program, ACS, as well as shelters nationwide, report a decline in the number of animals impounded annually. ACS has experienced an approximate twenty (20) percent decline in animal impounds annually since the program's inception in 1999.

A County initiative for the past few years has been, and continues to be, to relocate ACS from the current site to the former MCAS Tustin Lighter-Than-Air Base. The design phase of the ACS facility has been completed; however, this project is currently on hold due to site availability issues.

13. HCA determine the need for an Animal Shelter foundation and, if warranted, follow the guidelines for establishing a nonprofit foundation. HCA disclose the plans for using the funds raised by FOCAS.

Response: The recommendation will not be implemented because it is not reasonable

FOCAS is a Donor Advised Fund operated under the auspices of Orange County Community Foundation. Funds raised by FOCAS are not under the control of HCA, and HCA, does not have the authority to require FOCAS to disclose plans for using its funds. This is a matter for the Grand Jury to take up with FOCAS.

While support from an animal shelter foundation would be welcomed, it is beyond the purview of HCA to participate in the formation of such.