

2012-2013 GRAND JURY REPORT

Animal Care Center of Indio

Background

The Animal Care Center of Indio (shelter) was previously operated by the Department of Animal Services of Riverside County and was taken over in 2006 by the City of Indio (City). Currently the shelter supervision and operational responsibilities fall under the direction of the City of Indio Police Department (IPD).

Currently there are nine employees, seven full-time and two part-time, paid through the IPD. The shelter's current annual budget is \$1,107,114, funded through the City's general fund.

The shelter operates in a 3,940 square-foot facility. It is estimated that 2,800 animals are impounded on an annual basis. Services provided to the public include shelter administration, care for impounded animals, veterinary wellness care, redemptions, adoptions, dead animal disposal, animal foster care, rabies control, emergency response, as well as other services found in animal shelters. Services also include safeguarding the health and safety of the residents of the City and its domestic animals. The shelter also promotes the humane treatment of animals by providing humane sheltering and care of stray or owner-relinquished animals.

Methodology

The Grand Jury heard sworn testimony from City Officials, shelter employees, volunteers, and a local veterinarian. Also reviewed were shelter records, such as: intake cards, monthly impound reports, euthanasia records, work schedules, timesheets, the volunteer manual, the adopted 2006 policy and procedures manual and the shelter's annual budget. California Veterinary Medical Board Guidelines, veterinary records, and various laws relating to animal care were researched. Grand Jury visitations included three unannounced visits to the shelter and four comparative visits to other animal shelters within the County.

Findings

1. The shelter does not have its own current policies and procedures manual. The manual being used by the shelter was adopted in 2006, using portions of policies and procedures from the Inland Valley Humane Society and the Society for Prevention of Cruelty to Animals (S.P.C.A.), much of which is outdated and does not address current accepted practices. A draft of a proposed policies and procedures manual for the shelter has been at the City Attorney's office for more than 6 months.
2. IPD has policies and procedures in Section 820, that establish guidelines for animal control. The police department has no written policy that establishes guidelines for supervision and operational responsibilities to run an animal shelter. The police department has not received any training on how to operate an animal shelter.
3. The shelter has failed to maintain accurate records for animals. Upon review of records provided to the Grand Jury, it became apparent that some information was inaccurate, missing, incomplete, or obviously fabricated. These included monthly impound reports, intake cards, and euthanasia records. The shelter has recently implemented a tracking system called "Chameleon". Not all employees have been trained on this new computer software. According to California Food and Agricultural Code Section 32003:

All public pounds and private shelters shall keep accurate records on each animal taken up, medically treated, or impounded. The records shall include all of the following information and any other information required by the California Veterinary Medical Board: (a) The date the animal was taken up, medically treated, euthanized, or impounded. (b) The circumstances under which the animal was taken up, medically treated, euthanized, or impounded. (c) The names of the personnel, who took up, medically treated, euthanized, or impounded the animal. (d) A description of any medical treatment provided to the animal and the name of the veterinarian of record. (e) The final disposition of the animal, including the name of the person who euthanized the animal of the name and address of the adopting party. These records shall be maintained for three years after the date the animal's impoundment ends.

4. Sworn testimony revealed the following:
 - Some animals were deprived of food, water, and shelter from the elements.

- Some animals were placed in cages without being given food or water.
- During the hot summer months, the animals were not given fresh water on a consistent basis; when fresh water was given, it was placed in dirty bowls.
- The water bowls were too large for small animals to access.
- Small dogs were inappropriately being fed large size dog food that they were unable to chew.
- Food on the floor was observed to be mixed in with feces.
- Bedding was found to be wet and maggot-infested.
- During inclement conditions, outside kennels were not checked on a regular basis.
- Some cages in the quarantine area had ticks.
- A dog was observed with matted hair and sores on its hindquarters.
- There was not a proper cleaning procedure for the cages.
- When cages were cleaned with disinfectant, the solution was not properly diluted, which caused chemical burns to the animals paws.

As stated by Penal Code §597e:

Any person who impounds, or causes to be impounded in any pound, any domestic animal, shall supply it during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. In case any domestic animal is at any time so impounded and continues to be without necessary food and water for more than 12 consecutive hours, it is lawful for any person, from time to time, as may be deemed necessary, to enter into and upon any pound in which the animal is confined, and supply it with necessary food and water so long as it remains so confined. Such person is not liable for the entry and may collect the reasonable cost of the food and water from the owner of the animal, and the animal is subject to enforcement of a money judgment for the reasonable cost of such food and water.

As stated by Civil Code §1834:

A depositary of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly. Any depositary that fails to perform these duties may be liable for civil damages as provided by law.

5. Upon review of the shelter's incomplete intake cards, the Grand Jury discovered some animals were sent for euthanasia prior to the legal holding time expiration date. Also, the shelter has sent adoptable animals for euthanasia without reasonable efforts to find them suitable homes prior to expiration of the holding period. According to California Food and Agriculture Code §31108(a):

(a) The required holding period for a stray dog impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows: (1) If the public or private shelter has made the dog available for owner redemption on one weekday evening until at least 7 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.

6. The shelter does not have a Premises Permit issued by the Department of Consumer Affairs Veterinary Medical Board. Shelter employees are diagnosing, prescribing and administering medications or medical treatment without veterinary supervision. Some animals were given medications that were not prescribed for that particular animal by a veterinarian. Some animals, which appeared to be sick, were given unused medication previously prescribed by the veterinarian for another animal. California Business and Professions Code §4825 reads:

It is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter.

California Business and Professions Code §4826 reads:

A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

- (b) *Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.*

- (c) *Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4832) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized, by regulation of the board.*

California Business and Professions Code §4853 reads:

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164. (b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle. (c) Every application for registration of veterinary premises shall set forth in the application the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met: (1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension (2) No circumvention of the law is contemplated by the substitution.

7. The Grand Jury investigation included examination of intake cards, which indicated that animals were sent to a veterinarian for euthanasia for medical reasons. Some animals sent to the veterinary center for euthanasia could have been treated medically; however, in sworn

testimony, it was indicated to the Grand Jury that the City does not currently have funding to medically treat sick animals. In these cases, the veterinarian either returned the animals to the shelter or placed them with animal rescue groups for medical treatment. Penal Code §599d states:

(b) It is the policy of the state that no treatable animal should be euthanized. A treatable animal shall include any animal that is not adoptable but that could become adoptable with reasonable efforts. This subdivision, by itself, shall not be the basis of liability for damages regarding euthanasia.

8. Shelter management has no formal training, education, or experience in animal shelter management. The shelter supervisor does not supervise the staff. Sworn testimony indicates that employees, other than the supervisor, are supervising the staff. Evidence obtained indicates that employees' work hours are not being accurately recorded. Timesheets are completed by employees prior to hours being worked and approved by management prior to the end of the pay period.
9. The shelter is not always open during the hours posted on the website or on the door of the shelter. The shelter is often closed during lunch. Grand Jury phone calls to the shelter were not always answered and messages were not returned. Sworn testimony and Grand Jury observations have shown that some employees are rude to customers.
10. Sworn testimony indicated:
 - A shelter employee was observed dragging a dog across the parking lot with a choke leash.
 - Sick animals were neglected.
 - Animals were left in trucks for long periods of time.
 - Misting systems failed to function during the hot summer months in the outside kennels.
11. Sworn testimony indicated that volunteers have been under-utilized. Management discouraged input from volunteers such as suggestions for improvement for shelter operations. Volunteers who expressed concerns were terminated.
12. The City has received a request for proposal (RFP) to have shelter services contracted to the Department of Animal Services of Riverside County. By acceptance of the RFP, there could be a potential savings to the City of approximately \$200,000 per year. Testimony from City Officials

stated that the City can no longer continue to pay for an outdated shelter that needs renovation, nor can they afford to build a new facility. The current facility is approximately fifty years old. Due to the size and age of the building, it cannot safely or humanely accommodate the animals in their care. The estimated cost to replace the facility is approximately \$9,000,000.

Recommendations

1. The City Attorney and Chief of Police shall work together to finalize the policies and procedures manual. A policies and procedures manual shall be implemented without delay.
2. The IPD shall develop and implement a policy that establishes guidelines for supervision and operational responsibilities for the animal shelter. Formal training shall be provided to managers and supervisors who have operational and supervisory responsibilities for the shelter.
3. Shelter management shall be responsible for accurate records in accordance with California Food and Agricultural Code Section 32003. "Chameleon" training shall be implemented for all employees immediately to ensure that records and reports are done in a timely and accurate manner. There shall be policies and procedures established and implemented to ensure correct information is entered into the computer system.
4. IPD shall be responsible to immediately establish and implement a training program for employees and volunteers for the feeding, watering of animals, and cleaning of the shelter, to be in compliance with Penal Code §597e and Civil Code §1834.
5. Shelter management shall strictly adhere to the California Food and Agriculture Code §31108(a) regarding the required holding period.
6. Shelter management shall immediately follow the guidelines as set forth in the California Business and Professions Codes §4825 and §4826, regarding employees diagnosing, prescribing and administering medications or medical treatment. Any on-site diagnosis, prescribing and administering medications or medical treatment shall be overseen by a licensed veterinarian that has a current Premises Permit for that facility as cited in California Business and Professions Code §4853.
7. The City shall provide funding for medically treatable animals. The shelter shall work closely with rescue groups that are able to assist in the medical

treatment of animals. Shelter management shall be in compliance with Penal Code §599d (b).

8. Employees hired shall meet the qualifications as listed on the job descriptions posted on the City's website. Only designated management shall be involved in supervising shelter staff. A system of tracking employees' time and attendance shall be developed and implemented. Timesheets shall be filled out on a daily basis.
9. Shelter management shall ensure there will always be two people at the shelter to guarantee continuous staff coverage during posted hours of operation. Employees shall return phone messages within twenty-four hours. In order to increase adoptions and reunite lost animals with families, customer service and courtesy shall be a priority. Policies and procedures dealing with these issues shall be developed and implemented immediately.
10. Shelter management shall ensure that employees treat all animals humanely and kindly in accordance with Civil Code §1834, which states:

A depositary of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly. Any depositary that fails to perform these duties may be liable for civil damages as provided by law.
11. Volunteers shall be used for adoption events, cleaning, feeding, watering, and walking animals at the shelter. They shall be utilized for fostering animals, fundraising, greeting customers, and counseling adoptive families. A shelter employee shall be appointed as a volunteer coordinator to schedule, train, and work with volunteers as well as management. Volunteers shall be permitted to express concerns/opinions without fear of reprisal.
12. The City Council shall contract out shelter services to a facility that can safely and humanely take care of the animals.