

**THE ORANGE COUNTY ANIMAL SHELTER —
ARE IMPROVEMENTS NEEDED?**

2003-2004 Orange County Grand Jury

THE ORANGE COUNTY ANIMAL SHELTER – ARE IMPROVEMENTS NEEDED?

ABSTRACT

Orange County Animal Care Services (ACS), also known as the Orange County Animal Shelter, is located on three acres of land in the City of Orange. The facility — a department of the Orange County Health Care Agency (HCA) — operates 24 hours a day, impounding stray animals, providing housing and veterinary services, and arranging animal adoptions. ACS issues animal licenses for the County and conducts a spaying and neutering program to reduce populations of unwanted animals.

Four years ago, the Orange County Grand Jury investigated ACS and found poor communication between management and staff, poor compliance with ACS policies and procedures, inadequate staffing and low employee morale. Since then, ACS has made many improvements, but now new allegations of mismanagement, conflicts of interest, deficiencies in animal care, and a disregard for public safety have surfaced.

To investigate these new allegations, the 2003-2004 Orange County Grand Jury interviewed Animal Shelter staff and Animal Control Advisory Board members, reviewed the policies and procedures for operation of the Animal Shelter, inspected the Animal Shelter's physical plant, attended Advisory Board meetings and visited other, city-run animal shelters in the County.

The Grand Jury made 14 findings. Key findings are:

- The current ACS practice of excluding kennel staff from making euthanasia decisions does not comply with ACS policy.
- ACS was out of compliance with *California Health and Safety Code* §121575-121710 with respect to the quarantine of an animal that had repeatedly bitten humans.
- ACS frequently overrides the objections of kennel staff and allows overly aggressive animals to be adopted.
- ACS has donated adoptable animals to a veterinary hospital operated by associates of a senior manager. 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 the manager, whose primary responsibility should be to ACS.
- The purchasing and contracting practices of ACS are not in compliance with County policy.

- 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.

Among its 12 recommendations, the Grand Jury recommended that:

- ACS request that County Counsel provide a written opinion on ACS's obligations regarding animal euthanasia under *California Civil Code* §1833-1840. ACS comply with the provisions of *California Civil Code* §1833-1840 for animal euthanasia.
- ACS comply with *California Health and Safety Code* §121575-121710 regarding quarantine of animals that have repeatedly bitten humans.
- HCA require that all ACS management personnel conduct themselves in such a manner that there is not and will not be any conflict arising from interests that compete with or oppose 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.
- HCA provide oversight of ACS's budget management, purchasing practices and contracting practices. ACS ensure that its purchasing and contracting practices are in compliance with County policy.
- 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.

BACKGROUND

Orange County Animal Care Services (ACS), also known as the Orange County Animal Shelter, is located in Orange, on approximately three acres of land between Theo Lacy Jail and Orangewood Children's Home. The facility, a department of the Orange County Health Care Agency (HCA), provides services 24 hours a day, 365 days a year, for 21 contract cities and unincorporated areas. It serves 1.8 million citizens in an area of 700 square miles.

ACS impounds stray animals and responds to nearly 1,700 nuisance complaints it receives each year. It provides housing and veterinary services for more than 27,000 impounded dogs, cats and exotic animals each year. It arranges adoptions for many of its animals and, in fact, found new homes for more than 8,700 animals in 2003.

Among ACS's other services are spaying and neutering programs to reduce populations of unwanted animals and a computer-chip-embedding program to aid in the identification and return of lost animals. ACS also processes 1,100 license renewals daily, deals daily with approximately 500 telephone calls from

the public and educates the public on pet-ownership and wildlife issues. The annual budget for all of ACS's services is approximately \$10 million.

Despite the Shelter's physical shortcomings, the Shelter's staff is dedicated to providing the public with a vast array of services. However, because of increased demand for its services, the facility can no longer accommodate all that it is asked to do. When ACS was established 60 years ago, it was on rural land. Now, urbanization of the once-rural area prevents the Animal Shelter from expanding in its current location. In addition, the Shelter's buildings sorely need renovation, and its equipment requires upgrading.

An Animal Control Advisory Board, whose members are appointed by the Orange County Board of Supervisors, advises senior ACS management on animal control-related programs. One member of the Board is selected from each supervisorial district, and two members are chosen at large for a total of seven. Membership is balanced between animal-interest groups, veterinarian-related occupations and the public at large.

Four years ago, the 1999-2000 Orange County Grand Jury investigated Animal Care Services. Among the findings at the time were poor communication between senior management and staff, poor compliance with ACS policies and procedures by veterinary management and staff, inadequate staffing and low employee morale.

ACS has made many improvements since then, but now new allegations of mismanagement, conflicts of interest, employees' fear of retaliation by management and deficiencies in animal care have surfaced. Some of these allegations are similar to those investigated three years ago, but there are new complaints as well. These complaints allege animal overcrowding, poor disease control among the animals and a disregard for public safety. Other new allegations relate to the function and legality of a foundation called Friends of Orange County Animal Services (FOCAS), and to the lack of accountability of funds donated to the foundation.

PURPOSE

The purpose of this study was to investigate Orange County Animal Care Services regarding allegations of administrative conflict of interest, deficiencies in animal care, use of inexperienced personnel as managers or supervisors and the condition and maintenance of the physical plant.

METHOD OF STUDY

The Grand Jury interviewed Animal Shelter staff and Animal Control Advisory Board members, reviewed the policies and procedures for operation of the Animal Shelter, inspected the Animal Shelter's physical plant, attended Advisory Board meetings and visited city-run animal shelters in Orange County.

DISCUSSION

Animal Care at the Shelter

The Animal Shelter has cages for approximately 400 cats, and kennels or cages for 382 dogs. The cages or kennels are located in sections designated for specific categories of animals. Some sections are reserved for adoptable cats and dogs, and one section is for newly acquired stray cats and dogs. Another section is reserved for quarantining sick cats and dogs. Cages in a separate section are reserved for animals going to surgery or receiving treatment.

Because newly acquired animals may be aggressive, injured or sick, they need to be separated from the general population until the veterinary staff has assessed their condition and temperament. Problems arise when there are no available cages to hold the animals. Newly captured or surrendered animals are then commingled with the existing population. This practice creates concerns for the staff and also presents problems for the existing animal population. When newly acquired animals are placed with adoptable, healthy animals, illness usually spreads (primarily kennel cough among the dogs and feline upper-respiratory problems among the cats). Furthermore, new animals may be more aggressive or unpredictable and may attack and injure the resident animals. The Grand Jury noted that processing of aggressive animals was often delayed because kennel management failed to conduct timely temperament evaluations.

During the Grand Jury's unannounced inspections of the Animal Shelter from July 2003 through January 2004, the animals were observed for aggressive behavior, signs of anxiety or illness and conditions of care, such as living conditions, cleanliness of cages and access to food and water.

Significant differences were noted from one visit to the next. On the days when the animal population was low, the staffing levels appeared adequate, the cages were clean and the animals had adequate food and clean water. On days when the animal population was high, more than one animal occupied cages and kennels, and many of the cages and runs had not been cleaned.

Animal-Euthanasia Practices

ACS policy calls for the decision to euthanize an animal to be made by members of the "kennel team," who base their decision on the animal's age,

health and disposition. The Grand Jury found that kennel management has unilaterally been making euthanization decisions without seeking staff (kennel team) input or by disregarding staff input if it is offered. Locking the staff out of the decision-making process has frustrated and angered the staff and increased their resentment toward senior management.

According to kennel staff, unadoptable animals are not being euthanized because management has misinterpreted the Hayden Bill (*California Civil Code §1833-1840, SB 1785*). Apparently, management has seized upon the “no kill” provisions of the bill, which encourage shelters to maintain animals longer and to make a concerted effort to find homes for the animals before considering them for euthanasia. Apparently, management also has ignored the Hayden Bill’s other provisions, which state that animals that are too old, too ill or too aggressive are not appropriate for adoption and should therefore be euthanized.

The Grand Jury also found that ACS is not in compliance with State law (*California Health and Safety Code §121575-121710*) regarding the processing of animals with repeated incidents of biting humans. Although the law requires that such animals without valid rabies-vaccination certificates be quarantined for observation before being euthanized, the Grand Jury found that a quarantined animal was euthanized before the end of the observation period and that tissue samples had not been forwarded to the Department of Public Health, Epidemiology and Assessment for examination.

Animal-Adoption Practices

Among the animals adopted, the Grand Jury found numerous instances of animals being placed for adoption inappropriately. One category was aggressive animals that passed temperament testing but that the kennel team did not feel were suitable for adoption. Shelter management frequently overrode the objections of kennel staff. Subsequently, many of the adopted animals were returned when they exhibited aggressive behavior. Overly aggressive animals placed in adoptive homes could pose not only a public-safety hazard but also a threat of liability to the County.

A second category was animals that experienced chronic illnesses. Many times, these sick animals were treated with medication to mask the symptoms and then were placed for adoption. These adopted animals often were returned when the symptoms of chronic illness recurred.

Denial of Revenue

When a dog or cat is adopted from the Orange County Animal Shelter, the adopting person pays fees to ACS for spaying or neutering, inoculating the animal against disease and licensing. The Grand Jury discovered that, under the pretext of easing the shelter overpopulation, adoptable animals were

donated to a veterinary hospital operated by associates of senior management. These animals were then transported to a San Diego animal-rescue group that placed them for adoption. This practice denied ACS the funds normally received for spaying/neutering, inoculating and licensing. Furthermore, allowing a business associate in an outside venture to benefit from shelter operations created a clear conflict of interest by one of the managers whose primary responsibility should have been to ACS.

The Grand Jury also found that popular breeds of dogs, such as golden retrievers and cocker spaniels, were being given to rescue groups after having been spayed or neutered at County expense. ACS staff indicated that “the rescue groups were supposed to replace the serum used for the vaccinations” but that none has ever been received. This practice effectively uses County funds to underwrite the expenses of private organizations.

Staffing Issues

The Grand Jury learned that the person hired by the Health Care Agency as a senior manager of ACS, with the responsibility to administer a \$10-million annual budget, had no prior shelter-management experience.¹

The Grand Jury also noted that there is insufficient staff for the day-to-day care of the animals housed at the Shelter. The Shelter makes little or no use of volunteers for animal care, as is done at city-run shelters elsewhere in Orange County. Furthermore, many of the on-site animal-care providers are from the Work-Release Program of the Theo Lacy Jail. Although ACS notifies Theo Lacy how many workers will be needed on particular days, there is no guarantee that the requested number of workers will arrive. Frequently, fewer workers than requested appeared.

Another area of concern to the Grand Jury is that, although the Animal Control Advisory Board is supposed to have seven members, the Board is currently lacking two members, who should have been appointed by the Board of Supervisors. Coupled with absences by some Animal Control Advisory Board members, the shortage of appointed members necessitated the cancellation of several Board meetings in 2003.

Purchasing and Subcontracting Practices

Purchases by County agencies are supposed to be made from a list of qualified vendors, with whom prices have been pre-negotiated. If there is no County-qualified vendor for a needed item, competitive bids must be obtained from several vendors. The Grand Jury found that ACS placed a sole-source purchase order for 88 animal cages with a single vendor instead of requesting competitive bids from multiple vendors.

The Grand Jury discovered that ACS arbitrarily cancelled long-standing contracts with providers of animal-shelter products and services and signed new contracts with different, favored vendors. The Grand Jury determined that none of these new contracts were processed in accordance with County policy.

Facility Issues

The increased human population of the County has brought with it an increase in the animal population — and a decreased ability of ACS to accommodate all that it is asked to do. Overcrowding of the animal population at the Animal Shelter now occurs quite regularly. Unfortunately, the problem cannot be solved simply by buying more cages or kennels because there is no place to put them. Furthermore, land use adjacent to the Shelter precludes expanding the Shelter at its current location.

The physical plant of the Animal Shelter is also showing its age. The Shelter's buildings need renovation, and the Shelter's equipment requires upgrading.

If the Animal Shelter is to continue to meet the needs of the citizens of Orange County, it appears that there are only two viable options: either the Animal Shelter must be relocated elsewhere or ACS should consider making use of "excess" space at one or more city-run animal shelters. Absent either of these options, ACS may have to limit either the services it provides or the number of animals it accommodates.

A Fundraising Foundation for the Animal Shelter

The Animal Control Advisory Board informed the Grand Jury about a fundraising foundation that senior ACS management attempted to set up sometime during 2000. This foundation-in-formation was called Friends of Orange County Animal Services (FOCAS). During the more than three years that FOCAS was active, the principals of the foundation-in-formation never completed the process for FOCAS to be designated as a nonprofit organization. Nevertheless, ACS staff reported that individuals in management continued to coerce them to solicit contributions for the "foundation" even though nonprofit status had not been certified.

Apparently, solicitations were quite successful. The Grand Jury learned that \$25,000 had been raised before the "foundation" was even formally established and that "no one" knew where the money was. A probe by the Grand Jury finally revealed that the funds were located in a trust account controlled by the Health Care Agency.

FINDINGS

Under *California Penal Code* §933 and §933.5, responses are required to all findings. The 2003-2004 Orange County Grand Jury has arrived at the following findings:

1. Commingling newly acquired (unassessed) animals with the population of healthy, adoptable animals encourages the spread of illness/disease and raises the likelihood of injury caused by aggressive behavior.
2. The current Animal Care Services (ACS) practice of excluding kennel staff from making euthanasia decisions does not comply with ACS policy.
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.
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.
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.
6. ACS treats chronically ill animals with medication to mask the symptoms and then allows the sick animals to be adopted. Many of the adopted animals are returned when the symptoms of chronic illness recur.
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.
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.
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. ¹

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.
11. The Animal Control Advisory Board, whose seven members are appointed by the Board of Supervisors, is currently lacking two members.
12. The purchasing and contracting practices of ACS are not in compliance with County policy.
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.
14. A fundraising foundation, Friends of 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.

Responses to all findings are requested from the Health Care Agency and Animal Care Services.

A response to Finding 4 is requested from the Orange County Department of Public Health, Epidemiology and Assessment.

Responses to Findings 9 and 11 are required from the Board of Supervisors.

RECOMMENDATIONS

In accordance with *California Penal Code* §933 and §933.5, each recommendation must be responded to by the government entity to which it is addressed. These responses are to be submitted to the Presiding Judge of the Superior Court. Based on the findings, the 2003-2004 Orange County Grand Jury recommends that:

1. ACS maintain a sufficient supply of cages and kennels to preclude commingling newly acquired (unassessed) animals with healthy, adoptable animals. (Finding 1)
2. ACS comply with its policies of requiring kennel-staff involvement in adoption and euthanization decisions. (Finding 2 and 5)
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. (Finding 3)

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. (Finding 4)
5. ACS refrain from allowing chronically ill animals to be adopted. (Finding 6)
6. ACS make a concerted effort to place adoptable animals before donating them to organizations such as animal-rescue groups. (Finding 8)
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. (Findings 7 and 12)
8. HCA provide oversight of ACS's budget management. (Finding 9)
9. HCA provide oversight of ACS's purchasing practices and contracting practices to ensure that they are in compliance with County policy. (Finding 12)
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. (Finding 10)
11. The Board of Supervisors appoint persons to fill the two vacancies on the Animal Control Advisory Board. (Finding 11)
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. (Finding 13)
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. (Finding 14)

Responses to Recommendations 1 through 6, 10 and 12 are requested from Animal Care Services.

Responses to Recommendations 7, 8, 9, 12 and 13 are requested from the Health Care Agency.

A response to Recommendation 11 is required from the Board of Supervisors.

ENDNOTE

1. There has been a change in the senior management of the Orange County Animal Shelter since the investigation was completed.