

136

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: EXECUTIVE OFFICE

SUBMITTAL DATE:
February 2, 2004

SUBJECT: Grand Jury Report: Animal Services Riverside County/Riverside City Shelter

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve with or without modifications, the attached response to the Grand Jury's recommendations regarding the Animal Services Riverside/Riverside City Shelter.
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and to the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On December 16, 2003 (Item 3.2) the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding the Animal Services Riverside County/Riverside City Shelter. A draft of the response was submitted to the Board on January 27, 2004 (Item 3.4) and the Board directed the Executive Staff to include additional detail to some of the responses that were submitted. The attached is the revised response based on input from CHA/Department of Animal Services. It expands on the earlier response to the Grand Jury Report. The changes are underlined and appear below the crossed out sections of the original report.

(Continued on Page 2)

Tony Carstens, Deputy County Executive Officer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley
 Noes: None
 Absent: None
 Date: February 10, 2004
 xc: E.O., Grand Jury, Presiding Judge, Co. Clerk-Recorder (2)

Nancy Romero
Clerk of the Board
By: Deputy

Prev. Agn. Ref.: 12/16/03 Item 3.2
1/27/04 Item 3.4

District: All

Agenda Number

3 5

Policy
 Consent
 Consent
 Dep't Recomm.
 Per Exec. Ofc.

Board of Supervisors

**Form 11: Grand Jury Report: Animal Services Riverside
County/Riverside City Shelter**

Page 2

BACKGROUND (Continued)

It is important to note that the Grand Jury's report, including its findings and recommendations, as well as the County's responses to that report, will be further analyzed during the audit of the Department of Animal Services. The material will also be reviewed by the committee that will be recommending steps that should be taken to improve the Animal Services operations in Riverside and elsewhere in the county.

Section 933(c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of the Superior Court within 90 days. This Form 11 and its attachments fulfill that requirement.

SPECIFIC FINDINGS AND RECOMMENDATIONS

HEALTH AND HUMAN SERVICES

DEPARTMENT OF ANIMAL SERVICES

FINDINGS:

Finding Number 1:

There is a considerable lack of shelter administrative leadership regarding implementation of policies, procedures, and protocols; adversely affecting the overall function of the department.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

The Department routinely writes new policies and procedures, updates current policies and procedures and distributes to staff in response to new laws and county policies. The department has enacted or amended over 70 new policies in the past four years. There are eight new policies currently in process for implementation. Each mini-department with Animal Services has two or more policy and procedure manuals for staff access. In addition, each supervisor reviews new and existing policies during their daily, weekly and monthly staff meetings. Compliance to policies and procedures are monitored by supervision on a daily basis through observation of staff activities, monitoring paperwork and quality control reports generated through the Chameleon computer system. Errors are noted, corrected and documented as necessary.

Finding Number 2:

In June 2003, shelter administration instituted an impound fee for “unaltered” stray dogs without the approval of the Board of Supervisors. This action is in direct violation of Riverside County Ordinance 630.9 Section 11a (1), (2) and (3).

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

This fee was implemented in compliance with State Law Food and Agriculture Code 30804.7(a). “The owner of a nonspayed or unaltered dog that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered

impounded animals only, **and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter**, society for the prevention of cruelty to animals shelter, or humane society shelter.” Riverside County Ordinance 630.9, Section 11a (1), (2) and (3) addresses the cost of impoundment of stray animals on first, second and third occurrences and the Food and Agriculture Code 30804.7(a) is in addition to the Riverside County Ordinance 630.9, Section 11a (1), (2) and (3). County Counsel was consulted and approved this change prior to the fees being implemented, which did not require Board of Supervisor approval. This law is a state mandate, which supersedes County ordinance.

Finding Number 3:

The shelter administration is severely deficient in keeping personnel abreast of local and state mandates pertaining to animals.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

The administration routinely updates and informs personnel of local and state mandates as necessary.

The Department is continually and routinely updating staff of local and state mandates as necessary. This is accomplished through the supervisors of each department who review them during their daily, weekly and monthly staff meetings. Compliance to state and local mandates are monitored by supervision on a daily basis through observation of staff activities, monitoring paperwork and quality control reports through the Chameleon computer system. Errors are noted, corrected and documented as necessary.

Finding Number 4:

Shelter administration has been indifferent in addressing internal discord between management and staff.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

The administration is very concerned and takes a proactive approach in addressing any discord with management and/or staff. Management maintains an open-door policy and all employees are welcome to discuss any issues of concern. While it may appear to staff that issues are not being resolved, management has a responsibility to address these issues with Human Resources and, in many cases, confidentiality prevents management from reporting the outcome of individual issues to staff.

However, this does not negate the fact that all issues brought to management's attention are taken seriously and individually addressed through the proper County process.

There have been instances where management was able to address employees' concerns in a public manner. For example, a number of staff reported to the Director that some employees socialized at the front counter during business hours. They thought it presented a poor public image of shelter employees. The Director confirmed the reports and issued a memo on July 12, 2000 directing employees not to loiter at the front desk.

Finding Number 5:

Numerous grievances and complaints have been filed with Riverside County Human Resources from shelter management and staff, indicating obvious dissension and low morale.

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

There are currently two (2) complaints that Human Resources has either investigated or is in the process of investigating pertaining to dissension or low morale issues among staff or management. The disciplinary process for these issues, if any, is ongoing. Animal Services is presently dealing with one other situation through the union, which is a disciplinary issue that the employee is arbitrating. The department has verified through Human Resources that there was one (1) prior issue within the last six months, which was handled. In this situation, the employee tried to file a grievance on a non-grievable issue in which Human Resources and the union rejected.

While Animal Services has their share of personnel issues that are dealt with immediately once brought to managements' attention, other than the two (2) issues mentioned above, none have to do with dissension and low morale.

Finding Number 6:

Shelter management implemented a new work schedule for weekend personnel during mid-October 2003. This schedule has reduced the feeding time for all animals resulting in thirty-three (33) hours or longer between feedings. This action is in direct violation of California Penal Code Section 597(e) and California Civil Code Section 1834.

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

An oversight was found on a two-week schedule for the kennel staff and was corrected immediately after it was brought to managements' attention. That schedule had one day in which the animals would not be fed for 28½ hours. The current feeding schedule has been approved by the shelter Veterinarian and County Counsel to verify that the department is in compliance with the law and acting in the most humane manner.

Finding Number 7:

Shelter management does not actively pursue alternative avenues for acquiring grants to supplement projected revenues.

Response:

-X- Respondent disagrees partially with the finding. Explain the disagreement:

There is a process in place to actively identify grant- funding opportunities involving the Executive Office, the Community Health Agency administration and the Department. Animal Services applied for a grant earlier this year for an adoption trailer, but was denied; however, the Department was encouraged by the grantor to resubmit for the next funding cycle and will do so. The Department also applied for a grant with PetSmart to supplement expenses during the recent fires. The deadline was December 14th and the Department has yet to hear the outcome. In addition, the Department has sent two (2) employees to grant writing classes to help in this area. While many grants are available to non-profit organizations, they are not as accessible to government agencies.

Current staff shortages have stretched the department thin, doing "core services." The Department will continue to apply for grants using the existing staff when and as they become available. The department will analyze the cost/benefit of supplementing the existing staff.

Finding Number 8:

No procedure exists that promotes solicitations for donations from pet food companies, resulting in added financial obligations to the shelters' services and supplies.

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

No written procedure exists for obtaining donations from pet food companies; however, this has been an unwritten part of the kennel supervisors' job in the past and is being carried out by the interim supervisor who contacts area companies every four to six weeks. Because of this, eight (8) pallets (109 50lb. bags of dog food, 65 35lb. bags of dry cat food and other miscellaneous animal comfort items) have been received within the last month. When the Riverside shelter receives more than can be used, it is supplied to its outlying shelters. Whether solicited or not, the Department currently obtains donated food, pet treats and toys throughout the year from various companies. In addition, the Department's Volunteer Coordinator solicits donations to assist with ongoing activities, such as its annual open house, Dogtoberfest and Santa Paws.

Finding Number 9:

“Adequate controls have not been established to ensure unclaimed spay and neuter deposits were used in accordance with State Food and Agriculture Code 30503. Review results revealed general ledger accounts and procedures have not been established to ensure funds that should be restricted for spay and neuter programs were segregated from County General Funds, and that expenditures and unused balances were monitored and reconciled periodically.”

“Donations: The Auditor-Controller’s Office identified \$11,183 posted to the donation revenue account during fiscal year 2002/03 and an additional \$7,200 posted to date for fiscal year 2003-04. Monetary donations range from 5 cents to \$500 with the exception of a single \$1,000 donation that was made in July 2003. The review of donations identified only one expenditure specifically linked to donated funds. During September 2003, donations of \$1,326 were received from multiple donors for “Dogtober Fest”; during October, \$600 in expenditures was recorded for that event.”

Response:

-X- Respondent agrees with the finding.

The practice of allowing animal adopters to leave a deposit with the department until providing verification of alteration was discontinued. The controls to restrict those funds were eliminated. However, there are still funds left from the previous practice. The Auditor-Controller’s office and CHA Fiscal Services are assisting the department to identify those funds, and move them from the General Fund into a segregated sub-fund for restricted use. The amount to be moved is estimated to be between \$60,000 and \$104,000. It should be identified and moved by February 2004.

Due to the magnitude of the donations the department typically receives as well as the relatively small size of individual donations, the department has not historically tracked and segregated donations in detail. The cost to provide

services for which the department accepts donations far exceeds the amount of donations collected. The Department believed that it could in good conscience report that the dollars were used as intended. However, it is recognized that even what the county may consider to be a very small amount of money may be considered a considerable sum by the donor. Therefore, the Department has established detailed sub-accounts to transparently verify that donations are applied to requested expenses.

It is important to note that the Auditor-Controller's detailed audit found no evidence of funds being misappropriated.

Finding Number 10:

“Donated funds are not adequately segregated, accounted for, and monitored to ensure they are used for the purpose intended. The Auditor-Controller’s review identified the General Fund donation general ledger account is used for both unrestricted and restricted donations. For example, a check issued by the organization making a \$1,000 donation designated the donation for spay and neuter programs; however, Animal Control’s recording did not indicate such a designation. Consequently, the donation may not necessarily be used for the purpose intended by the donor.”

“Cash Receipts: The Riverside Shelter uses the Chameleon (software) receipting and animal tracking system, the Blythe Shelter used manual receipts, and Indio Shelter uses cash register receipts. This represents a variance in how revenue and donations are tracked and reported system-wide. The Auditor-Controller’s review identified inconsistent cash reporting processes that could result in inefficiencies and inaccurate reporting of financial transactions from shelter to shelter. While the new shelter in Blythe will be using the Chameleon system when it is opened in late 2004, there is no plan to update the process at the Indio shelter.”

Response:

-X- Respondent agrees with the finding.

Please see response to finding number nine above as it relates to segregating, accounting for and monitoring donated funds.

Because of differences in size and volume between the Riverside, Indio and Blythe shelters, there are different procedures for handing cash in each location. All the procedures are in compliance with the Auditor-Controller Standard Procedure Manual Accounts Receivable Section 7, Sub-section 705.

The process in the new Coachella Valley shelter with Chameleon will be the same as that in Riverside.

Finding Number 11:

“The Riverside Shelter does not have a good system of controls over fees received through the mail. These receipts are not immediately recorded in a control document as they are received; checks are not restrictively endorsed for deposit only to the County’s account; and, deposits are not made for up to one week after the mail is delivered. This process increases the risk of loss because it does not establish a sound chain of custody for funds, and the untimely deposits negatively impact the County’s cash management program.”

Response:

-X-Respondent disagrees partially with the finding. Explain the partial disagreement:

The cash handling procedure has been consistent with the Auditor-Controller Handbook.

However, the Auditor-Controller, CHA Internal Audits and CHA Fiscal have suggested changes to tighten the process and expedite the monies that come into the shelter through the mail. All monies continue to be securely kept and handled only by approved staff. The cash handling area has now been segregated and all checks are endorsement stamped for deposit upon receipt. Each clerk signs a transfer of mail from when mail is transferred from one clerk to another to ensure proper accountability. The department makes deposits on a daily basis; however, an exemption has been requested of the Auditor-Controllers office to grant a 3-day deposit timeframe for mailed payments.

Finding Number 12:

“Periodic cash counts of revolving funds are not performed. The Auditor-Controller’s testing revealed surprise cash counts have not been performed on the established change funds at the Riverside and Indio shelters. Chapter 2, Paragraph 3.d of the Auditor-Controller Internal Control Handbook indicates surprise cash counts of revolving funds should be conducted at frequent intervals.”

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

The department has four (4) revolving funds. Three (3) are change funds for the registers. The Riverside change fund is \$200; Indio and Blythe are each \$70. The fourth is a petty cash fund of \$100 that was established in September 2003 to allow the department to respond to unusual and urgent costs such as feed for exotic animals.

Due to the amount of the change funds, independent cash counts by CHA Fiscal have only been performed annually. The petty cash fund was established so recently and the activity has been so low that a cash count had not yet been performed at the time of the audit. The department has begun to perform cash counts on the change funds by supervisors on a quarterly basis.

Finding Number 13:

On August 24, 2003, the shelter's veterinarian submitted a proposal of areas that needed change for general health improvement of the animals. As of November 2003, none of the veterinarian's suggestions have been addressed or implemented.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

In August 2003, the shelter Veterinarian submitted a list of suggestions to improve the general health of the animals at the shelter. He, along with upper management, reviewed all of the suggestions, some of which were implemented prior to the grand jury report, such as restricting access to isolation rooms. One entire kennel was designated as "dog isolation" and a buzzer was installed for the public to notify kennel staff if they wanted to view animals in the isolation rooms. Other suggestions implemented prior to the grand jury report include vaccinating all animals that come into the shelter for Bordatella and Distemper and providing blankets and toys for young and old animals. The air exchange issue is one that the department has been dealing with for some time and is still looking for ways to improve. Some suggestions are still under consideration as the Department looks for viable ways to implement them, such as shoe disinfectant trays for use at kennel entrances.

Finding Number 14:

For the month of September 2003, the shelter's veterinarian was away from the shelter premises. During his absence unregistered kennel personnel were permitted by shelter management to administer medications both orally and by injection, to the animals on a daily basis. This practice is in direct violation of California Business and Professions Code, Section 4826(c) of the Veterinary Practice Act.

Response:

~~-X- Respondent agrees with the finding.~~

~~When Dr. Popa is not at the shelter, the kennel staff administers medication to the animals under Dr. Popa's or a local veterinarian's direction. In Dr. Popa's absence, any animal in the field or in the shelter~~

~~that appears to be sick is taken to an outside veterinarian for diagnosis and treatment. Once treatment is given, Animal Services is obligated by California State Law to provide the medical care necessary to maintain this animal during its stay at the shelter just as any private party would administer medications prescribed under the direction and supervision of their own personal veterinarian.~~

-X- Respondent disagrees partially with the finding.

When the shelter veterinarian is not at the shelter, the kennel staff administers medication to the animals under the direction of the shelter veterinarian or a local veterinarian retained on a contract basis. Moreover, any animal in the field or in the shelter that appears to be sick or injured is taken to a local veterinarian for diagnosis and treatment in the absence of the shelter's veterinarian. The Department is legally obligated, once the animal has been examined and treatment is administered, to continue to provide necessary medical care and treatment as previously directed by the veterinarian. The Veterinary Medicine Practice Act (California Business & Professions Code §§ 4800 et seq.) and Title 16 California Code of Regulations specifically provide that registered veterinary technicians or unregistered assistants may administer medications without direct supervision of a veterinarian (i.e. written, oral or telephonic orders from a veterinarian are sufficient). Unregistered assistants employed by an animal control agency are also allowed to administer medication for euthanasia without any supervision by a veterinarian provided that the employee has received proper training.

The cited incident arose from a situation in which the veterinarian at the shelter in Riverside, Dr. Popa, was away on vacation for approximately 17 days (including weekends). Before leaving, he provided written and/or oral orders directing health care for animals in the department's custody. During Dr. Popa's absence, any animal that appeared to be sick or injured was taken to an outside veterinarian for diagnosis and treatment. As provided by law, kennel staff administered medications while the shelter veterinarian was away. Under registration with the state, Dr. Popa lists the shelter in Riverside as a premises for his practice. Under the law, that registration confers a status that allows any shelter staff - including registered or unregistered veterinary assistants -- to administer medication under a veterinarian's direct or indirect supervision. Because of that status, the shelter in Riverside at all times complied with state law covering the administration of medication. Dr. Popa is working to expand his registration with the California Veterinary Medical Board to include the shelter facilities located in Indio and Blythe. This change will have the practical effect of allowing any staff at those facilities to administer medications under a veterinarian's direct or indirect supervision. In the meantime, Animal Services will work to ensure that it adheres to all regulations that involve administering medications. Those steps may include contracting for veterinary services in Indio and Blythe.

Finding Number 15:

Due to an inoperative time clock, hourly employees are responsible for recording their own time sheets. It has become evident that some employees are receiving preferential treatment from shelter management staff.

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

The time clock was ordered, has been delivered and has been installed at the Riverside shelter. All staff members who can accrue overtime at the Riverside shelter will begin using the time clock to document their time as of January 8, 2004. All employees are treated equally and management is unaware of any preferential treatment.

Finding Number 16:

Employee's duties that include assignment to euthanize animals must perform this duty for a 30-day period and up to six hours daily, causing substantial emotional stress.

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

Typically, euthanasia takes 3½ hours each day. The kennel staff has elected to be on 30-day rotations for euthanasia; however, within the 30-day period, they work a maximum of 18 days. The Department recognizes that euthanasia is difficult and stressful and has had counselors from the Employee Assistance Program (EAP) come out on a couple of occasions to counsel the employees. Staff is strongly encouraged to seek EAP's help on their own. Group counseling sessions with EAP and the kennel staff will continue and staff will be encouraged to seek individual assistance on their own.

Finding Number 17:

Due to inadequate software and poorly trained personnel, the shelter's adoption website is not current. Therefore, the majority of the animals pictured on the website will have already been euthanized.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

The Department does not believe that the majority of the animals pictured on its website were euthanized and does not know how the Grand Jury came to that conclusion. The Animal Services website was developed as a donation from a private citizen and it is now hosted through the County Information Technology department. Recently added software made the site compatible with the Department's Chameleon software and links to Pet Harbor, a national linked website that connects the Department with 27 Southern California shelters. In addition, pictures of all animals that come into the shelter will be available online in the near future and will be updated hourly. These changes have been in the works for more than a year.

Finding Number 18:

Although shelter management has assigned an employee to contact various rescue organizations, communications are sporadic, resulting in excessive and unnecessary euthanasia.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

A kennel attendant was assigned to contact and work with various rescue groups in August 2003. Since Sept. 23, more than 260 animals have gone to rescue groups for placement. This compares to a total of 165 animals being rescued throughout fiscal year 2002-03. A dedicated e-mail address and telephone number have been created to give the rescue groups direct access to the kennel attendant assigned to work with them. It has developed into a full-time job. The rapport between the Department of Animal Services and more than 58 rescue groups with whom the Department works has grown enormously into a solid working relationship that serves the mutual goal of helping animals.

Finding Number 19:

According to Riverside County Euthanasia Protocol and Procedures, at no time should one animal be euthanized in front of another animal in the euthanasia room. Therefore, a towel or shade must be placed over the face of the holding cages. As of November 13, 2003, there are no shades or curtains being utilized in this area.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

This is an inaccurate statement. In a picture provided on page 11 of the Grand Jury Report, the curtain rod is clearly visible. This curtain is drawn every time it is needed to block the view of other animals in the euthanasia room. The Department's policy on euthanasia clearly dictates that, at no time, should one animal be euthanized in clear view of another. Periodic checks for compliance indicate the staff follows proper procedure.

Finding Number 20:

Riverside County Euthanasia Protocol and Procedures manual states "Routine euthanasia procedures should be completed by the time the shelter opens for business." It is evident that on multiple occasions, animals had been euthanized during business hours, contrary to Riverside County Euthanasia Protocol and Procedures.

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

Administrators learned this happened once under the supervision of a Senior Animal Control Officer. That officer was released while on probation. The Department's euthanasia policy does state that routine euthanasia procedures should be completed by the time the shelter opens for business and the euthanasia staff is required to follow the policy. If an animal is seriously injured or ill, however, euthanasia may occur during business hours.

Finding Number 21:

Records indicate that as many as eighty (80) animals have been euthanized in a single day. A significant number of these euthanasia's appear to be due to:

- a) Arbitrary carelessness and indifference with regard to following Riverside County Protocol and Procedures.**
- b) Negligence in not contacting the animal's owner.**
- c) Overall complacency in promoting adoption programs.**
- d) Disregard for rescue organizations and individual animal sponsors.**

Response:

~~-X- Respondent disagrees partially with the finding. Explain the partial disagreement:~~

~~Eighty animals were euthanized on one day during the peak season in 2003. Normally, 40 to 50 animals are euthanized in one day. Through discussions with kennel staff, managers determined that the kennels were becoming overcrowded during peak seasons. These animals had been available for owner redemption, adoption or rescue organization assistance for numerous days after their mandated hold period was exhausted. Upon investigation, it was found that the senior animal control officer had been negligent in performing his/her duties. This employee was released from employment with the department.~~

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

A new supervising animal control officer oversaw the Riverside shelter operations when this occurred. This person did not follow policies and procedures for euthanasia. With apparently good intentions, this person kept healthy animals available for adoption longer than prescribed. The action, however, caused kennel overcrowding, which can harm the health of all the animals. Once the situation was discovered, 80 animals that had been sheltered beyond their prescribed time were euthanized in one day to make room for new animals arriving at the shelter. Since that time, the Chameleon computer system is being better utilized and provides the ability to review the animal census at any time. That ability allows for cross-checking to ensure that kennels do not become overcrowded. Using the system, the department also generates a daily animal census to track shelter population.

Finding Number 22:

Some euthanasia records are inaccurate and incomplete, violating California Food and Agricultural Code Section 32003(b).

Response:

~~-X- Respondent disagrees wholly with the finding. Explain the disagreement:~~

Shelter personnel review all records each month for accuracy and complete disposition. Animal inventories have been conducted since April 2002 when the Chameleon computer system was installed and incorporated into daily activities.

Finding Number 23:

The court assigns many people convicted of minor offenses to a work release program. Some offenders are required to work at the animal shelter on a daily basis, performing specific duties such as cleaning kennels and food containers. It appears that on weekends, supervisory personnel are not scheduled to work resulting in “work release” persons:

- a) Having access to unattended and unsecured hypodermic needles in the receiving area and the euthanasia room.
- b) Working along with one or two kennel employees, possibly jeopardizing their safety.
- c) Interacting with the general public.
- d) Inability to account for animals disappearing from the general kennel population.
- e) Not being trained in the proper methods of cleaning and disinfecting cages and food containers.

Response:

-X- Respondent disagrees partially with the finding. Explain the partial disagreement:

- a) A lock box has been ordered for the receiving area and the needles are currently being stored in a temporary lock box until the order is received.
- b) The Department had success with the work release staff and not had any problems other than a sporadic attitude problem for which management dismissed the employee.
- c) Work release staff is directed not to interact with the public and are admonished if found doing so. They are directed to leave if they do not comply.
- d) On occasion, an animal has disappeared from the kennels. A police report is filed when this happens. In these instances, the Department has been unable to determine whether work-release personnel or the animals' owners confiscated the animal.
- e) Work-release staff are assigned to kennel attendants who train and monitor their work.

Finding Number 24:

There is no accountability or inventory control of the shelter's unsecured hypodermic needles, resulting in possible abuse or theft.

Response:

- ~~-X-~~ Respondent disagrees partially with the finding. Explain the partial disagreement:

While the Department has not inventoried unsecured hypodermic needles and while management is not aware of any problems with abuse or theft, this could be a potential problem. A lock box has been ordered for the receiving area. Needles are being stored in a temporary lock box until the order is received.

Finding Number 25:

Air conditioners in the animal compartments on several animal control vehicles are defective. This has resulted in animal control officers having to make frequent returns to the shelter, demonstrating an inefficient use of personnel time and resources.

Response:

- ~~-X-~~ Respondent disagrees partially with the finding. Explain the partial disagreement:

~~The Department does have some trucks with defective animal control cooling units, which the Department constantly works to repair or replace. The Department has attempted unsuccessfully to get vendors to honor warranties on the truck coolers.~~

~~Trucks with defective units are used on routes closest to the shelter. These trucks make frequent returns to the shelter throughout the day to limit the animals' heat exposure. There is a side benefit for the shelter operations as this relieves some of the congestion that would normally occur between 4 p.m. and 5 p.m. when the remaining officers return to the shelter to offload.~~

- ~~-X- Respondent disagrees partially with the finding. Explain the partial disagreement:~~

~~Some of the department's older animal-control trucks have inefficient or defective swamp-coolers, which the department regularly works to repair and maintain. As soon as minor problems are identified, the Animal Control staff immediately begins to make repairs on its own. If the problems are more substantial, the trucks are taken to the county garage for repairs. The department was unsuccessful in initial attempts to have a vendor who supplied some of the equipment honor the warranties. Since that time, the vendor has gone out of business. While the swamp coolers require continuing maintenance, they offer a much less expensive option than air-conditioners. Animal control officers who drive the trucks frequently return to the shelter for several reasons, most importantly the~~

animals' comfort and well-being. Frequent returns also improve shelter efficiency because most trucks usually arrive at the end of the day. This creates a logjam of trucks waiting to unload animals at the same time. More frequent returns to the shelter throughout the day relieve end-of-the-day congestion. This makes the intake procedure for new animals more efficient and reduces stress on the animals and the employees.

Animal Services is developing policies and procedures to ensure that if cooling units are down during hot weather, specific procedures will be in place for making on-the-spot repairs to correct minor problems. If more substantial work is needed, the unit will be taken to Fleet Services for repairs. The policies and procedures will address weather conditions under which trucks may be used without functioning cooling systems (i.e., the cooler months) and will include fallback procedures in the event that several trucks are out of service for repairs simultaneously. Policies and procedures to address these issues will be in place within 60 days.

Finding Number 26:

For a period of one week, the shelter had substituted the cat litter with "Oil Dri," an absorbent material specified for industrial use only. This product contains respirable crystalline silica, which is known to the State of California to cause cancer.

Response:

~~-X- Respondent agrees with the finding.~~

~~The product is known as "Oil Dri/Cat Litter." When cat litter was ordered through the purchasing department, this is the product that was shipped for use. Once staff brought the issue to management's attention, the supervisor pulled the product immediately, contacted the Safety Department and the manufacturer for the Materials Safety Data Sheets and had ordinary cat litter shipped overnight to us for immediate use.~~

~~-X- Respondent agrees with the finding.~~

The department's Riverside shelter ran out of cat litter once and borrowed some litter from the Indio shelter while awaiting resupply. The cat litter the Indio shelter sent was a product called "Oil Dri/Cat Litter." As it was being used, a shelter employee advised administrators that the product contained a substance known to cause cancer. Once staff mentioned the issue, the supervisor pulled the product immediately. The Department had generic cat litter shipped overnight for immediate use. At the same time, the Indio shelter also discontinued using the "Oil Dri/Cat Litter."

Finding Number 27:

There is evidence to show that in one instance an elected Riverside City official received preferential treatment from the shelter administration, by having the required return to owner fees reduced for their impounded animal.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

The Department of Animal Services works diligently to reunite pets with their owners. Sometimes this requires creativity in deciding what is best for the animal, which usually means reunification with its family. In the instance cited, the department believed it was best to have the animal altered, vaccinated, licensed and redeemed by its owner. The alternative would have been to keep the animal at the shelter for possible adoption. That raises the risk of euthanasia if the animal is not adopted within a few days. In some instances, the Department has reunited dogs, cats, turtles, etc., with families as a result of flexibility and creativity. Payment plans, adoption programs, voucher assistance, etc., all are tools the department uses to help residents and their pets. The Department uses these tools as needed to act in an animal's best interest.

Finding Number 28:

In 1998, the Board of Supervisors appointed a group of volunteer citizens as members of the Blue Ribbon Committee. The committee was formed to amend and create county ordinances relating to dogs and cats. There is evidence to show that one member of the committee has been allowed by shelter administration to influence the shelter's daily operations.

Response:

-X- Respondent disagrees wholly with the finding. Explain the disagreement:

The current administration listens to criticism and suggestions from members of the public, the Blue Ribbon Committee, County Counsel, other animal agencies, staff and the Grand Jury. The administration evaluates those comments and makes decisions based on what is best for the department, the animals and constituents of Riverside County. Management is not aware of any members of the Blue Ribbon Committee whose opinions have more influence than anyone else's.

RECOMMENDATIONS:

Recommendation Number 1:

Immediately mandate DAS to adhere to established policies, procedures and protocols.

Response:

-X- The recommendation has been implemented. Provide a summary regarding the implemented action:

The department adheres to established policies, procedures and protocols, along with state and local laws and ordinances. In the past four years the Department has implemented or revised more than 70 procedures. There are currently eight (8) procedures being added or updated.

Recommendation Number 2:

Enforce strict compliance with all California statutes and Riverside County ordinances relating to the treatment and welfare of animals.

Response:

-X- The recommendation has been implemented. Provide a summary regarding the implemented action:

The department adheres to state and local laws and ordinances involving animal control. When necessary, the department refers to County Counsel for legal opinion, interpretation and advice. In the past year the department has filed numerous animal cruelty cases with the District Attorney, most notably California Horse Protection, Mr. Weinhart with Tiger Rescue and many others.

Recommendation Number 3:

Take a position of zero tolerance for violations of California State Codes and County Ordinances relating to animals.

Response:

-X- The recommendation has been implemented. Provide a summary regarding the implemented action:

The department observes zero tolerance for violations of California State Codes and County Ordinances relating to animals.

Recommendation Number 4:

Designate a human resources specialist to negotiate working relations between shelter management and staff.

Response:

-X- The recommendation has been implemented. Provide a summary regarding the implemented action:

Human Resources personnel are assigned to the Department of Animal Services through the Community Health Agency. The Department consults Human Resources on all personnel concerns and issues.

The director has an open door policy for all employees to bring issues, concerns and suggestions to management's attention. The director recognizes that some staff may not feel comfortable individually speaking directly to management. Therefore, the director wishes to establish a labor-management committee for DAS as a formalized arena to provide direct and open dialog between staff and management. The Department has a goal to establish this by spring 2004.

Recommendation Number 5:

Institute a program and appoint or hire an employee to continually seek grants and donations to supplement projected revenues, and provide a quarterly report to the Riverside County Board of Supervisors.

Response:

-X- The recommendation has not yet been implemented but will be implemented in the future. Provide a time frame for implementation:

The Department has applied for grants in the past and has sent two (2) employees to grant writing classes.

The Department will continue to apply for government eligible grants using the existing staff as they become available. The department will analyze the cost/benefit of supplementing the existing staff. A decision to include additional staff in the FY2004-05 Requested Budget will be made by March 2004.

Recommendation Number 6:

Designate a proactive shelter employee to initiate daily contact with rescue organizations and sponsor groups.

Response:

-X-The recommendation has been implemented. Provide a summary regarding the implemented action:

A kennel attendant has been assigned since approximately September 2003 to be the Animal Services liaison with the rescue groups.

Recommendation Number 7:

“To ensure County compliance with State Food and Agriculture Code 30503, procedures should be established to properly account for receipts and disbursement of spay and neuter deposits. Animal Control, Community Health Agency – Fiscal personnel should meet with appropriate Auditor-Controller and Executive Officer personnel to discuss and clarify the amount to be reclassified from the General Fund to restricted funds for spay and neuter programs.”

Response:

-X-The recommendation has not yet been implemented, but will be implemented in the future. Provide a time frame for implementation:

The Department met with the Auditor-Controller’s Office and CHA Fiscal. It was agreed that the Auditor-Controller would establish a sub-account for spay and neuter deposits. A formula can be established to reasonably determine the amount of money that should be shifted from the general fund to the sub-account. Completion is expected by the end of February 2004.

Recommendation Number 8:

“Management should improve accounting procedures for donations ensuring funds are tracked by and used for the intended purpose.”

Response:

-X- The recommendation has been implemented Provide a summary regarding the implemented action:

Detailed sub-accounts have been established to clearly verify that donations are applied to the intended use.

Recommendation Number 9:

“Management should improve the internal controls over mail receipts by ensuring all mail collections are recorded in a mail log immediately upon receipt, and transfers of funds documented. The process should also

ensure checks are restrictively endorsed and deposited timely to the appropriate accounts.”

Response:

- X-The recommendation has been implemented. Provide a summary regarding the implemented action:

- 1 Immediately upon receipt, all mail collections are now manually recorded in a mail log. The mail collections are transferred to the accounting unit, with the amount of the mail collections verified by the receiving party with a signature on the mail log. Additionally, information contained in the mail log is electronically maintained in an excel spreadsheet.
2. All checks are now restrictively endorsed on the day of receipt and deposited to the appropriate accounts within three days of receipt. The Department has requested an exemption from the Auditor’s Office to extend the deposit time from one day to three days. The Department of Animal Services receives more than 100 pieces of mail daily. To process the mail and deposit the checks on the same day requires more staff than is available.

Recommendation Number 10:

“Periodic cash counts of the change funds, and the recently established petty cash fund at the Riverside Shelter, should be performed by a management representative, and signed documentation maintained in department files.”

Response:

-X- The recommendation has been implemented. Provide a summary regarding the implemented action:

Periodic cash counts of the change funds and the petty cash fund at the Riverside Shelter will be conducted, signed and maintained in departmental files by the Administrative Services Officer on a quarterly basis. The first cash count was conducted Dec. 24, 2003.

Recommendation Number 11:

Develop a procedure to review all written suggestions made by the shelter veterinarian and paid staff.

Response:

-X- The recommendation has been implemented. Provide a summary regarding the implemented action:

DAS policy #100 addresses any staff member who wishes to implement or amend a policy or procedure. There is a suggestion box at the front counter for additional suggestions. A memo was issued to the staff on July 30, 2000 regarding who is authorized to remove the suggestions from the box.

Recommendation Number 12:

Reinstall time clock.

Response:

-X- The recommendation has been implemented. Provide a summary regarding the implemented action:

The time clock was installed during the week of December 23, 2003.

Recommendation Number 13:

Shelter administration encourage counseling or group stress training through County Employee Assistance Program (EAP), and reduce the length of time assigned to euthanasia duty.

Response:

-X-The recommendation has been implemented. Provide a summary regarding the implemented action:

The administration has had EAP out to the shelter for this purpose in the past and will continue to encourage staff to use EAP individually. The Department will also continue to have EAP conduct group counseling. The Department can shorten the time span for euthanasia duty; however, the current length of duty was implemented at the kennel staff's request.

Recommendation Number 14:

Discontinue use of the Adoption Website until Information Technology updates the software, and employees are properly trained to utilize the system.

Response:

-X-The recommendation has been implemented,

The website became operational Jan. 10, 2004.

Recommendation Number 15:

Comply with Riverside County Euthanasia Protocol and Procedures regarding euthanasia before the shelter opens for business.

Response:

-X-The recommendation has been implemented. Provide a summary regarding the implemented action:

Current policies and procedures are being followed.

Recommendation Number 16:

Ensure that one shelter supervisor is scheduled to be on the shelter premises during each shift.

Response:

-X-The recommendation has not been implemented, but will be implemented in the future. Provide a time frame for implementation:

Both supervisory positions in the kennels are vacant at this time and active recruitment is being done. While filling those slots will help greatly, it will not provide enough supervisors to cover staff 24/7. Additional supervisory positions budgeted in subsequent years will offer proper coverage. The additional supervisory positions will be included in the FY2004-05 Budget request.

Recommendation Number 17:

Schedule an adequate number of employees to ensure that shelter animals will be supplied with the proper amount of food and water every twelve hours as required by law.

Response:

~~-X-~~The Recommendation will not be implemented because it is not warranted or is not reasonable. Explain:

~~Per County Counsel, the Department's possession of animals housed in an animal shelter is not the equivalent of "ownership" because such personal property ownership rights (and title thereto) are legally vested in the pre-impoundment individual owner. The Department merely has a custodial or possessory interest at stake with regard to animals in its care, pursuant to its legal obligations as an animal control agency, and is therefore not obligated to adhere to the 12-hour feeding schedule.~~

~~The shelter veterinarian was consulted regarding this issue and recommends once-a-day feeding for adult animals. For those with special needs (i.e. young, old, infirmed, etc.), additional feedings are provided.~~

-X- The Recommendation will not be implemented because it is not warranted or is not reasonable. Explain:

The Department previously consulted with its shelter veterinarian on this subject and was advised that once-a-day feeding was in accordance with sound veterinary medical practice. The recommendation was that once-a-day feeding was adequate for normal adult animals. A major benefit is that kennels remain more sanitary because once-a-day feeding reduces the possibility of excessive waste build-up and, consequently, additional staff time being devoted to waste removal. Animals with special care needs (i.e. young, old, infirm, etc.) are provided additional feedings as medically indicated per the recommendation of the Department's veterinarian.

This recommendation appears to refer to a complaint that was made several months ago with regard to the contention that a 12-hour food and water schedule was mandated by the provisions of Penal Code § 597e. The Department consulted closely with County Counsel on this subject and was advised that it did not apply to a government agency such as the County or, for that matter, to other artificial entities such as a corporation.

Below is 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.

The statutory language contained in Penal Code § 597e clearly illustrates the limited application to **individuals** where, for example, it states in the beginning of the first paragraph: "Any person who impounds . . ." The statute goes on to make several other "person" references and does not make any reference to non-individuals such as a governmental or corporate entity. Another example of the non-applicability of Penal Code § 597e to the Department's shelter operations is where the statutory language states that the "owner" of the animal in question is liable for the

costs of food and water furnished. The Department's possession of animals housed in an animal shelter is not the legal equivalent of "ownership" since such personal property ownership rights (and title thereto) are vested in the pre-impoundment individual owner (whose identity may be unknown). The Department has merely acquired a custodial or possessory interest at stake with regard to animals taken into its care, pursuant to its legal obligations as an animal control agency in the State of California. As a result, the Department does not qualify as an "owner" within the meaning of Penal Code § 597e and thus cannot be held liable under the statutory provision.

Recommendation Number 18:

Institute mandatory inventory control of all hypodermic needles, and secure them in a locked container when unattended by registered or certified personnel.

Response:

~~-X-~~ The recommendation has been implemented. Provide a summary regarding the implemented action:

The hypodermic syringes are locked in a box per the recommendation.

Recommendation Number 19:

Ensure that the animal compartment air conditioners on all animal control vehicles are inspected routinely and are in proper operating condition.

Response:

~~-X-~~ The recommendation has not yet been implemented, but will be implemented in the future. Provide a time frame for implementation:

~~The air-conditioning systems on the animal control trucks are swamp coolers. CHA Administration will be working with Fleet Services to repair or replace these units by summer 2004.~~

-X- The recommendation has not yet been implemented, but will be implemented in the future. Provide a time frame for implementation:

The air-conditioning systems on the animal control trucks are swamp coolers. CHA Administration will be working with Fleet Services to repair or replace these units by summer 2004.

The department is also developing policies and procedures to ensure that if cooling units are down during hot weather, specific procedures will be in

place for making on-the-spot repairs to correct minor problems. If more substantial work is needed, the unit will be taken to Fleet Services for repairs. The policies and procedures will address weather conditions under which trucks may be used without functioning cooling systems (i.e., the cooler months) and will include fallback procedures in the event that several trucks are out of service for repairs simultaneously. Policies and procedures to address these issues will be in place within 60 days.

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