



*Supervisors failed to notice the empty cat cages in the adoption room, nor the cats marked “OK” for adoption waiting in the stray area for their chance at a new home.*

In other cases, cats which KCACC does not intend to make available for adoption are kept in holding without socializing or any management plan simply because it is easier not to do anything. On February 5, a notation was made that a cat impounded the prior day was “growling, hiding in back, did not pass temp test—no rescue, not appropriate for adoption.” It was signed by a Sergeant. Although the cat showed some improvement the following day, the cat did poorly at an offsite adoption event and was noted as “growly.” During my visit, the cat was sitting away from public view without hope for adoption.

No further notations were made either in the shelter management software system or on the cat’s cage card over two weeks later. In the past, the staff made wrong decisions very quickly. Now, to avoid scrutiny, they make no decisions because they are afraid of the public fall out. This is not to say that this cat should have been killed quickly. Staff was simply not following the progress of this cat, nor was staff working to turn this cat around, no was anyone actively trying to find an alternative placement, such as a rescue group or barn, as more progressive shelters do.

During this time, staff had been “signing off” on their hourly reviews of the room, and Sergeants were accepting those reviews. Nonetheless, despite the missed opportunities for lifesaving and adoptions, or whether the Sergeants normally review the shelter, fifteen cages critical to cat adoptions remained empty for four days.

Although I personally observed the Sergeants in the shelter, I never saw KCACC management in the kennels and I was told by staff that this was the norm. I was also told that Sergeants spent little time in the kennels. Nonetheless, I lend great credibility to the comments of staff and volunteers because despite walking through the shelter, they missed lots of problems which would be obvious to seasoned observers (let alone the most casual one who has really scrutinizing). Many of the animals had missing paper work, many of the animals had no food and no water, open cages were not filled with “adoptable” animals, and animals were sitting in kennels with no plan or oversight at all.

Two dogs (A016840 and A016842), for example, which were impounded at KCACC on August 24, 2007 after they were seized by a local police agency for being left in a hot car, have been in the shelter with no plan, no enrichment, and no socialization, for nearly six months. While the owner of the dogs was sentenced to prison for an unrelated crime, the case was no longer pending, and the dogs could have been adopted or sent to rescue, as appropriate, no effort by staff or Sergeants had been made to determine the most appropriate outcome for the dogs. These dogs were not getting walked and they were unnecessarily tying up scarce kennel resources. The end result is not merely ironic, it is tragic. Dogs abused on the outside are seized and brought to KCACC only to be abused through inaction and lack of follow-up.

#### Intake Examinations and Follow-Up Care

The failure to properly care for animals begins as soon as they are impounded. Animals come into KCACC in one of several ways. They may be animals being surrendered by people who no longer want them. They may be found as strays and brought in by “Good Samaritans.” They may be picked up in the field by field officers, brought in by a local law enforcement agency, or seized by KCACC officers.

Regardless of how they come in, each animal should be immediately vaccinated on intake, identified, logged into the shelter management software database, and given a general health screen at the earliest possible time. In the case of strays, they should also be immediately matched against lost databases. Ideally, a photograph should be taken and uploaded first into the shelter database and then further uploaded to the shelter’s website and third-party websites to improve dismal reclaim rates, but this is not done. (Photographs were seldom done at Kent, and never done at Crossroads because they do not have a camera). In the case of owner surrendered animals, they should be moved through the system or into rescue as soon as possible.

Because of the dearth of veterinary care staff, and the backlog of in-house spay/neuter surgeries, an intake exam is not done. Although just prior to my visit and at the urging of U.C. Davis, the veterinarian and/or veterinary technician began a system of rounds, this effort is not efficient or sufficient. Because kennel records were not updated in the

shelter management software database (except for dogs during the time one particular officer was working), the veterinary team would not have database access to where animals were in the shelter who needed treatment. If a condition such as injury or illness was not identified during intake, conditions were missed and continued to be missed unless someone took it upon themselves to identify them and inform the staff veterinarian.

To be effective in this environment, rounds are reliant on staff bringing concerns forward, but this is not always done, it is inconsistent, and as a result, rounds become perfunctory and ineffective. In fact, during my visit, a young puppy underwent anesthesia for neutering. This dog had already been neutered the week before, but the shelter management software database was not updated, no one noticed when the dog was scheduled for surgery, and the fact that the dog lacked testicles was somehow missed during the dog's physical exam prior to surgery. Not only was the dog unnecessarily put through anesthesia a second time, but the dog took up a spay/neuter slot, which could have gone to another animal.

In a review of its own history, KCACC highlights that in 1997, KCACC began immunizing *all* dogs and cats on intake. But while this may be official "policy," neither KCACC management nor the Sergeants enforce this policy and it is not clear that it is fully in effect, a decade after it was "implemented." In the end, no one can show that the animals are truly getting vaccinated since no one is checking. In addition, the shelter management software database reports numerous animals needing vaccinations, and while KCACC management suggests that this is simply a "data entry" problem because staff does not know how to do it, this makes accountability impossible.

Moreover, other shelters, including the Humane Society of Seattle/King County and Seattle Animal Control, also reported ongoing problems with KCACC over lack of vaccinations, and animals "breaking" with diseases such as parvovirus they were long claimed to have been vaccinated against.

According to the Advisory Committee:

There seems to be a much higher incidence of contagious disease, such as Canine Parvovirus, and feline Upper Respiratory Infections, at the Kent facility than in other area shelters. For example, there have been several Parvo[virus] outbreaks just this summer. This suggests that animals are not all being vaccinated at intake, the cleaning protocols are not being followed, and the facility needs to be upgraded to provide adequate housing and isolation. Rescue groups report receiving animals who had not been vaccinated, as well as those whose paperwork made it impossible to tell whether they were vaccinated or not... As a result of this problem, the Seattle Humane Society, an organization that took 515 animals from KCAS last year and 278 so far this year, has had to stop taking any dogs from the Kent shelter because of the risk they pose to the animals at the receiving shelter. Although it is contrary to cleaning protocols,

agents of Seattle Humane Society have seen KCAS spraying dog runs down with the animals inside, thereby splashing the animals with water and fecal matter"

A sign outside the door of the Kent facility does indicate parvovirus epidemics, and at one point during the summer, KCACC stopped doing dog adoptions because of it. In addition, the Humane Society of Seattle/King County reported that they stopped pulling dogs from the Kent facility for a time because of parvovirus concerns. As an example, one dog they impounded came down with Parvovirus and it was discovered the dog was not vaccinated for it at KCACC despite the fact that this has been policy for over a decade.

In addition, while I tried to physically view all the animals listed on the "Animals Needing Treatment," many of the cats had incorrect kennel locations, making it difficult for veterinary staff to check whether vaccinations were hand written on cage cards, even assuming that they had the time to do this. This makes follow-up very difficult (and, as noted, effective veterinary rounds prohibitive and inefficient). Nonetheless, I did find some cats and at least two dogs who had no record of vaccinations and none listed on their kennel cage cards.

Combined with little space for dogs and cats, merging dogs so quickly, poor and sloppy care, disease control becomes impossible, and the stage is set for epidemics of disease. All one needs to do is to drop a pathogen in the mix (which always exist in the shelter environment) and it is no surprise that other shelters, rescue groups, and offsite adoption managers report extremely high rates of disease with KCACC animals.

Moreover, animals on the margin (medically, behaviorally) of "adoptability" lose out. Officers have no training in basic animal behavior, but are told to evaluate animals based on a protocol taken from another agency. Not only do some of the steps of this "borrowed" protocol not apply because of differences in the physical make up of the kennel, staff members admit they don't follow it because they don't know how. Nonetheless, by having it on paper, RALS can say they have a modern temperament evaluation program, when actual practice is far from fair. There are simply no mechanisms for making good determinations, and this is not limited to temperament or medical determinations.

In light of criticisms made by the U.C. Davis team to KCACC management regarding lack of accountability in the process of treating animals, a new protocol went into effect prior to my arrival that included putting "Rx" stickers on kennel cage cards to denote that the animal is on medication. Once again, lack of follow-up doomed the process. Some of the kennel cage cards had "Rx" stickers but no medications. Some had medications, but no "Rx" stickers. Some had both. None had any veterinary notations, or clearly delineated start/stop dates.



Cat in adoption room being treated with Amoxil. There is no start or stop date on the medication. In addition, staff does not make notations as to whether the animal is responding, and whether the animal is eating, drinking, and defecating normally. Note: "Rx" sticker and medication.



Animal with "Rx" sticker, but no medication.



Animal with medication, but no “Rx” sticker.



Medication sitting on top of cage, with no instructions, no start/stop date, and no “Rx” sticker.

I observed one staff member give medications to a cat with a contagious illness, and then continue to clean the cages of healthy cats. She did not change her gloves or wash her hands. It is no wonder that disease is rampant at the shelter.<sup>4</sup>

At Crossroads-Bellevue, animals do not even get any medical care, as there is no medical examination or treatment because of a lack of veterinary care staff. As a result, volunteers complained about animals vomiting, bleeding, appearing painful, not eating, being lethargic, and failing to get any care. These concerns have been made repeatedly to both staff and KCACC management and volunteers report receiving different responses:

- They are told that animals are only given care during the stray period if it is life-threatening (although there is no medical professional to make this determination);
- They are told someone will “get to it;”
- They are told they cannot offer care during the stray period because KCACC does not “own” the animals; or,
- They are simply ignored.

In the case of a kitten named “Lamar,” for example, medical records provided by a private veterinarian paid for by a volunteer show an animal near death who should have received fluid therapy and other care while at the shelter. He did not. But after complaining to KCACC management about this case and despite the fact that KCACC failed to provide fluids leading to severe dehydration, and failed to keep the kitten warm resulting in hypothermia, KCACC found that the answer was to restrict fostering.

The assessment of animals needing care is spotty, especially at Crossroads-Bellevue, and that no one is in a position to state whether an animal’s condition is life-threatening or care is imminently necessary. Irrespective of that, a shelter is a bailee for people’s lost animals. It has a duty to return those animals in reasonable condition, and care can and should be provided as necessary during the stray period. Furthermore, it’s equally paramount duty is to prevent cruelty and suffering of animals.

Yet, rescue survey respondents reported that animals coming from KCACC are not being given proper and basic care. According to one:

[The dog we rescued] had E-coli in his urine plus the worst possible ear infection—even though he had been up for adoption for several weeks, he was not receiving antibiotics for his infections.

In addition, in a 2005 e-mail to KCACC management, Friends of KCAC requested that KCACC begin a series of intake examinations, rounds, and checklists to ensure that

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<sup>4</sup> More than that, exposure to disease starts in the field. I watched as an animal control truck brought animals to the shelter, and then left for the field again, without washing out the animal enclosures in the truck.

animals get care. They report lack of follow up to their request. Now, in 2008 and only in response to outside scrutiny, this system is being implemented, but not being systematically put into place in a manner that is likely to resolve the underlying problems.

And, in the final analysis, the system is entirely reliant on Sergeant oversight, which is insufficient and problematic. As discussed elsewhere, during my visit, Sergeants were on duty to oversee care of the animals in the infirmary and these animals went without food, water, or cleaning. Although a staff member signed the sheet indicated that animals “were eating and drinking” and had received their medication, the animals were not provided food or water. Finally, veterinary staff admitted this to be an ongoing problem.

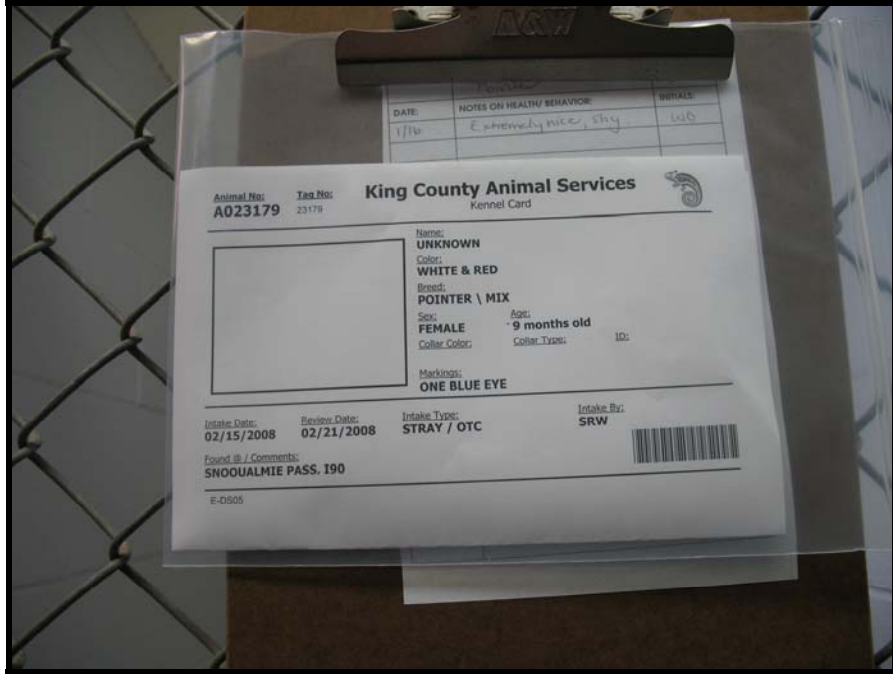
A cat at Crossroads-Bellevue (A023160), for example, was impounded on February 15, but a notation about the cat having “earmites” did not appear in the cat’s records until February 19, four days after an intake exam should have been done. As of February 21, she still had not been seen by a veterinary professional and the shelter management software database records confirmed that she was not being treated. A notation on her cage prevented volunteers from socializing with her, and she was subject to being passed over by potential volunteers because of the medical flag. Modern shelters provide routine treatment for ear mites with all animals on intake.

### Lost & Found

Given that animals tie up the system and are inefficiently and ineffectively cared for while in the facility, it is imperative that pet retention and owner reclaim programs be thorough to reduce the strain caused by more animals than staff has resources for or is willing to care for properly.

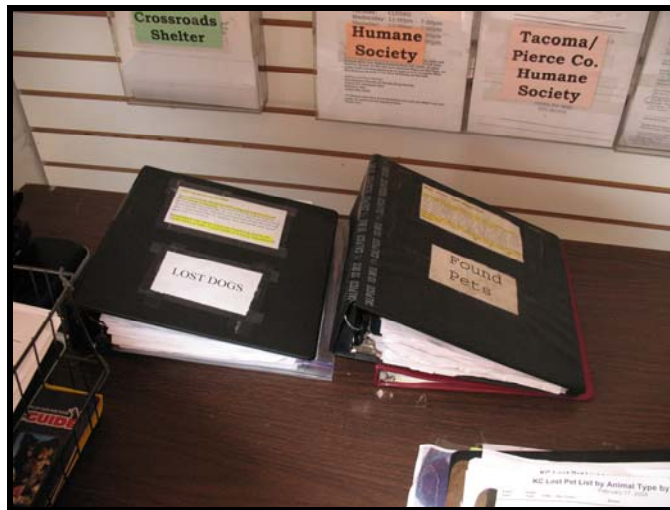
But this is continually undermined because lack of systems and oversight makes it difficult for lost pets to be reunited with their owners, further tying up scarce kennel resources and putting the lives of more animals at risk. During my visit, a couple came in looking for their lost dog and the officer assigned to the front desk paged another officer to walk them through the shelter. When they determined that the dog was not in the shelter, they left. No lost report was taken, no entry was made in the shelter management software database system, and they were not even encouraged to fill out a lost report to be placed into the “Lost Animal” binder that sits on the table in the front lobby. Nor were they encouraged to look through the “Found Animal” binder that sits next to it. Given the possibility that the dog may be received or picked up as a stray subsequent to their visit, and given the possibility that the animal was found and is being held by a Good Samaritan in lieu of impound at the shelter, a potential match would be lost.





*A kennel card is missing the photograph of the animal. These photographs could allow owners of lost animals to search for them from their home computers. This would help improve KCACC's dismal reclaim rates, but is almost never done.*

Nor does KCACC utilize other existing resources which will improve redemption rates. The shelter management software database KCACC uses is extremely powerful and allows photographs of lost animals to be uploaded easily onto a shelter's own website or third-party website solutions, giving people who have lost or found animals an opportunity to make matches from their home computers. Unfortunately, there is only one camera available for KCACC, located in the Kent facility, but it is rarely used. As a result, almost none of the animals have their photographs uploaded to the shelter management software database.



In addition, one public respondent to the survey reported that she had found a dog and brought the dog into the shelter. She reported that she subsequently called the shelter some time later to check on the dog and was informed that the dog was scheduled to be killed. She told the officer that she was willing to adopt the dog, but when she arrived at the shelter, she decided to look through the Lost Animal binder in the lobby. The owner of the missing dog had, in fact reported it and a match was subsequently made.

Moreover, while officers should list found dogs by city, some of the dogs were only listed by street on the animals' cage cards. This would make it very easy to miss matches as lost dogs tend to travel. And finally, the Lost and Found Animal binder system relies entirely on the public to match lost pets with found ones, as reports are not actively cross-referenced with each other, nor matched against animals picked up by officers or brought into the shelter by finders. The binders themselves state: "The animals in the shelters are NOT compared with the lost and found reports in this book," with a further notation that shelter staff reserves the right to discard the sheets after only three days unless the owner of the lost animal, or finder of the animal, takes it upon themselves to update it in person.

Without effective systems in place to match lost and found pets, the opportunity for reuniting pets with their families is marginalized. Furthermore, lost pets at KCACC shelters who are not found by their families within the designated stray hold period are at risk of the inhumane conditions at the shelter and of being killed.

### Systems of Accountability & Oversight

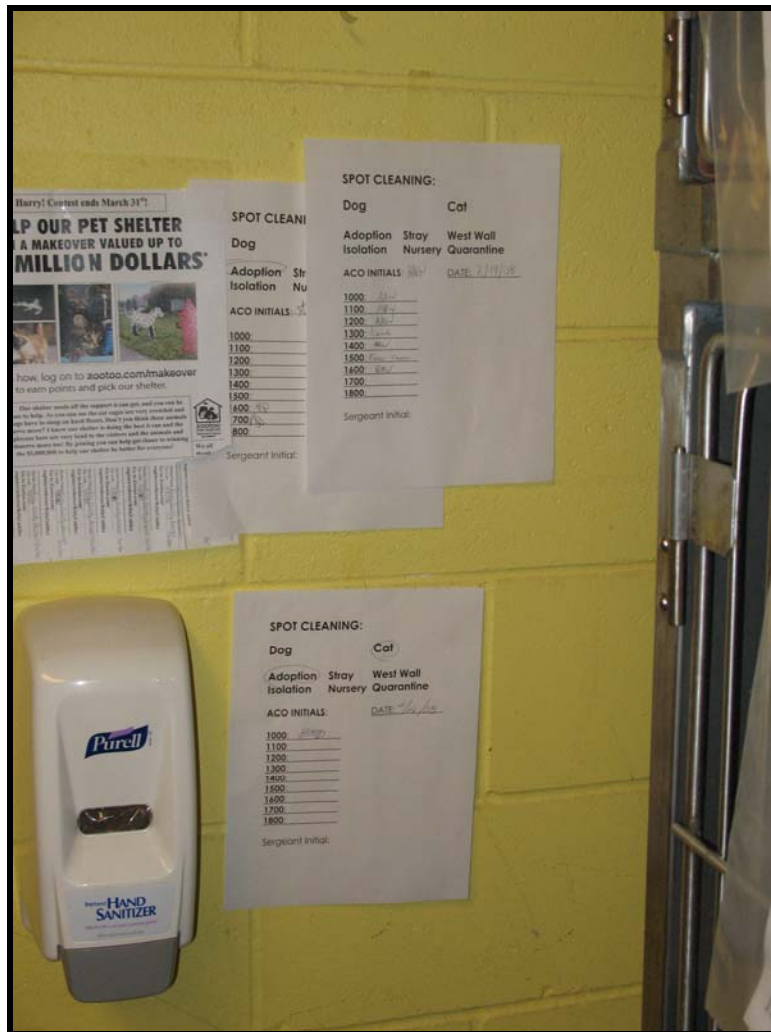
As a general rule, animal shelter staff in many communities in the United States is challenged by the numbers of animals relative to space in existing facilities, and in this regard KCACC is no exception. However, this problem is magnified by disorganized and unstructured operations, as well as lack of accountability by both staff and management. While there are some caring, compassionate individuals trying to do their best, it is obvious that the current system is not working.

The system of oversight was lethargic to non-existent. I found checklists with spotty signature records and no Sergeant signatures still left on walls days after Sergeants should have reviewed and signed off on them. A checklist for the nursery which housed one mother cat and newborn kittens (with no food), was dated February 17, but still on the wall, unsigned by a Sergeant on February 21. In the cat adoption room, there were unsigned checklists for February 17, 18 and 19 sitting on the wall on February 21. I looked but could not find a checklist for February 21 on the day it should have been present.

A staff member stated that KCACC management defers to Sergeants, and the Sergeants do not routinely walk through the shelter. This staff member also indicated that the forms are either not being signed (something I observed as well) or are being signed without review (which would explain how oversight staff missed the fact that animals in the infirmary had no food, water, or clean cages, and how a mother cat with newborn

kittens went most of the day without any food, and may likely have had no food for more than 24 hours if I did not intervene.)

The list of duties themselves which the staff were responsible for doing, while I was told were a “work in progress,” were in random order (rather than in the order in which they were to be done) and had basic duties missing (such as giving dogs fresh water). This is not a new shelter, it does not have new management, it does not have new Sergeants, it does not have new RALS oversight staff, it does not have a new County Executive, and it does not have new duties. The shelter has essentially been doing the same basic things for over thirty years.



Checklists created ostensibly to ensure accountability and proper care, are left ignored and unsigned by Sergeants on the wall. Here, checklists for three days (the current day was nowhere to be found) sit on the wall. According to management, Sergeants are supposed to do periodic checks, sign off that proper care was given, turn them over to their Supervisor, who is supposed to audit the process to ensure compliance. The system is clearly ignored and broken.

In short, there are no systems, no general parameters, everyone appears to have their own style of doing things, and since no one is overseeing them, standards and accountability measures do not exist. As a result, even a Sergeant admitted that the “cutting of corners” becomes the de facto policy and that gets passed down from one generation of employee to the next.

But disease control and animal care is not an area that is conducive to “one’s own style.” The ability to keep animals healthy, ensure that they are given proper care, and keep diseases from spreading requires sound protocols and systems that are based in veterinary medicine, animal behavior, shelter administration, and other disciplines. Furthermore, this training must be formalized. Otherwise, staff’s lack of awareness of basic principles and correct techniques are passed on from one generation of employees to the next by virtue of the ill-advised but KCACC policy of “on the job training.” (Shadowing employees should be the last step to independently working a shift following training; it should not be the entirety of training.)

Instead, when confronted with evidence of poor care, management embarks on a plan to show that the opposite is true (e.g., by documenting just how much time staff spends in the infirmary and by creating checklists. The former was not used because no one was assigned to create the forms necessary; while the latter are put up on the wall only to be ignored or signed without actual review.) Or, KCACC management blames lack of resources, even while it fails to take advantage of the resources currently at their disposal.

One part of the problem is that supervisors in the shelter are part of the same union as line staff (kennel officers, field officers, the veterinary technician, and front desk officers). In addition, there is only one non-union manager, who defers to these Sergeants for oversight. The same supervisor who is supposed to oversee staff and discipline staff for failure to do their jobs, is potentially the same person who would defend that staff member in a grievance or arbitration. This violates core principles of organizational management and provides for a weak system of oversight.

Sergeants, who dominate Guild leadership, are supposed to hold other Guild members accountable. Yet the dominant purpose of the Guild is to protect the interests of its members. It is an impossible, no-win situation. During my evaluation, a staff member confided to me that there were things on the checklists which the officers have never done, some did not know how to do them, and when help was sought from leadership, the response was that this was “not the week to deal with this.” It appears that the focus during my visit was avoiding scrutiny, rather than capacity building in staff to ensure a job well done. And it appears to follow a trend where the goal is not organizational growth, but self-preservation from perceived “unfair” outside threats. As a result, the agency does not appear to be in discovery mode in order to run a truly “model” shelter, but seeks to find excuses or to cover up mistakes.

To the Guild’s credit, neither the County Executive, nor RALS, have made civilian oversight a priority for KCACC, and no system of oversight is successful based on self-

policing. (But there are lives at stake, and where management and higher-ups have shown disregard for the lives of animals, internal ethical imperatives must dominate.) The County Executive's Office admits that "elections issues" have taken precedence over KCACC, and they further admit that they have to move the agency past the notion that "good enough for government work" is good enough. But they have made no real effort to do so.

And with RALS' failure to hire a permanent director, the fact that the interim manager has been "interim" for two years, and that KCACC has had five managers in seven years, has created a leadership void which has not been properly filled. Moreover, Guild leadership complains that for the last seven years, RALS has never made it a priority to hire "capable, professional" managers, choosing to bring in people from other County departments instead. They complain that the County Executive does not allow KCACC to build its capacity of knowledge and skill, and that basic decisions which should be made by the manager in consultation with the staff are being made by bureaucrats without input from people on the ground or in the field. They complain that needed positions go unfilled for salary savings. They complain that they are constantly being asked to do "more" with "less." And they conclude that County leadership does not value KCACC. I could not find much evidence to contradict these assertions.

By way of example, while KCACC replaced aging animal control vehicles, they did not replace the animal transport boxes; the old cabinets were simply put on new trucks. These compartments have no ability to ventilate, heat or cool as necessary, present an inefficient transport mechanism (officers must make frequent trips to the shelter, especially during inclement weather), and are inhumane during inclement weather. In fact, Guild leadership reports they still use some of the compartments which were disapproved of in a 1991 review of the shelter by HSUS, over 15 years ago.

As a result, the Guild concludes that they have been asked to go beyond what is reasonable, without being given the necessary support, resources, and infrastructure for meeting the "goals" being set. While there is talk of "better communication" on both sides (management and Guild), during my visit, Guild leadership told KCACC management that the County must come up with a plan to address the influx of animals this summer, or face an unfair labor grievance, citing what they call "a significant change in working conditions because of increased officer to animal workload ratio without increases in staff." This plan is not likely to be done. As a result, the County should prepare to address this potential conflict, which could have major repercussions for the animals in the care of KCACC.

In addition, KCACC management appears to be intimidated by some of the animal control officers. According to three members of the Citizens Advisory Committee, KCACC management admitted to them that any permanent director hired by KCACC would have to withstand physical intimidation and the "threat of physical force" from animal control officers.

According to one of those present:

In what appeared to be an attempt to persuade us that he should be selected as the permanent director of KCACC, Dams said that anyone else who came into that position would have to be “really tough,” because the Guild members regularly tried to bully him, including through the use of physical force or the threat of physical force... He seemed astonished when we expressed alarm at this, and when I suggested that if that ever happened again, he should call the police. I also suggested to him that any officer who was willing to bully him with physical force should not be trusted with either animals or volunteers. He responded that he was trying his best to deal with these issues, but that it was a slow process. I raised this issue with him again during a meeting on January 25, 2008, and he assured me that he had dealt with all of these officers, and that several were no longer with KCACC. However, he declined to provide any details.

I asked for a report as to how many staff members were terminated during the period covered by these incidents. RALS reported that none have. This is troubling. And while KCACC management has not done itself any favors, the reality is that power is concentrated in the County Executive’s Office. Basic decisions have to go up the chain of command to be made by people who lack the knowledge of sheltering to make good choices. But because the County Executive has not built capacity to empower people in the department, even housekeeping decisions are subject to review by higher ups. The end result is that even management is caught in a vicious cycle: It cannot respond to problems, because management has no real authority. But management is unwilling to challenge the County Executive or RALS, in order to retain favor with RALS and the County Executive, where power lies.

Regardless of where these problems originate (many of them, such as failure to provide basic care and lack of follow-up is self-inflicted), the fact that it took the threat of closure to attempt basic systems of oversight is testament to the lack of accountability and lack of concern for the animals that has long dominated the culture of the organization, especially those in supervisory positions, management positions, and in the County Executive’s Office. Fifteen years after the 1992 Advisory Committee, and a decade after the County Executive was assuring the citizens and their elected representatives that the agency was a national model of compassionate care and lifesaving success, the shelter has shown itself to be incapable of feeding all the animals, and may not be in compliance with Washington State Law (RCW 11.04.250(B)) which would require King County to ensure that animals in its care are not subject to endure unnecessary pain, suffering, or injury.

#### **Community Support/Outreach Programs**

The same problems that plague KCACC’s internal processes undermine the success of its community outreach efforts, notwithstanding the enthusiasm of the volunteers. According to the Advisory Committee:

KCACC reported in its 2006 annual report that it had seven mobile adoption locations. However, in response to the questionnaire, KCACC listed only six such locations, two of which are actually operated by independent groups... Numbers provided by KCACC [further] indicate that KCACC is active in just two mobile adoption sites—the Crossroads Petco, from which it adopted 56 animals between July 31, 2006 and July 31, 2007, and the Federal Way PetSmart, from which it adopted 46 animals. At two additional locations, the Covington Petco and the Federal Way Petco, KCACC only adopted three and two animals respectively, during that 12-month time period...

The mobile adoption event for dogs scheduled for the Crossroads Petco was cancelled at the last minute during July and August, because staff was unavailable to attend. KCACC did not provide dogs last month for the mobile adoption event run by Friends of KCAC. According to Friends of KCAC, the PetSmart store in Tukwila, the one closest to the Kent shelter, discontinued its mobile adoption program with KCAC and started working with another group, because KCAC was not dependable enough in delivering animals for adoption.

The primary complaint about the offsite adoption program is the lack of available animals to adequately fill available cages at Petco and PetSmart, because of backlogs in the spaying/neutering of animals. Nonetheless, KCACC management told the Advisory Committee during my visit that the agency was “caught up” on spay/neuter. Not only is this contradicted by my own observations, it is contradicted by volunteers who continue to complain about empty cages at offsite adoption locations, and by rescue groups waiting to take feral cats and other animals who are not available because they have not been sterilized.

Nor has KCACC availed itself of opportunities to augment spay/neuter that exist in the community. The Feral Cat Spay/Neuter Project, for example, offered to assist KCACC with spay/neuter on a negotiated fee-for-service basis, but KCACC management failed to follow-up. When pressed, KCACC management said they were waiting for forms from the organization, which KCACC management already had access to. Meanwhile, every offsite adoption location had empty cages because animals could not be taken there before they were sterilized; and the vast majority of animals in the shelter, even those ready for adoption, were not ready to go home because of not being sterilized.

But failure to provide enough animals is not the most serious problem with KCACC’s lethargic approach to community outreach. The nearby PetSmart store in Tukwila ceased working with KCACC and turned over their ten cat cages to an out-of-county rescue group after repeated KCACC failures to meet its obligations. According to Tukwila PetSmart management, KCACC was not responsible or responsive in managing the relationship. Management complained about failure to show up despite promises to do so, even after managers took the extra step because of past experience to confirm with Sergeants that they were coming the very day they subsequently failed to show up.



*Tukwila PetSmart, near KCACC's Kent facility, and a former KCACC partner adopted out 116 cats in 2007, none of them from KCACC. The cats belong to an "out of county" rescue group because KCACC failed to work effectively with the store.*

This is no way to treat businesses in the community who can play an important role in lifesaving and do so on a subsidized basis. It is failures such as these that call into question the ability to succeed, even with more resources. As a result, the 116 cat adoptions which occurred in 2007 at Tukwila's PetSmart, only two miles from the Kent shelter, belonged to an out-of-county rescue group.





*Empty cages at a KCACC offsite adoption location are a lost opportunity for lifesaving. Volunteers report this as an ongoing problem.*

Moreover, in a February 9, 2006 letter to KCACC from Reber Ranch, a general merchandise and pet supply store, which also provides an offsite adoption location for KCACC animals, store administrators complained about promising their customers adoption days, “only to frustrate customers that have shown up ready to adopt” because KCACC failed to show up. As a result, that program was also threatened with closure. Thankfully, a customer of Reber Ranch stepped in to salvage that program, which might have gone the way of the Tukwila PetSmart.

While Reber Ranch is currently very successful, the program largely hinges on the nearly full-time selfless devotion of one individual who calls herself an “independent” volunteer, as opposed to a KCACC volunteer. Given the lack of KCACC systems and its lack of active participation, however, the program will suffer if she leaves as there has been no contingency planning for the future, and her “draft” policy manuals have not been acted on by management.

### **Volunteers**

In many shelters, volunteers are the eyes and ears for the community. Unlike members of the public, volunteers visit regularly and are able to see and try to correct recurring

problems. When volunteers are absent, the animals are totally reliant on staff. And given the high staff-to-animal ratio at the Kent shelter, and a system of oversight by Sergeants that can only be described as lethargic at best, lack of appropriate care is of great concern, even under the best of assumptions (a hard working staff doing their very best.)

However, in King County, the volunteer program is in trouble and has been since its inception, despite KCACC claims to the contrary. A successful volunteer program requires communication, protocols, support, and appreciation. None of these things exist in program. First, despite repeated requests to have orientations in the Crossroads-Bellevue area rather than only at Kent, KCACC management ignored these requests (until recently when the Citizens Advisory Committee asked Council to consider going out of the sheltering business). Second, orientations at Kent were infrequent. In addition, the orientations were held at 5:30 pm on weekdays which made it difficult for working people from the Bellevue area to make it because of distance and traffic.

Third, it is difficult to become a volunteer. One complainant, in a theme echoed by others, indicated that it took three months from approaching the agency before KCACC responded, and this was only after persistent contact. Another complainant in August of 2007 indicates his frustration:

I finally have found out today that I would have to complete a class in order to volunteer.... Their next "class" (60 minutes) isn't until JANUARY.

Another reported: "It is very difficult to become a volunteer. I had to pursue them for a chance. It would be summer before I'd be able to get into a dog walking class. It needs to be easier for someone who is willing to help." Yet another stated this year: "I work right down the street from the Kent kennel so it would be right on my way home... I just really don't want to wait a month to get started..."

Fourth, after going through "orientation," volunteers are given neither expectations, agreements to sign, nor any policies in writing. As one noted, "At a local museum, volunteers get two weeks of training and a sixty page volunteer manual. At KCACC where volunteers are dealing with live animals, and life and death issues are at stake, we received neither a manual nor training."

Fifth, volunteers report that they are under a huge amount of stress because they observe inhumane conditions every day, are intimidated by the staff, and feel that the "higher ups" are blind to their complaints. Volunteers, for example, reported the following:

- An officer using "excessive force" on a cat by lifting the cat by the neck using a control pole, kicking the cat, and swinging the cat onto a counter to the point that the cat bled and urinated on the counter. Volunteers also reported blood

on the food and water dish, and the officer's refusal to provide care to the traumatized cat;<sup>5</sup>

- A dog with bloody urine and diarrhea left to languish in his cage for five days despite promises of care by officers;
- A dog convulsing in his kennel in his own feces with no care and volunteers too intimidated to approach officers because of past experience.

These volunteers and staff members report that recent changes, like putting grates over the gutters to avoid cross contamination of fecal matter, have been requested for years with either no response from management or vague claims that “we are working on it.” More than one staff member described how the cats used to cower because they were housed in the stray dog area and were subjected to constant barking. They described asking KCACC management for years to move the cats out of there, but were continuously rebuffed. When one staff member saw that it had been done on the eve of my visit, in what she described as an act of self-protection by management rather than actions for the care and well-being of the animals which have been long ignored, the staff member began to cry.

According to one organizational respondent, in a theme echoed by many others:

Our largest concern is lack of initiative and motivation to create and sustain programs that are lifesaving. In addition we don't feel they maximize the services that are available within the community to help them increase the number of animals that are saved. We see this in part as a lack of commitment within the Executive department in setting real measurable goals and priorities of saving the lives of animals...

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<sup>5</sup> Staff must be taught how to handle, restrain, and transport animals, including “fractious,” feral and aggressive animals, and recognition between them. Once taught, they should be held accountable to those standards. This will allow the staff to better assess the temperament of the animals and apply the most appropriate type of restraint as necessary for each situation.

Moreover, control poles are designed as a defensive or protective safety tool for guiding “fractious” animals. They are not intended, and should not be used, as they appear to be at KCACC: as a matter of routine, convenience, speed, and for employees who “fear” the animals with no objective basis for doing so. The repeated use of control poles cannot be a substitute for professional animal handling, restraint and transport skills. Although staff safety is a priority, so is the humane handling of animals, neither of which is exclusive of the other.

As one national organization has indicated:

An animal handler's most important tool cannot be found in any catalog. By far, the greatest asset to animal handling staff is knowledge. Personnel trained in animal behavior and humane handling can ensure that they are handling animals—and employing equipment—in the safest, most humane manner possible.

This training does not exist at KCACC.

Our other concern is a commitment and ability to sustain programs that are implemented.

Writes a volunteer: “All the injustices we see that happen to the animals, breaks our hearts. Many people have quit because it’s so painful. I have come close to quitting myself but then I see the pain that these animals are suffering and they need to have advocates so we must put our feelings aside and show up to help them as much as we can.” Others have chosen to look the other way in order to continue to help some animals and because they fear having their other volunteer privileges suspended.

Given that KCACC staff do not keep cages clean, ensure that all animals have food and water, treat sick animals without allowing them to suffer without care for prolonged periods of time, and other basic issues which should be the norm at any shelter, it becomes difficult to foresee sustainable success or the meeting of Council targeted save rates. According to a volunteer:

These are basic animal care that all the animals deserve. We are not asking for luxurious care for the animals, but basic humane care, so more animals have their chances to find homes.

In a 2004 e-mail, one volunteer summarized it this way when asked to make a list of changes volunteers would like to see:

From my vantage point I don’t know what good that would ultimately do. We have no power to enforce the requests, and although I’m sure that we’d be told that they would work on implementing some of the changes I’m not at all confident that any of them would actually happen. So far we’ve heard a lot of promises, but have not seen any results... the entire program is in disarray, and I’m uneasy about the reception volunteers are getting from the staff. Volunteering is something we do for enjoyment and it’s hard to justify doing something that goes not only unappreciated, but is met with barely-disguised hostility. I was able to overlook it for several months, but it finally got to me... [Having said that,] I would be willing to make one last-ditch effort to meet and see where it goes.

It went nowhere. The problems still exist. The volunteer does not. Another reported that he “stopped volunteering at the Bellevue shelter because I just couldn’t stand to see the things that were going on” describing an environment of “total lack of caring for the animals” and open-hostility toward volunteers.

Relationships with the King County Sheriff’s Office (“KCSO”) are poor, relationships with the Feral Cat Spay/Neuter Project are poor, relationships with the Humane Society of Seattle/King County are poor, and even Seattle Animal Control has little faith in shelter leadership. It seems that only the Humane Society of the United States, an organization with a long history of providing political cover to poorly performing shelters, continues to believe that KCACC is salvageable.

Three organizational members of the King County Advisory Committee (Coalition for a No Kill King County, Feral Cat Spay/Neuter Project, and Friends of KCACC) wrote a November 9, 2007 letter to the Council also expressing their doubts:

It is our sad conclusion that the only realistic way that conditions for King County's animals are going to improve is if they are cared for by a competent and proven humane organization, with a track record of success in achieving low rates of euthanasia.

Through our work with Friends of King County Animal Control, two of the undersigned have struggled for years to improve conditions at KCACC, and our efforts have been continually rebuffed and obstructed by KCACC management and the King County bureaucracy. For example, attempts to expand the volunteer program through memorandums of understanding with the Guild are nothing new. In fact, several potential roles for volunteers that were discussed in the November 5 [2007] meeting with Council's Committee of the Whole, such as bathing dogs and taking animals to offsite adoption venues, were programs that were in place around 1999-2000, but then those volunteer "privileges" were revoked, because they were dependent upon informal agreements and were never memorialized in the Guild's contract....

Instead of an acceptance of responsibility for the "deplorable" conditions noted by the advisory committee, we have seen futile attempts to portray the failing KCACC program as a success...

It seems clear to us that within the current county structure, the No Kill goal set by council stands very little chance of being achieved. In fact, the executive staff proclaimed as much in its recent operating plan, when it openly declared that KCACC could not achieve the euthanasia targets set by council, making a cynical and transparent attempt to place responsibility for KCACC's failings on the King County public and local humane organizations. It is telling that when faced with the advisory committee's findings that the KCACC shelters were "deplorable," the executive responded with the inexplicable conclusion that the real problem was a lack of public compliance with the county's animal licensing scheme. Bizarrely, the operational plan's top recommendation was for zero-tolerance licensing enforcement against the public, despite the fact that this approach has no demonstrated success in lowering euthanasia rates, and this recommendation is to be found nowhere in the advisory committee's exhaustive report. With this punitive enforcement scheme, it is almost as if KCACC is trying to alienate the citizens within the community who could best assist in achieving No Kill success.

During the course of this latest scrutiny, a volunteer was suspended after she assisted an officer in providing relief from chronic ear mites to a dog at the Crossroads-Bellevue shelter. To "prevent" these "problems," KCACC management and RALS leadership announced with great fanfare that they negotiated a Memorandum of Understanding

("MOU") with the Guild which allows volunteers to clean, do laundry, and perform other basic care functions, and then asked volunteers to keep to these limited tasks.

Unfortunately, the MOU is only in existence by mutual consent of the parties and the Guild can revoke it at anytime. According to Friends of KCAC and other long-term volunteers, these "privileges" have existed in the past, only to be revoked, citing active volunteer programs in 2000 and 2003 which were disbanded by the Guild. They cite KCACC management's failure to build these agreements into contracts or to adequately protect volunteers with a clause that the agreement cannot be unilaterally revoked.

These concerns aside, the ink was barely dry on these "new" volunteer rules requiring volunteers to keep to carefully delineated tasks, when officers at Crossroads began delegating tasks to volunteers that they did not want to do, which were contrary to the new rules. According to volunteers,

[The officer was] asked to assist a family who was interested in adopting a dog but wanted to know if the dog was good with cats. [The officer declined saying] "I don't like to do the cat test. Just bring the dog into the cat room and see how she reacts, or tell the family to be extremely careful when introducing the dog to their cats..." [The officer] then went back to chit-chatting with the other officer. I was stunned.

The family left without the dog. Once again, policies and practices diverge and management promises of change go nowhere.

In addition, new rules required kennels to be cleaned two times a day instead of one due to volunteer complaints that dogs and cats were in filthy kennels/cages and many were out of water and left without any all night. Not days after that policy was announced, volunteers reported the following:

[We] walked the dogs last night and at least 2 of the kennels were totally covered with poop and one other one had some poop but wasn't totally covered... [A dog] had knocked his water bucket off the door and it was empty—when I filled it up, he drank about  $\frac{3}{4}$  of the bucket which is a lot of water for a dog to drink at once.

Indeed, e-mails dating back to 2004 (and verbal reports going back to 1999) by many different people provide a record of such gross neglect of Crossroads-Bellevue by supervisors and KCACC management that volunteers have long complained of staff members who "play cards, watch TV, surf the internet, read paperbacks, or sit in the truck outside the shelter for long periods of time with the engine (and AC or heater) running." In their attempts to improve the situation, they have been told that they face a termination of either their service or the volunteer program.

According to volunteers, this is enforced with deception, threats, profanity, screaming, favoritism, and intimidation. Trust is irreparably broken. The most interested

stakeholders in the community (Advisory Committee, volunteers, other shelters, rescue groups, law enforcement, even line staff) have no faith in KCACC and feel “burnt out,” “heard it all before,” “done with it,” “you can only beat your head against the wall for so long before you decide it’s time to move on.”

The frustrations are summarized in a letter to the Council signed by 15 volunteers:

For many years, we have struggled to make small gains in the treatment of animals at KCACC, and to push King County into making greater efforts at placing its animals in loving homes. Although we have made some modest progress, each tiny improvement has been hard fought, and achieved despite the many roadblocks placed in our path by the management and staff at KCACC. We have persisted for the sake of the animals, but it has been indescribably painful to stand by and watch, largely helpless, as so many animals in the KCACC shelters suffer and are needlessly killed.

As volunteers, we have witnessed mistreatment and neglect of animals at the hands of KCACC staff, which we have detailed in many previous emails and letters that we have sent to members of Council, as well as statements made to the Citizens' Advisory Committee. However, more often, we have witnessed a simple lack of commitment to the welfare and lives of these animals, on the part of KCACC management and certain members of the staff. This lack of commitment to animal welfare has manifested itself in a lack of attention to make sure the animals receive prompt and appropriate medical care, a lack of concern over whether animals are kept in clean cages with adequate food, water and exercise, and a lack of effort to try to place animals outside the shelter into new homes...

KCACC attempts to restrict the tasks that volunteers can perform, even when it is clear that the staff is not able to perform to a level to ensure the comfort of the animals. KCACC has also consistently failed to take advantage of opportunities to place animals through offsite adoptions, canceling at least three offsite adoption events this year, after volunteers had already shown up to staff the events, and failing to take advantage of untold other offsite opportunities.

It is also very frustrating for us to watch as KCACC's attitude toward volunteers and offsite adoptions is misrepresented to the council, as happened in the 11/5/07 hearing in front of the committee of the whole. During that hearing, KCACC ... stated that only one offsite event had been cancelled this year, and that this issue had been resolved. [They] also seemed to take credit for the success in offsite adoptions that has been achieved almost entirely as a result of volunteer efforts, *in spite of* KCACC roadblocks....

A group of volunteers has consistently complained about KCACC's failures, and recently presented KCACC with a proposal that would allow volunteers to staff an increased number of offsite adoption events. However, after more than six

weeks, we have still heard no response from KCACC in regard to our proposal. Although [KCACC and RALS] initially seemed anxious to meet with us to silence our complaints, they have followed a consistent pattern in failing to follow up on that meeting, or to make any corrections in KCACC policy as a result of our concerns...

As a result, we urge the council to consider seriously the option of discontinuing county-run sheltering services. Obviously, our support of this alternative is conditioned upon other organizations being willing to step in and run the county animal shelters, and on these organizations being committed to providing a high level of animal care, and to making a genuine effort at placing animals into homes.

We are convinced that the problems with KCACC run so deep that this is the only way that things will ever really change for the animals. Please help us to help those who have no voice, and who have been left to suffer in silence at the hands of the King County bureaucracy.

In a further e-mail to RALS leadership, volunteers wrote:

We were informed that if these complaints continued, volunteers may no longer be allowed to come to Crossroads on the weekends, because we were causing too much trouble. It is statements like this that make us afraid to come forward with a formal complaint, because we know that the animals will suffer if we are banned from the shelter.

They further state that KCACC management “would not commit to protecting us if we were to come forward.” The shelter does not belong to the County Executive, RALS, KCACC management, or the Guild. The shelter belongs to the citizens. They are the ones who fund it with their taxes, they are the ones whose values are supposed to be reflected in the organization, they are the ones in whose name killing is being done in, and they are the ones who should have the right to participate, with reasonable conditions to ensure the proper administration of government services, in the affairs of this community agency.

To have created or allowed a system of intimidation, to have given a Guild power over the ability of people to help save animal lives, to have created the environment by which citizens are afraid to report mistreatment and neglect, and to have allowed such an environment to fester as KCACC management and RALS clearly have, is troubling and should not be allowed to continue.

Fifth, volunteers complained about the lack of systems, trainings, and protocols. They report unresponsiveness from some staff, and responsiveness from others, who then become overburdened because they have to shoulder much of the work. Volunteers complain that KCACC is simply not utilizing the skills and resources available to them by virtue of the community including philanthropic minded companies like PetSmart, Microsoft, and others.



They complain about non-responsiveness from KCACC management and RALS. They also complained that they begged KCACC management (going back four managers) to take the cats out of the dog stray area because of stress, and was told by all of them some variant of: “We’ll check into it,” “We’re working on it,” “We’ll get back to you.”

As a result, volunteers are often left in perpetual limbo. Foster parents complained that there is no proactive follow-up to ensure animals are getting care and moving into homes. Many of them complained that while they refuse to bring animals back to shelter because of high rates of illness, they are not given the tools to find them homes,<sup>6</sup> contrary to claims made to me by both KCACC management and RALS, before I became involved for this review. During a telephone meeting with KCACC management and the Interim Assistant Director of RALS, I was told that the processes and strategies to find homes for animals in foster were “already in place.” This claim is misleading.

One volunteer was recently “suspended,” on the heels of a confrontation with an officer over her public complaints about the state of the shelter. The officer questioned her as to whether she complained to me and the KCACC Advisory Committee, and then was told that “we” were “trying to close the shelter” and that “officers are going to lose their jobs.” She claimed that this would be the fault of the volunteers.

The “official” reason given for her suspension was that she provided medication to a dog, which violates KCACC’s contract with the union representing KCACC staff, even as it was made clear that another officer had treated the dog and she assisted at this officer’s request. (It should be noted that the dog had “painful and bleeding” ears and went days without treatment.)

According to the volunteer:

I have also been outspoken about the abuse and neglect I have witnessed at the Crossroads shelter. In 2006, I joined a group of volunteers who lodged a complaint about an animal control officer who swung a cat around by the neck on a catchpole. In early 2007, a group of us protested the fact that a sick kitten was allowed to suffer in the shelter without veterinary treatment—so that by the time a volunteer took the kitten out of the shelter to his own veterinarian, it was too late to save her. Also in early 2007, I protested when shelter staff adhered to its “one blanket only” policy, even when the Crossroads shelter lost power for three days, and a litter of puppies was left with only a single blanket to separate them from the near-freezing concrete. Last August, I complained when an elderly service dog I had offered to foster was kept in the animal control truck for at least four-and-a-half hours, on a day when the outside temperature was 81 degrees, with no air conditioning, and no water.

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<sup>6</sup> For example, KCACC volunteers upload pictures of animals available for adoption onto Petfinder, a third-party website used by shelters to promote adoptions on the Internet. Some volunteers who know about this upload photographs of their foster animals, others who were never told about this do not.

Throughout the whole time I have volunteered, I have spoken out about instances of neglect that are all too routine: animals left without water; dogs forced to live in tiny kennels without beds or regular exercise; animals kept for hours in the animal control truck under extreme weather conditions with neither heat nor air conditioning; the inappropriate and unprofessional conduct of many animal control officers; and the inadequate and infrequent cleaning of cages and kennels. For years, Crossroads volunteers have also complained about animals who are forced to suffer at the Crossroads shelter without appropriate veterinary care....

For my efforts to help the animals, I was “suspended” as a KCACC volunteer on Saturday. The stated reason was that I had violated shelter policy by giving ear mite treatment to an Afghan Hound who had been suffering in the shelter for a week with painful and bleeding ears. I was told... that this violated shelter policy because no animal could be given medical treatment while on stray hold, and no animal could be given medical treatment until it was seen by the shelter vet (who has been absent for weeks.) If these stated reasons weren’t troubling enough, the charges weren’t even true—all I had done was assist another [Animal Control Officer], while he cleaned out the dog’s ears and applied ear mite medication....

The public does not see or hear the cries of the dogs and cats who suffer and are killed in KCACC shelters every day. Volunteers are often the only voice these animals have. But now, KCACC is attempting to silence that voice by firing volunteers who dare to speak out, and intimidating those who remain.

In fact, this firing was used to intimidate volunteers who, in a January 23, 2008 letter to the Council, stated that they “have been told by officers here that [the volunteer] was ‘fired’ for publicly questioning KCACC’s policies.” The chilling effect resulted in the following conclusion of *twenty-three* volunteers who signed on to the following letter:

As a result of what we have been told by the animal control officers, those of us who remain feel that we cannot speak out about what we see at the shelter, or we, too, might be banned from volunteering. Although all of us want what is best for the animals in the long term, we worry what will happen to the animals in the short term if the volunteers are all kicked out.

Without the Crossroads volunteers, the dogs in the shelter would never escape their tiny kennels for walks, and the cats would not receive any socialization. We also perform a variety of other essential duties, such as posting adoptable animals on Petfinder, staffing mobile adoption events, and providing foster homes for sick, underaged, or elderly dogs and cats. Perhaps most importantly, we feel that the volunteers serve an important “watchdog” role at the shelter. We are constant advocates for the animals, making sure that their basic needs are met.

We also feel that just our very presence at the shelter ensures that the animals are treated with greater level of care and compassion.

The volunteers requested that their names not be divulged to KCACC or RALS for fear of reprisal. Given past experiences, volunteers correctly predicted that this incident with the suspended volunteer will be labeled a “miscommunication” or “misunderstanding.” In fact, they are no such thing. They are a pattern of conduct which both KCACC management and RALS have allowed to fester in the hopes that flippant comments about “valuing volunteers” and promises of an “investigation” will placate complainants, produce enough of a paper trail to provide political cover, and with the hope that problems will go away through inaction. Under pressure from outside scrutiny, the volunteer was reinstated. This result is, however, the only example RALS could point to in order to show that they do reply to investigations of misconduct, despite repeated requests to management which result in inaction.

Moreover, in response to repeated complaints from volunteers, KCACC management finally set a date for a meeting to discuss the volunteer program. The self-described “visioning” meeting was cancelled at the last minute and no effort was ever made to reschedule it. This occurred after several offsite adoption events (e.g., July 8, 2007 and August 12, 2007 at Bellevue Crossroads Petco) were cancelled without notice to volunteers who set aside their own time and schedules to help the shelter. As a result, volunteers set forth a plan for offsite adoptions which was submitted to KCACC management for review and comment, on September 26, 2007. They never received a response.

Two volunteers report repeated e-mails to KCACC management asking for action on their proposed plan, again with no response. Less than two weeks later, volunteers were asked to help at an event at Macy’s. They showed up; KCACC staff did not. Once again, the event was cancelled with no notice to the volunteers, no appreciation of their time, and no regard for the animals.

This was another recurring theme in the evaluation. The vast majority of public and organizational assessment received which addressed the issue reported lack of faith in either KCACC management or leadership at RALS, which is seen as denying that problems exist, promising investigations which often fail to materialize, and assuring the community that the agency is a national model saving all “adoptable” animals.

Although one volunteer claimed the recent MOU is a success, this particular volunteer is a “favored” volunteer, giving him privileges others do not have. Similarly, some volunteers are allowed to “medicate” animals, others (those who publicly criticize the shelter) are not. There appears to be two sets of rules, one for volunteers as a whole, and another for favored volunteers who do not criticize the shelter or question authority. There are several examples that what volunteers can and cannot do is not principled, but based on favoritism with supervisors.

In other words, those volunteers who do not complain and do not go public with concerns are given greater freedoms and allowances than those who practice their constitutional rights to petition government for a redress of their grievances. At the extreme end, one volunteer was “suspended” after expressing her views to the Advisory Committee, to me, and to others. On the other end, other volunteers are allowed to diagnose and medicate animals (which is contrary to law) because they have not publicly complained about the agency.

While several of the volunteers expressed support for staff, describing them alternatively as “caring” and “hardworking,” very few described the program as well-run. As a result, their support of staff did not translate into satisfaction with KCACC’s volunteer program or its ability to meet the needs of both the program specifically, and the animals as a whole.

In addition, those most supportive of the program tended to be those volunteers who were “favored” by supervisors and had privileges the vast majority of volunteers did not, and therefore do not fairly represent the breadth of discontent with the program. Moreover, with one or two exceptions, most of these volunteers were relatively “new” volunteers, meaning they did not have the full range of negative experiences with KCACC’s treatment of both volunteers and animals that tended to come from those volunteers who have been with the agency the longest.

Finally, not only is the MOU revocable, volunteers complain that they have not made aware of it, while long-term volunteers claim that this type of “agreement” has been in place in the past, only to fall by the wayside at the first sign of stress or when public scrutiny subsides. As of March 12, 2008, weeks after it was promised, a clear set of written guidelines for what volunteers can and cannot do has still not been produced, or provided to all volunteers.

The failure on the part of KCACC management to follow-up to concerns is part of an ongoing pattern. A volunteer who is also a Microsoft employee writes that he had contacted KCACC management and “offered to evangelize the foster and volunteer programs at Microsoft via fliers in buildings and through newsgroups.” He did not receive a reply or follow-up. The enthusiasm of the volunteers is being mismanaged; although no data is kept, all parties report a high attrition rate among volunteers. And these problems spill over to the community organizations who can also assist the shelter and augment the services provided to animals and people in the community.

The Feral Cat Spay/Neuter Project, a nationally respected feral cat organization, has declined to participate in the proposed TNR pilot program with KCACC because of onerous registration requirements, which most national feral cat groups oppose, and because they conclude that the plan, as it relates to feral cats, “fails to offer any meaningful programs or resources to reduce the killing of free-roaming cats.”

One measure of KCACC’s loss of community support is its relationship with Friends of KCAC. In most communities, the Friends of the animal shelter group tends to be the

most supportive of the agency, even if the agency has lost favor in the eyes of other animal welfare organizations in the area. The poor relationship between KCACC management and the Friends of the KCACC organization is therefore very telling.

Friends of KCACC was set up to augment financial and other support for KCACC in order to expand the safety net of care for impounded animals. The Friends group raises money for KCACC animals and has paid for veterinary services, flea control, cat cages, all the beds for dogs in the shelter, Kitten Milk Replacer formula for orphaned kittens, and other supplies. Friends of KCACC has also supported the foster care and offsite adoption programs as well.

According to the group, over the years they have attempted to work with KCACC management on improving animal care and coordination between the two groups to no avail. As a result, the relationship became strained, especially over KCACC's failure to follow simple protocols, promises of changes that either never materialized or changed for a time but due to inadequate oversight, reverted to the status quo.

For example, despite claiming to have saved all "adoptable" animals since 2004, KCACC determined that animals with fleas were not suitable for adoption placement (and were therefore not "adoptable") but made no effort to purchase flea treatments for the cats, citing lack of funding. In 2005, Friends leadership learned of an Animal Benefit Fund totaling nearly \$500,000 made up of donations from members of the community to augment KCACC funding. Nonetheless, despite a continual accumulation of funds, it had not been tapped by KCACC management through a proposal for spending to the County Council. After learning of the Fund, Friends leadership requested that KCACC management use some of the funds to buy flea control, formula for underaged animals, and other necessities. The request fell on deaf ears. As a result, Friends of KCACC decided they would purchase prophylactic flea treatment for animals themselves rather than see animals either continue to suffer or be killed.<sup>7</sup>

Finally, the Friends group also worked to set up and staff offsite adoption venues for KCACC, but KCACC staff frequently failed to show up. At the present time, the relationship is virtually non-existent except when the veterinary technician calls for help on funding care for a particular animal—care the Friends group has never refused.

Other groups share these concerns. According to the Advisory Committee:

Rescue groups that take animals from KCACC report that they receive inconsistent responses to offers to take animals, and cannot depend on KCACC to return phone calls and cooperate in setting up transfer logistics.

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<sup>7</sup> The Friends group also reports that they bought trees for landscaping to beautify the outside of the Kent shelter and then were prohibited from watering and caring for them due to "union" or "county" rules. Much of the landscaping and trees have perished.

But as indicated earlier, five months after the Advisory Committee report, a local group expressed frustration that KCACC was not availing itself of the opportunity to work with groups noting that “animals are getting sicker the longer they are in there... I would like to help the animals but if we are to work together a process must be established and adhered to.” (Another reported that “it often took over a week to get telephone calls about particular animals returned, often they were not returned at all.”)

### Lack of Systematic Planning

There is no doubt that in terms of both staffing and animal care, KCACC has tremendous needs which are not being met, but it is unlikely that solutions will be found in the process KCACC management is currently undertaking to “fix” the problems. Fundamentally, the process calls for thoughtful, concerted, and systematic planning, which does not appear to exist.

The assignment of a second officer at Crossroads-Bellevue provides an example of the uncoordinated nature of the “improvement” process being undertaken by KCACC management. During the course of their evaluation, the U.C. Davis team recommended a second officer at the Crossroads-Bellevue facility according to KCACC management. Although volunteers have been requesting this for years, no action was taken until recently.

There is no doubt that both the Kent shelter and the Crossroads-Bellevue facility could benefit from additional staff; however, it should be noted that given the number of animals at Crossroads compared to the Kent facility, the disparity is very problematic. At Kent during my visit, the ratio of staff to animals was approximately one officer for every 35 dogs and one officer for every 53 cats. This number is significantly higher during the summer. At Crossroads, given the two officers, the ratio was roughly one officer for every 10 dogs and one officer for every six cats at Crossroads.

This is an example of KCACC management trying to appease and respond to multiple reviews by different analysts, rather than putting into place a thoughtful, cohesive, and systematic effort to actually improve the agency. It is an example of covering up problems, rather than discovering how to truly and effectively “fix” the agency going forward. Differing perspectives might well prove useful. However, it is the job of KCACC management and the County Executive to synthesize the recommendations into a cohesive strategy for success.

By way of another example, the local representative of the Humane Society of the United States did a cursory review of the shelter and offered recommendations for change. Although this individual has never run a shelter with a save rate close to Council-set targets, she is nonetheless being used as an “expert” by KCACC management to help set policy for the shelter (see also the February 2007 County Executive’s report on improving delivery of animal cruelty enforcement processes). In addition, the Advisory Committee is made up of members with differing backgrounds and the process of consensus building and majority-rule resulted in a series of recommendations which do not always mesh with other recommendations, but which

KCACC management claims it seeks to implement. Moreover, KCACC will also shortly be subject to review by the King County Auditor, who will also offer a series of recommendations. A veterinary team from U.C. Davis recently reviewed the shelter and a report on their findings and their recommendations is due by the end of this month. (It should be noted that KCACC management already has a copy of their preliminary report.)<sup>8</sup>

By way of another example, in response to complaints about facility problems at Kent from multiple sources, in September 2007, KCACC management told the Advisory Committee that KCACC was going to,

grind down the current concrete floors and refinish them later this month... [but that] there were no plans to move the animals out of the shelter during this process, and conceded that [management] had not consulted with any sheltering experts regarding the work to be done, and had not developed a strategy to mitigate the impact on the animals during this work.

Others have questioned why this was being done, since it did not “constitute much improvement over the current shelter floor,” and more serious problems were being ignored. Without a process to integrate information from disparate individuals and organizations, with differing philosophies and experiences, and including some with open hostility to the No Kill enterprise, the “appeasement” philosophy by KCACC management of trying to be all things to all people, will doom the effort.

### A Cautionary Note

This is further complicated by the fact that some of the agencies involved have a bias against the No Kill philosophy and are not progressive in their orientation. In a wrap-up meeting with KCACC management, for example, the U.C. Davis veterinarians cited the Lied Animal Shelter in Las Vegas as a cautionary tale of problems associated with trying to achieve No Kill too soon.

At the Las Vegas shelter, a wholly incompetent and uncaring shelter director refused to vaccinate animals on intake, failed to practice basic husbandry, refused to treat sick animals, failed to isolate sick from healthy animals, failed to clean and sanitize, allowed animals to languish with illnesses and injuries, and failed to put in place the programs and procedures which vastly increase adoptions, redemptions, transfers to rescue groups, and overall lifesaving. The Lied Animal Shelter is now killing dogs and cats after only 72 hours and officials there claim they are doing so based on the recommendation of the HSUS team, which included the two veterinarians from U.C. Davis that led the KCACC study and whose report is pending. This not only replaces one poor process with another, it even violates HSUS’ own longstanding recommendation that shelters should

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<sup>8</sup> RALS has also been negotiating with me to further review the shelter and offer a series of recommendations to meet Council set target save rates. While these negotiations were suspended during the course of this analysis, in light of my findings, it would not be a good use of taxpayer funds to continue these negotiations since the prognosis for success appears to be grave.

hold animals for at least five days. As a result, the U.C. Davis veterinarians informed KCACC management that they need to follow a “one dog per kennel” standard to avoid epidemics of disease and they claimed that this was the industry standard. This is not true.

First, the experience of the Lied Animal Shelter does not offer a cautionary tale of underlying problems with the No Kill philosophy. Rather, it is a story of institutional incompetence and underscores the problems associated with failure to adopt systems of accountability and care, as it relates to an agency’s intake, redemption, transfer, and adoption programs, as well as vaccination, cleaning, handling, disinfecting, and other medical programs.

Second, modern progressive shelters are moving toward group housing of dogs, because as social pack animals, dogs tend to do physically and psychologically better in shelters when they are housed in groups. Many of these administrators would recommend group housing dogs even without constraints of space because of these benefits. In addition, because “stress” is a leading indicator for susceptibility of the disease, group housing—if done properly—results in reduced stress levels, and therefore greater resistance to disease.

There is no question that KCACC has set itself up for epidemics of disease. There is no disagreement with the U.C. Davis veterinarians on this point. All it would take is for one dog to enter the facility and break with parvovirus, and the illness can easily sweep through the facility. Moreover, KCACC is not compatibility testing the dogs before housing them together which can raise stress levels if the dogs do not get along with one another, can lead to resource guarding of food which would prevent some dogs from eating, and has resulted in periodic fights. This is the result of the County Executive’s failure to build capacity with agency staff. As a result, KCACC staff is ignorant of basic animal behavior.

Staff admitted that dog fights occur, and it is not rare to find blood in the kennels. But rather than put in place the systems necessary to alleviate these problems, KCACC does not want to expose problems, for fear of public scrutiny. Capacity building (e.g., discovery of new ways of co-housing animals) is not valued, because it comes with a risk of public exposure. This sets the animals and the agency up for failure.

Where U.C. Davis and existing successful No Kill shelters would be at odds, however, is with the proposed “fix.” U.C. Davis’ recommendation punishes the victim, it doesn’t solve the problem. The solution is not to kill dogs to keep one dog per run or even creating “immune barriers” by keeping every other cage empty (unnecessarily cutting capacity in half through mass killing as some of them have recommended to other shelters, like the Dane County Humane Society in Madison, WI), the answer is to correct the problems on the front end (vaccination, cleaning, disinfecting, handling, behavior/compatibility assessment, community outreach and exit strategies) so as to maximize the number of animals in environment, while reducing disease indicators, and improving save rates.



The problem has less to do with the fact that KCACC group houses dogs than its total failure to put in place basic principles of animal care and husbandry—and the problems associated with the absence of these principles are magnified or exacerbated when dogs are group housed. It is therefore imperative that these systems be put in place, rather than kill dogs to reduce the numbers in kennel. Not only does killing dogs as a prophylactic to prevent them from getting sick so a shelter doesn't have to kill them pose a logical contradiction, it is ethically bankrupt.

It is not its attempts to meet a No Kill goal that has resulted in KCACC's problems, what KCACC is suffering from is a willful failure to procure adequate funding and resources, an outdated facility which the County Executive failed to modernize, and a failure to put in place and then enforce basic systems, competency, accountability, and thoughtful and committed leadership.

To U.C. Davis' point, it is unlikely that the agency under the current leadership, with the current supervisory oversight structure, with the inadequate resource allocation, with a decade of mismanagement by RALS and the County Executive, will ever fix those problems. But the answer is not to kill the animals. It is finding an agency or structure with the competency to do it. At the end of the day, the goals are not only achievable, they are not very complicated.

Furthermore, it is not that Crossroads-Bellevue won't find benefit from a second officer, even though the full potential for improvement will likely be mismanaged because of lack of oversight, accountability, systems, and hostility to community-based support like volunteers. But the reality is that there are so many priorities at Kent calling for staff attention that it is difficult to reconcile the fact that giving the Crossroads-Bellevue shelter the benefit of a second officer is a greater priority than more staff at Kent, when it has only a fraction of the staff-to-animal ratio as does the Kent facility.

#### Crossroads-Bellevue: Before and After

Nonetheless, I did find the Crossroads facility cleaner—but not clean—and staff were putting dogs in the outside dog pens for stimulation while I was there, giving them a much needed respite from the small kennels of the makeshift animal shelter. And as indicated earlier, volunteers were socializing cats while I was there, and there was at least one volunteer dog walker.

In addition, all the trash which had piled up outside in and around the shelter and its parking lot was largely removed, although the large number of cigarette butts remained. According to several volunteers, this occurred just prior to my arrival:

Inside of the shelter, [staff] were working so hard to clean up everything. I mean everything. Taking lots of garbage out from the shelter (dumpster was over flooded with the garbage/junk they took out from the shelter), cleaning up nasty buckets full of rain water sitting outside, taking out junk in the cat room cabinets (they used to be full of unused blankets, expired cat food, etc.), cleaning the vent

of the dryer (used to be full of lint), fixing outside dog pens (both pens had holes so we couldn't keep the dogs in the pens until today), all the cats suddenly had beds, toys, wet food, etc. and all the dogs had blankets and water. Please note that this has never happened before. There were always nasty kennels, animals without water/food/litter/blankets, and the shelter was always full of junk. The "cat isolation room" (which they haven't used even though they call it the "Iso room") used to be a storage room full of junk. Today, they cleaned it out....

This has never happened before ... because you are coming. If they could do it today, why didn't they do it before? Keeping the shelter clean and having clean kennels, water/food, etc. are the basics of their job and these were the things many volunteers kept asking for so many times, because it was always missing.

The difference between a "typical" day and a day when the shelter is subject to outside review was a recurring complaint in my review. For example, two members of the KCACC Citizen Advisory Committee reported that in an unannounced visit to the shelter, "the smell of urine was overwhelming. Litter boxes were caked with urine, so that in many cases, there was no loose litter left in the box." During the time period that the U.C. Davis visit was occurring, they reported that the shelter "was vastly improved from the week before."



*Dog being given a respite from his tiny kennel at Crossroads. Volunteers report holes in the fence were repaired on the eve of my arrival which would allow dogs to be put outside for fresh air.*



*Before & After: The outside of the Crossroads-Bellevue shelter (above left) observed during unannounced visit and (above right) cleaned up in anticipation of my arrival.*



*Dog languishing in his own waste. This is one of many photographs of this nature provided by volunteers and what is described to me by multiple sources as a more “typical” day for dogs at Crossroads-Bellevue. Rules have recently changed from cleaning once per day to cleaning twice per day, but whether this will continue to occur if scrutiny ends is doubtful given lack of systems, lack of oversight, lack of accountability, and history.*

Nonetheless, despite the fact that the facility was both cleaner than Kent and cleaner than in January does not mean it was clean per se, nor does it mean it achieved a basic level of cleanliness conducive to prevent disease in animals and provide a hospitable environment for the psychological well being of animals or that of the visiting public.

While all animals had food and comfort items (beds or blankets), the state of the Crossroads-Bellevue facility still fell short of meeting its obligations. There was still a layer of crud, hair and dust on the front of cages and kennels. Cleaning five of the six sides of a cage is not enough if the goal is to destroy pathogens and prevent disease. In addition, the floors were sticky and dirty, the cat socialization rooms were dirty and unsanitary (and not cleaned as volunteers sequentially brought in different cats to socialize), and what was supposed to be an infirmary (described by volunteers as “on again/off again” because it changes from an infirmary to a storage room periodically), was in total disarray.



*The floor of the on again/off again infirmary at Crossroads-Bellevue evidences a high level of neglect of basic standards of cleaning and disinfecting of a modern shelter. Below, the state of the infirmary when I arrived in February. In January, this room was a storage room filled with junk.*



In addition, the facility is subject to lack of ongoing maintenance and several of the cat cages were in disrepair. This not only posed a danger to the cats from injury, they posed a health threat as they would be impossible to sanitize properly.



*A cat cage in use at Crossroads-Bellevue, situated next to one of the most vibrant communities in the state, if not the United States. The area is home to the headquarters of Microsoft, Nintendo, Costco, and Boeing. It is also near a community of homes belonging to some of the wealthiest people in the world, but does not avail itself of the philanthropy available, nor reflect the community in which it is located.*



*Cat cage at Crossroads “repaired” with duct tape, which harbors disease.*

Finally, while I was there, a woman came in and told one of the officers on duty that she had a “wild” cat in her yard and she wanted to know that if she was able to trap the cat, could she bring the animal to the shelter. The officer replied that she could. Despite that this presented an excellent opportunity to discuss the work of the Feral Cat Spay/Neuter Project or provide information about the alternative of TNR, one of the program areas identified as necessary by the Advisory Committee and which KCACC management assured me they supported, the officer missed it and potentially doomed an “unadoptable” feral cat to death.

### A Moving Target

Running a shelter is challenging for any jurisdiction. A model shelter requires rigorous work and thorough supervision by shelter staff, division and department leadership and elected officials from the executive and legislative branches. Failure to acknowledge that KCACC is in need of serious systemic reforms prevents the County Executive from properly responding to concerns from citizens and stakeholders who could add value to the shelter and partner with King County to solve the shelter’s problems. Rather than focus on discovery (of problems, solutions, and new ways of doing business) and rather than build capacity among its staff by utilizing all available resources and demanding accountability, KCACC management has responded by trying to hide problems or through quick-fixes that promise to improve its numbers during periods of heightened scrutiny.

According to a member of the Advisory Committee, at one point during the Fall of 2007, KCACC was telling citizens that they could not accept cats because they were full, even as KCACC was under a government mandate to accept all animals from the citizens of King County. This led to complaints by area rescue groups who were then being contacted by these individuals, which I subsequently confirmed. The Advisory Committee member reports:

- On October 29, 2007, I called the shelter (at the 296-PETS number) and told the person who answered that I wanted to surrender my cat. No questions were asked about why I was surrendering the cat, no counseling was given, and the person on the phone did not offer to make an appointment for surrender. She just told me that the shelter was full, and gave me the number for the Humane Society [of Seattle/King County].
- On November 5, 2007, a paralegal in my office called the shelter again, while I listened to the conversation on speakerphone. At my direction, she said she had a 12-year-old cat she had to get rid of. She was told the shelter was full, and that she should take the cat to PAWS, because they accepted elderly animals. No questions were asked about why she was surrendering the animal, but she volunteered that she was moving soon and was desperate. She was told, “I’m sorry, there is nothing we can do.” The paralegal then said that she guessed she would just turn the cat out of doors, and wondered aloud if KCACC would pick the cat up then. The KCACC representative

simply said that they would not, but did not say anything to try to discourage the paralegal from dumping her cat.

- On November 15, the paralegal called back, again with me listening on speakerphone. She told the person who answered that she had contacted PAWS, but that they were also full. She asked if KCACC could take the animal yet. The KCACC representative responded: “No, I’m sorry, we are so full.” My paralegal said she was desperate, and asked if there was anything she could suggest. The KCACC officer responded: “I have no idea what to tell you. I’ve never had to give up an animal.”

By way of another example, KCACC management indicated that animals were not being treated for basic things like ear mites because of opposition by local veterinarians. However, a survey of local veterinarians showed this to be false. Of 56 local veterinarians surveyed, 55 reported that KCACC should, in fact, treat animals for basic conditions such as ear mites.

Furthermore, staff and volunteers reported:

- KCACC claimed that newborn kittens were always separated from the rest of the population, however, many reported seeing litters of kittens housed next to sick cats in the general population;
- KCACC claimed that sick animals were treated immediately, but obviously sick cats in the shelter showed no treatment sheets, RX stickers, medication or record of medical care;
- KCACC has admitted in the past that the dog kennels were hosed down while the dogs were inside, although later denied this, and then, despite these denials that it had ever occurred, instituted a new policy that stated that kennels were no longer to be hosed down with the animals inside.

There appears to be a pattern of politically expedient answers with dubious factual grounding. This is what has allowed the County Executive to underplay the extent of animal cruelty cases in King County, to claim that all “adoptable” animals are being saved while cats with fleas are not deemed so, and to claim that only “modest” investments are needed because “any program can be improved.”

The Humane Society of Seattle/King County, for example, claims it offered to enter into negotiations to assist in the handling of animals North of I-90, but that KCACC leadership failed to follow-up on that request. (The Humane Society subsequently withdrew the offer.) Nonetheless, KCACC reported to Council that such a partnership with the Humane Society was already in existence. When the Humane Society protested the false assurance, RALS back-peddled, arguing that the statement “was a content error made during the drafting of the Executive Proposed Budget that was not caught during the edit phase.” The excuse strains credulity.

In fact, when lifesaving opportunities such as these were presented to KCACC, KCACC frequently failed to avail themselves of them. For example, almost all area shelters and rescue groups complained in surveys and follow up interviews that KCACC fails to respond to requests for assistance, that despite holding cages/kennels for KCACC animals, KCACC either fails to provide the animals or restricts the numbers they could save, that paperwork is routinely missing or incomplete, and despite promises that all animals are vaccinated on intake, that paperwork either showed otherwise or animals later broke with diseases they were allegedly vaccinated against.

When confronted with the problems, these groups report that KCACC leadership offers ad hoc explanations divorced from the facts. In one case, KCACC management first claimed an animal was vaccinated, then admitted that the animal was not vaccinated, but claimed it was because the dog was “aggressive,” which would have put staff at risk—even as the rescue group noted that the dog was chosen by them because he was “gentle and friendly.”

By way of another example, volunteers, staff, and other organizations reported that KCACC cleaned dog kennels with high pressure hoses and caustic chemicals while the dogs were still in them. KCACC management first publicly denied this occurred. However, KCACC management then “changed” this practice by keeping one kennel empty to move dogs into new kennels while they are cleaned. In other words, KCACC management changed a practice it claimed it did not do.

### **Inhumane Methods of Killing**

But the most disturbing and tragic example of failure to meet basic standards of competency, followed by a changing number of excuses, involves the ending of animal life at KCACC. Webster’s dictionary defines euthanasia as “the act or practice of killing or permitting the death of hopelessly sick or injured individuals in a relatively painless way for reasons of mercy.” Unfortunately, in most shelter environments, animals are not being killed because they are hopelessly sick or injured, but rather as “population control.” In this environment, shelter killing—particularly of healthy and treatable animals—raises a host of ethical questions and dilemmas, many of which are being raised by the public in communities across the country, including King County. It is, in fact, a perception by many that KCACC is killing an unacceptable number of animals that led, in part, to impaneling of the Advisory Committee and this analysis.

In an arena of killing, it is crucial, at a minimum, that the agency meet the second prong of the analysis which requires killing to be done in “a relatively painless way.” As one agency has noted,

The euthanasia process must result in a painless, rapid unconsciousness followed by respiratory arrest, cardiac arrest and ultimate death. For euthanasia to be truly euthanasia, the animal should be as free from stress and anxiety as possible.



As a general matter, the use of Sodium Phenobarbital by shelters nationwide, even if properly administered, does not in and of itself ensure a “humane” death. While method is one of the most important factors, nonetheless simply requiring lethal injection in a shelter does not guarantee that the process is either humane or compassionate.

Shelters who kill, particularly those which kill large numbers of animals, are obligated to ensure that employees are technically proficient, competent, skilled, compassionate, properly trained, and doing everything in their power to make sure the animals are as free from stress and anxiety as possible. A “relatively painless” death can only occur in an environment where sensitivity, compassion, skill and environment all combine with efforts to “minimize distress and anxiety,” as required by the American Veterinary Medical Association’s (2000) Panel on Euthanasia.

A manager in one of the nation’s largest animal control departments stated that,

Whether it’s an unwanted or injured animal, euthanizing requires an enormous amount of compassion, kindness and emotional strength. During euthanasia I witnessed little care toward the animals. Considering this was to be the last contact the animal would have with the real world I found this rather disappointing.

In the room used to kill animals at Kent, a bank of cages sits overlooking the table where animals are given lethal doses of barbiturates and the Advisory Committee reported that “animals are watching other animals being euthanized.” A public outcry ensued that it was not appropriate to have animals watching other animals be killed, especially while they themselves were waiting to be killed. The concern is not without merit. Animals have been documented to experience high levels of stress as they watch other animals be killed, and many will “fight as they go down” as a result. But rather than admit error in process, KCACC management denied this occurred, a claim contracted by staff.

Calling statements by KCACC management untruthful, staff noted:

Animals were put in cages and often killed in cages ... [and] did watch each other be killed... Up until last summer, we were killing dogs and piling them on floor and bringing new dogs in. You could see piles of dead dogs and not all were completely deceased, not checking, so they were dying in piles on floor. This bothered ... a new employee, he kept asking me when we were going to do things the right way, but as long as no one is watching, there’s no concern. There’s no team, no protocols enforced, no one cares, different answers. [KCACC management] is not telling the truth. But we stopped doing it.

In addition, this staff member reports that when dogs were scared and did not submit, rather than use tranquilizers, one of the two officers involved in killing the dogs would force the dog down, which is also very traumatic.

Responding to KCACC management's description of how animals are killed, a local veterinarian stated:

that euthanasia of cats and dogs at the Kent shelter is carried out by methods not in line with adequate standards for humane care in the veterinary field. [KCACC management] stated that after the animals are injected with a euthanizing agent, they are sometimes placed into cages and left alone, and at a later time someone comes in to check for absence of a heartbeat to confirm that the animals are dead. [KCACC management] asserted that this was the purpose of the bank of cages facing the euthanasia table, denying that live animals watched other animals being euthanized, as stated in the report by the Citizens' Advisory Committee.

Accepted protocols for euthanasia of companion animals call for methods that result in death within seconds or a very few minutes. Death should be verifiable almost immediately, and animals should never be left alone until death is verified. Animals are to be handled gently before euthanasia, and certainly not witness other animals being killed or see the bodies of other animals who have been killed; this ensures that each animal is unstressed when the euthanasia process begins, allowing for the most painless experience possible.

These shifting responses or failure to follow up is the most cited example of why other shelters in the community, many of the organizational respondents, and volunteers conclude that the primary obstacle to successful achievement of Council-set save rates is "current leadership at KCACC, which has fostered a culture of defeatism and an acceptance of mediocrity, as well as a deteriorating shelter that has not been properly maintained."

Nonetheless, the County Executive and RALS supervisors continue to claim that they are a "model" agency which needs only "modest" investments for the simple fact that "any process can be improved." As proof of this, they claim that KCACC has not killed any "adoptable" animals since 2004. Putting aside the fact that KCACC statistics lack any degree of rigor, this appears to be a mathematical impossibility.

According to the County Executive, in its FY 2008 operational plan submitted in response to the Citizens Advisory Committee report, 62% of animals handled are "adoptable." It then goes on to claim that "In recent years, King County Animal Care and Control has been able to place all healthy, adoptable pets." Assuming for the sake of argument that KCACC's statistics are reliable, from 2004-2006, it never achieved better than a 57% rate of lifesaving. Given that 62% are adoptable, it could not have achieved success. Moreover, animals should be classified at the point of intake. If animals come in healthy, but are made sick because of lack of care on the part of KCACC, killing them is equivalent to killing an "adoptable" animal. And there are "few systems in place at King County Shelters to prevent the animals who arrive healthy from becoming sick."

A system cannot be fixed—particularly a system which is so broken it can't even ensure that all animals have food and water, let alone meeting nation-best save rates—when problems are not acknowledged to exist. Even when confronted with overwhelming evidence to the contrary, the County Executive has maintained the position that KCACC is doing a fine job and only modest investments are necessary.

#### “Modest Investments”

On February 1, 2007, for example, the County Executive submitted a report to Council about ways “to improve the county’s efforts to reduce and eliminate animal cruelty, the investigations of animal cruelty allegations and coordination of resources among animal control and law enforcement.” The report was due on July 1, 2006 but was not provided until February of the following year and only after Council withheld \$250,000 in funding until the report was filed.

The report was demanded by Council because of reports that KCACC was abdicating its responsibility in this area in light of well publicized cases of abuse with poor KCACC follow-up. One of those cases involved a puppy who was found in a yard and had a caustic chemical poured over her. The chemical was determined to be that which is also used in the manufacture of methamphetamine. KCACC blames the Federal Way Police Department for failing to follow through, and Federal Way says it was KCACC’s responsibility.

According to a 20-year veteran with the King County Sheriff’s Office, the case is symbolic of major problems with KCACC. These problems include a poor attitude on the part of KCACC staff and management involved in handling animal cruelty cases, poor equipment, lack of investigations protocols, poor storage of evidence, poor understanding of law, poor training, and poor handling of cases. It also includes failure to follow up, poor response times (as much as three days in some cases), and lack of initiative. Despite KCACC management’s public claims that partnerships with law enforcement including KCSO are proceeding and going well, representatives from these agencies paint a very different picture. According to Deputy Nancy Spadoni, the training officer for KCSO with jurisdiction over this “partnership,” efforts by KCSO to cooperate were stymied by KCACC’s lack of follow up and an attitude that she described as “shocking.” In addressing the shortcomings involved in the case of the puppy killed, Deputy Spadoni reported that KCACC management simply blamed Federal Way Police Department and then tried to downplay the incident by claiming “it was just a puppy.”

The Executive also painted a different picture. Like the response to the Citizens Advisory Committee, the Executive’s report misrepresents the facts. The report claims that KCACC’s program is led by “two highly trained, highly skilled Sergeants tasked with oversight of all animal cruelty cases.” In fact, the Sergeants have only received Level I and Level II National Animal Control Association training, two levels below the equivalent training for “Sergeants” nationally. Promises to the Council by the County Executive that the Sergeants would receive this training by the end of 2007 have not

been fulfilled. Some field officers have not received training, and others have only received basic training. None can be characterized as “highly trained.”

The County Executive also claimed that “thousands of animal cruelty complaints are quickly and thoroughly investigated and brought to conclusion through a partnership between King County Animal Services, local police agencies, the King County Prosecutor, and information received from local humane societies and the public.” In fact, this is misleading. Despite roughly 1,000 calls for service involving animal cruelty annually (1,002 in 2005 and 1,060 reported in 2006), KCACC only files two to four criminal cases per year. The Executive has taken the position that better than 99% of calls are unfounded and that all but two to four can be handled by owner education. As a result, he concludes that “there are not enough incidences of animal cruelty in King County to warrant the commitment of [additional] resources to address” this issue. There is good evidence of cases involving serious harm that KCACC staff simply did not follow up with or simply ignored without filing.

In 2005, while KCACC investigated 1,002 cases and only filed two (0.2%), KCSO investigated 15 and filed four (27%). According to the KCSO Deputy, the fact that KCACC has not filed more cases does not mean that additional crimes of animal cruelty did not occur. It simply means that KCACC did not file the cases. The County Executive’s conclusion that animal cruelty is an anomaly is nothing more than an impermissible logical tautology. According to the County Executive, there is little animal cruelty in King County because KCACC officers do not file more than “two to four” cases of cruelty per year. This is circular reasoning. The possibility that few cases are filed because of neglect of duty, poor training, lack of follow up, too few officers, no management oversight, and a RALS leadership which would rather excuse behavior than fix problems is conveniently ignored. But, that conclusion is inescapable.

Accordingly, the County Executive recommended that the “current organizational model continue.” This will simply allow abuse to continue and animal abusers to go unpunished. The call for continuation comes from his conclusion that the current program is “effective and efficient.” This follows a familiar pattern of downplaying serious problems, ignoring the facts, and staying the course, which can only mean more animal suffering. Notwithstanding, the County Executive recommended two proposals he called “significant areas of improvement,” but he was quick to point out that these are being implemented, not because of problems but rather because “any process can be improved.” Unfortunately, neither of the recommendations are more than superficial band-aids which appear aimed at diffusing public criticism, and both ignore deep patterns of neglect within the animal cruelty enforcement arm of KCACC.

The first is to partner with a private not-for-profit which has a history of providing political cover to underperforming animal control agencies.<sup>9</sup>The program with the

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<sup>9</sup> In 2002, the Humane Society of the United States rallied around the New York City animal control shelter even after the comptroller’s audit found “a number of allegations of animal neglect and abuse.” The report found that not only were animals wrongly killed, but “many animals didn’t have regular access

Humane Society of the United States “offer[s] monetary rewards for information leading to arrests and convictions in animal cruelty cases.” First of all, the fact that the plan did not include a partnership with the King County Sheriff’s Office and incorporated city police agencies is telling.

Second, since KCACC files so few cases per year and has failed to respond to existing complaints, this will have limited impact, if any. Third, so few cases are filed because KCACC does not follow through, does not know how to handle cases because of improper training and lack of accountability, and because it claims animal cruelty cases do not really exist. This plan does nothing to ameliorate lack of enforcement within the agency or ensure that cases are thoroughly and competently investigated. Fourth, if it had impact, it would lead to an increase in the number of complaints that KCACC needs to respond to and since it does such a poor job with the current level, the backlog can only be expected to get worse.

The second area of what the County Executive calls “significant” improvement is by giving a Licensing Enforcement Coordinator part-time duty in coordinating cruelty cases. The purpose of this position is to follow-up with Sergeants to ensure cases are being handled expeditiously, but without giving this position any formal power over the process. It is a recipe for discord and ineffectiveness, which is already evident.

According to Deputy Spadoni, this Licensing Enforcement Coordinator has already requested that KCSO take over the duties because officers are failing to follow up, are allowing animals to languish in the facility (not only unnecessarily losing scarce kennel resources, but putting the animals at risk for disease and kennel-induced behavior problems), lack of support from KCACC management in enforcing assignments, and officers simply refusing to follow “orders.”

Moreover, Code Enforcement officers report that despite a mandate to work together, KCACC officers are inconsistent in notifying them of needed follow-up; when complaints are received, they are not type-written as requested, but handwritten and often difficult to read; and, despite their development of check-lists for KCACC officers to provide more efficient and effective coordination, KCACC has resisted using them.

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to water and were often left in dirty cages.” Despite nearly 70 percent of dogs and cats being killed, HSUS defended the shelter, which called those statistics “useless.” In 2003, HSUS supported an animal control shelter at a time when a No Kill agency was poised to take over sheltering operations in Rockland County, New York, even after an auditor substantiated allegations of high rates of shelter killing and other deficiencies that were not corrected after a year. According to animal advocates, HSUS excused the failure of the agency “to correct the worst deficiencies noted by an outside inspection the year before [despite that such] deficiencies [also] violate[d] each and every one of Defendant HSUS’ own published program and policies for ‘Every Animal Shelter.’” In 2003, HSUS also opposed a rescue group’s efforts to get pre-killing notification from animal control in Page County, Virginia, so that they could save the dogs, calling the request unreasonable. In a September 27, 2006, speech at a Eugene, Oregon, town hall meeting on the issue, an animal advocate reports that “[the HSUS representative] spent all her time slamming [the] No Kill philosophy, defending a shelter’s need to kill animals, and blaming it on the irresponsible public.”

Combined with Sergeants who do not enforce standards and KCACC management which is unresponsive, they have given up hope for improvement.

Code Enforcement personnel also report that they have “identified dozens of bona fide cases of animal cruelty” but that KCACC does not follow up. And because they are treated as “outsiders,” there is no enforcement mechanism to ensure that the animals are taken out of harm’s way or that abusers are punished.

Among the many other complaints:

- The identification of “about 15 cases of actual cruelty sitting for months with no action, no next steps, and no follow up by KCACC officers.”
- “Animals are rotting in abuser’s hands, or sitting in the shelter with no plan to address.”
- “Cases simply closed out with no comments.”
- “Cases which are six months old but not filed because they need follow-up work which is not getting done.”

One case described cats left abandoned in an apartment. By the time KCACC was notified, the cats were dead of starvation and some of the cats had been “mummified.” Despite a clear cut case, and a clear perpetrator, the case was not being filed because of a failure to follow up.

This is part of a recurring theme at KCACC, involving complaints that go beyond the professionals involved such as Code Enforcement and KCSO. Volunteers and staff have also complained about failure to follow through, and have been doing so for years. The job at hand, regardless of whether it is investigating cruelty or cleaning kennels or feeding the animals, is not getting done, supervisors and managers are begged repeatedly to do it, they are given offers of help, there is either no action or promises about “working on it” with no follow-up, complainants decide to do it themselves, and when they do, they are threatened with an unfair labor grievance.

Moreover, it is impossible to quantify, except by ignoring quantitative measurement and internal contradictions, particularly since the Executive has taken the position that only two cases of animal cruelty are filed each year because cruelty is largely non-existent, how these two “areas of significant improvement” can constitute “giant steps towards eliminating animal cruelty in King County.”

In fact, the abusive death of a horse in February 2008, despite years of complaints to KCACC by neighbors and other witnesses, is another example of failure to intervene, giving abusive people numerous chances rather than seizing suffering animals and filing charges, and failing to check back to ensure the animals are not in harm’s way.

Moreover, the County Executive highlights success that cannot be classified as such. For years, the County Executive has offered the \$25 spay/neuter voucher program as an

example of its commitment to a “model” animal program. In 1993, this inadequate effort at spay/neuter resulted in a usage rate of only 4.3%. The County Executive cautioned that the program was in its infancy and the expectation was one of improvement. The years 2002 to 2006, however, shows a five year trend toward fewer vouchers redeemed, culminating in a dismal 3% being redeemed. The County Executive has made no effort to improve this program.

In fact, the number of animals being redeemed shows a five-year decline and the number of animals adopted shows a five-year decline. Instead, they are presented as successful because of dropping impounds and can be shown to be “increasing” as a percentage of total impounds. These are numbers that should be increasing every year, unless the agency has reached No Kill status, which it has not.

On top of this, KCACC has taken to including as “intakes” for purposes of determining death rates, animals who come in dead on arrival, yet it does not include them in dispositions. This results in a lower rate of killing as a function of total impounds, but it is misleading. In addition, KCACC does not include whole categories of animals in its determination of lifesaving, such as what it calls “owner requested euthanasia.” While KCACC claims to do an independent assessment if animals in this latter category are savable, RALS was unable to produce a report that showed this is done and how many do not meet the definition of “unadoptability.”

And finally by also excluding animals who die in KCACC’s custody in publishing its statistics, KCACC has a perverse incentive to allow animals to die, rather than be relieved of their suffering through lethal injection. Finally, staff input animals going into foster as a “disposition” showing the animal has been saved. Once in foster care, there is no follow-up to ensure the animals are adopted out or died. As a result, KCACC’s statistics, combined with admissions of “data entry” problems, duplicate entries, and increasing numbers of animals dying in kennel, are not trustworthy and it is an open question as to whether KCACC even has the save rate it claims to.

### Longstanding Problems

Many of the problems identified during the review are long-standing, and date back to problems which should have been corrected after the 1992 Advisory Committee report. These goals and failures include:

- *Redeem the largest number of animals possible.* No effort is made to cross-reference “Lost” with “Found” reports beyond the initial call and many times, not even then. Although they have increased as a function of total impounds, this is misleading as total redemptions have either remained flat or actually declined in number. While the County Executive claims redemptions are above U.S. norms citing suspect statistics from HSUS, the reality is that KCACC’s redemption rate is poor for a western state municipal shelter in a relatively prosperous economy like that of King County.

- *Encourage spay/neutering of the largest possible number of dogs and cats.* A \$25 voucher program has never been evaluated for competency or effect and has not consistently achieved better than a paltry 4% compliance. The last five years of data show a decline in the number of vouchers redeemed to 160, or 3% of vouchers issued for the last twelve months.
- *Aggressively and effectively enforce Animal Control laws in a timely manner.* KCACC files less than one-half of one percent of all cruelty calls, compared to over 20% of calls for KCSO. In addition, KCSO has taken on a greater role in enforcement because KCACC's enforcement has been haphazard and unresponsive. The coordinator within Code Enforcement who was appointed on a part-time basis to provide animal cruelty oversight has been repeatedly frustrated by KCACC inaction and even requested that KCSO take over animal cruelty investigations.
- *Establish standards and provide greater professional training for King County Animal Control staff in order to improve their skills as public service officers and protectors of animal welfare.* All staff, with one or two exceptions, have complained that training is not encouraged or provided and efforts to obtain training have been denied. In order to be properly trained as a Sergeant, staff should have been provided training through Level IV, and then ongoing training in response to the innovative and dynamic changes occurring in the field of animal sheltering because of the No Kill movement, but none of the Sergeants have gone beyond Level II. This training was promised by the County Executive by the end of 2007, but has not occurred.
- *Establish an animal health care and veterinary services program for King County Animal Control.* Animals in the infirmary were not provided food, water or care for the better part of two of the four days I was there. Reports of lack of care at the Crossroads facility are legion, and only recently has the shelter started a rotation at the Kent facility. Nonetheless, since these rotations rely on staff bringing forward concerns, the impact on shelter animal health is likely to be minimal. And despite a commitment spanning ten years to vaccinate all animals on intake, this still does not occur.
- *Develop a volunteer program to support and supplement the programs of King County Animal Control.* To say that the volunteer program is disjointed would be an understatement. Volunteers report "looking the other way" at neglect of animals to avoid having the program eliminated, and a recent fully revocable MOU is similar to agreements in the past which have also been revoked, and therefore not likely to be sustained.
- *Facilitate public access by establishing regional shelters.* The Humane Society of Seattle/King County and others lack faith in KCACC leadership and report that the relationship will not improve until there is a change in KCACC leadership at both the management and oversight level.

The other items include full-time adoption counselors, a zero tolerance for animal cruelty, and modernizing the Kent facility. No real results in these areas have been



forthcoming either. But KCACC management could not provide a reason why these had not been corrected.

As an afterthought, KCACC management opined that the lack of implementation of many of the 1992 Advisory Committee goals was “Possibly a budget issue.” Unfortunately, while it is true that the County Executive has not made full funding of KCACC a budget priority, KCACC has been sitting on between \$500,000 and \$600,000 dollars of unspent donor funds going back years. KCACC management has suggested that they have not tapped these funds because they want to use them strategically, but given the serious deficits in animal care and housing at these shelters and numerous areas of reform highlighted in the many and varied outside assessments, this shows a profound lack of priority to animal care, and belies nothing more than an after-the-fact justification to cover-up inaction.

In addition, the County Executive had plenty of opportunities to request budget allocations from Council. From at least 2003, the Council has not denied a single funding request from the County Executive from KCACC until the Citizens Advisory Committee asked them to provide only provisional funding for this year and look into the possibility of going out of the sheltering business. According to Council staff,

The council declined these proposed capital projects with the intention that a decision should be made regarding whether it is appropriate to make long term facilities investments at the shelter when the council is interested in studying whether it would be more prudent to go out of the sheltering business.

In addition, a 1997 review by the King County Auditor found that “If the County had been reimbursed appropriately by incorporated cities for animal control services provided in 1996, incorporated cities would have contributed about \$700,000 more to the Current Expense Fund.” (Report Number 97-04.) As a result, “The audit recommended that the County should consider reviewing its funding policies with the incorporated cities to ensure full recovery of costs in providing animal control services to residents of incorporated cities.”

I sought information as to what efforts have been made to get full cost recovery from the municipalities but no information was forthcoming. However, it is probably a safe assumption that since the County has been unable to provide proof of any effort in this area, that if the recommendation were implemented, the program wouldn't be in the position it is today, namely an under-funded program while contracts are negotiated without any consideration to cost recovery. If those associated with leadership at KCACC complain about funding levels, it is their own fault for refusing to do the work necessary to procure it.

If the County Executive were truly interested in agency reform, the funds to do so were at its disposal. Given that, the most reasonable explanation for KCACC's repeated failures to improve operations since 1992, changes which include basic care issues unrelated to being a “model” agency, appears to be a failure of leadership and a culture

which does not value either capacity building in its management and staff, or accountability in operations. This has essentially corrupted and infected the entire organization.

In fact, there are almost no structures or standards for any issues in the shelter—cleaning, feeding, evaluating, oversight, adoption, volunteers—that the hundreds of pages of protocols proudly provided by RALS as evidence of structure and order are, for all intent and purposes, not worth the paper they are written on.

And in the end, the more Council demands, the more weaknesses emerge. The sad irony, here, is that if the County Executive were truly interested in success, he could have found a solution with the Council. But instead, there appears to be denial, misrepresentation, and only a token level of interest in change.

Instead of short, medium, and long-term plans for a truly model facility, training, accountability measures, benchmarks, and an action plan grounded in the No Kill philosophy and goal, with clearly marked budgetary numbers that reflect the importance of the agency to citizens and the Council, the County Executive professes that the agency is already doing a great job. This is seen by community stakeholders as a slap in the face. The conclusion becomes inescapable: there is no way to get out of this quagmire with the current structure.

Nor is it meaningful within that structure to have a discussion about creating a “model” agency because KCACC does not have the wherewithal to meet the basics of running a humane shelter. If the animals are not being fed regularly, how can the program be a national No Kill model?

In its 2008 operational plan, the County Executive claims “it will be difficult for King County Animal Care and Control to achieve a 15% euthanasia rate” and later offers an even more grim prediction: “the agency is unlikely to achieve 15% euthanasia.” In fact, the County Executive appears to blame the Humane Society of Seattle/King County and other rescue groups and suggests that failure to reach the goal will be the fault of these agencies: “It will be necessary for the local SPCA to drastically reduce their rates of euthanasia to as little as 1-2%... Otherwise, it is unlikely that the *jurisdiction of King County* will be able to reach euthanasia rates of 15%.” (Emphasis added.)

The Council mandated that KCACC achieve a save rate of 85%, it said nothing about the *jurisdiction of King County* broadly defined to include other shelters. But there is a lesson here which is telling: When the County Executive demonstrates by actions dating back a decade that the agency is unwilling, uninterested, and therefore, incapable of meeting public expectations, and then reaffirms that in writing, it behooves the Council to believe it. The Council faces two choices: abandon the goals and accept mediocrity and substandard conditions in perpetuity, or find someone else who will meet them.

## Options

There are communities in the United States which have achieved an 85% rate of lifesaving as demanded by the King County Council, and it is a reasonable and achievable expectation. These communities are very diverse (urban, rural, northern, southern, politically conservative, and politically liberal). But what they all share in common is animal control leadership committed to providing the best service possible to the citizens and animals of their community, combined with an unwavering commitment to lifesaving. All the tools—including volunteers, resources, philanthropy, and other community support—needed to achieve similar success in King County already exist in the community, if they were to be properly channeled by committed leadership to that end.

It was disheartening meeting with some volunteers who rejected the notion that a No Kill King County was possible. But given their experience with the agency tasked with animal care and control in King County, and the many problems that plague the agency, it is easy to understand the feelings of hopelessness and despair. Nonetheless, this defeatism is based on misperceptions and a distorted view of the possibilities of life-saving success caused by over a decade of witnessing a severely dysfunctional and substandard animal control system within their community.

King County, as the Advisory Committee notes, is a “prosperous, compassionate, and generous community,” but it has a shelter system that is antiquated, regressive, dilapidated, and even cruel. And the County Executive has failed for over a decade to take the necessary measures to reform the shelter despite numerous reports, recommendations and credible complaints over the inhumane and inadequate condition of the shelter. As discussed in this report, KCACC’s problems are far reaching and include:

- Dismal shelter conditions and animal care protocols, resulting in lack of humane care that borders on animal neglect;
- Continual outbreaks of disease that indicate lack of proper cleaning and vaccination protocols;
- Animals allowed to suffer for lack of medical treatment;
- Missed opportunities to save the lives of animals or properly respond to calls for service.

Given the number of times that KCACC has been reviewed in the past, and the number of times the findings were the same, the conclusion is inescapable that there is no reason to expect that this agency can or will proceed in compliance with Council policy demands when they cannot even ensure that animals in their care are provided with food and water.

Drastic action is needed, so that the business of saving lives can proceed in accordance with the will of the Council, the will of the animal loving citizens of King County, consistent with modern and progressive principles of sheltering, and in accordance with

principals of decency and fundamental fairness to give homeless animals the best chance possible to find a loving new home.

A lot of people have come forward over the process which began with the May 2007 ordinance and motion, the Advisory Committee hearings, and this analysis in the hope of true reform, and in spite of a fear of backlash by KCACC operatives. The Council owes it to them to fix the problems and see the much needed process of reform it started through to conclusion. One way to do this is to ensure that the animals under the care of the county and the people who care for them (such as volunteers) have legal protections and legal rights that are not subject to revocation by the Guild, by KCACC management, by RALS, or by the County Executive.

Regardless of the decision made by the Council, it owes it to these people (and to the animals) to pass legislation that gives advocates the right as citizens to volunteer at the shelter, and therefore gives these activities the force of law. As a result, any labor relationship that does not take these into account would be contrary to law. For example, California has made the right to save animals by not-for-profit animal welfare organizations and other shelters a statutory right, by making it illegal for animal control to kill an animal these groups are willing to save.

In addition, the No Kill Advocacy Center has written such a model law with the help of animal welfare attorneys and more progressive shelters around the country. The Companion Animal Protection Act (“CAPA”) codifies the programs and services to help animals, ensure timely and proper care, achieve reductions in shelter death rates, while giving legitimate rescue groups the right to save the lives of shelter animals, without hinging their efforts on silence as to shelter problems or the whims of shelter managers and supervisors. It provides protection against retaliation for petitioning government to redress wrongs, and it takes away the power of individuals and groups from closing programs that threaten to open up mistreatment to the light of public scrutiny. It also gives citizens the legal right to assist in agency operations, with reasonable restrictions to ensure the smooth operation of a shelter.

There is important precedent for this approach. It mirrors codification of federal and state child welfare standards and mental health guidelines put into place in light of failures on the part of agencies nationwide to properly care for these vulnerable populations. Such laws force true reform by giving the desired protocols the force of law, removing discretion from individuals and agencies that may demonstrate an abuse of that power, and eliminate the need for micromanaging by political bodies who are not well-suited for the purpose of day-to-day operations, such as the Council, but who feel they have had no choice to do so because the department or County Executive charged with this mandate has failed to do so. It should be noted that this will ensure standards even if the Council were to discontinue funding animal control services.

#### **Alternative Models**

Aside from CAPA, there are two alternative models available should the Council decide to go out of the sheltering business. One is to allow the individual municipalities to

perform their own animal control functions since the burden on providing services falls to the incorporated cities, but the County owes it to these cities to provide them with the lead time necessary in order to create the infrastructure to do so. It should be noted, however, that the Council would lose control of the process if the cities do so, and these municipalities may seek to provide a program that puts a premium on reducing services to a bare minimum. However, the Council must still find a service provider for animals in the unincorporated areas of the County.

The second model is for the County to contract with another service provider for animal sheltering for these animals and those of the contract cities. However, this poses its own unique challenges. The first is whether the County would maintain the contracts with the cities, but subcontract for services with one provider, or whether the cities would have to establish their own contracts. In the latter case, the problem of loss of control and goal setting by Council still exists.

Moreover, many private humane societies are moving away from administration of animal control nationally and it is this trend which impacted King County in 1972, and required the County to set up its own agency. In addition, there tends to be less stability in leadership in private shelters than in public shelters, and different leaders have different priorities. In order to ensure consistency, it should codify its expectations.<sup>10</sup>

To gain consistency, and so the County does not have to revisit the creation of an animal control agency if a contracting service provider chooses not to renew the contract in the future, it is important to enter into a long-term multi-year contract and also to provide a statutory mandate that keeps goals and programs stable, regardless of leadership. The Council would still be encouraged to pass some variant of CAPA.

While I have historically been concerned about the practice of private agencies performing animal control work, there does not appear to be another reasonable alternative in order to solve the endemic problems of KCACC.

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<sup>10</sup> It is important, for example, to provide adoption services seven days per week, but many private humane organizations are not open seven days a week. CAPA would make it contingent that they do so if they were to take on these services. In addition, while shelter administrators should have discretion to waive and/or lower fees in appropriate circumstances, fees should not be so prohibitive as to discourage caring residents of King County who may not be able to afford private humane society adoption rates. It may behoove the Council to set fees by statute. And, as such, CAPA can be modified to address King County's particular circumstances.

## **Appendix I: No Kill Program Areas**

To design a well run program requires consideration of a number of operational areas. Today's animal services program is as complex an operation as any municipal department. For example, a modern municipal animal care and control program interested in operating at a basic level of competency must meet certain mandatory minimums. These are:

1. Providing nourishment, medical care and social enrichment/behavioral rehabilitation for all domestic animals in its care;
2. Providing a preventative disease control program;
3. Vaccinating animals in its care;
4. Remaining open seven days per week to adopt out animals;
5. Humanely killing by barbiturate injection those animals that are hopelessly ill or injured, irremediably suffering, or in the case of dogs, vicious with a poor prognosis for rehabilitation;
6. Providing shelter care for animals in protective custody and under observation or quarantine;
7. Providing a volunteer and foster care program through which members of the community can get actively involved in helping the animals;
8. Providing proactive lost and found services;
9. Providing information and access to subsidized spay/neuter services for low income pet owners in a community and for unowned feral cats;
10. Maintaining accurate and thorough records on all animal-related activities;
11. Providing community education.

If the shelter is further interested in reducing death and killing rates to the maximum level possible, these duties translate into several additional key program areas including working with rescue groups, providing access to low cost spaying and neutering, developing a community-based volunteer, foster care, offsite adoption, and non-lethal programs for feral cats, providing options and solutions to overcome medical, behavioral and environmental issues that may cause caretakers to relinquish their pets, medical and behavioral rehabilitation, disease control and socialization, and a proactive and positive public relations and marketing campaign.

This also requires shifting animal care and control shelters from a reactive and traditional public health orientation to a proactive and community based adoption and rescue agency. In other words, animal control must place much more emphasis on its animal "care" functions and balance it with its animal "control" duties. By asserting a unique identity, having autonomy in its operations distinct from those of a health department or police agency, and putting itself on more equal footing in scope and service with private animal welfare organizations, animal control can save more lives. In jurisdictions that are the most successful, animal control agencies work closely with private agencies to form partnerships, develop common goals, establish complimentary policies and programs, and plan strategically. The mandatory programs and services are summarized as follows:

### I. Feral Cat TNR Program

Many animal control agencies in communities throughout the United States are embracing Trap, Neuter, Return/Release programs (“TNR”) to improve animal welfare, reduce death rates, and meet obligations to public welfare and neighborhood tranquility demanded by governments.

In San Francisco, for example, the program was very successful, resulting in less impounds, less killing and reduced public complaints. In Tompkins County, an agreement with county officials and the rabies control division of the health department provided for TNR as an acceptable complaint, nuisance and rabies abatement procedure. In specific cases, the health department paid the animal control program to perform TNR.

### II. High-Volume, Low-Cost Spay/Neuter

Spay/neuter is the cornerstone of a successful lifesaving effort. Low cost, high volume spay/neuter will quickly lead to fewer animals entering the shelter system, allowing more resources to be allocated toward saving lives.

In the 1970s, the City of Los Angeles was the first to provide municipally funded spaying and neutering for low-income pet owners in the United States. A city study found that for every dollar it was investing in the program, Los Angeles taxpayers were saving \$10 in animal control costs due to reductions in animal intakes and fewer field calls. Indeed, Los Angeles shelters were taking in half the number of animals after just the first decade of the program and killing rates in the city dropped to the lowest third per capita in the United States. This result is consistent with results in San Francisco and elsewhere.

Research shows that investment in programs balancing animal “care” and “control” can provide not only immediate public health and public relations benefits but also long-term financial savings to a jurisdiction. According to the International City/County Management Association,

An effective animal control program not only saves cities and counties on present costs—by protecting citizens from dangerous dogs, for example—but also helps reduce the costs of animal control in the future. A city that impounds and euthanizes 4,000 animals in 2001... but does not promote spaying and neutering will probably still euthanize at least 4,000 animals a year in 2010. A city that... [institutes a subsidized spay/neuter program] will likely euthanize significantly fewer animals in 2010 and save on a host of other animal-related costs as well.

### III. Rescue Groups

An adoption or transfer to a rescue group frees up scarce cage and kennel space, reduces expenses for feeding, cleaning, killing and carcass disposal, and improves a community’s rate of lifesaving. Getting an animal out of the shelter and into an appropriate placement is important and rescue groups, as a general rule, can screen adopters as well or better than many shelters.

In an environment of 5,000,000 dogs and cats killed in shelters annually, there will rarely be a shortage of animals and if a legitimate rescue group is willing to take custody and care of the animal, rare is the circumstance in which they should be denied.

#### IV. Foster Care

Foster care is crucial to No Kill. Without it, saving lives is seriously compromised. It is a low cost, and often no cost, way of increasing a shelter's capacity, improving public relations, increasing a shelter's public image, rehabilitating sick and injured or behaviorally challenged animals, and saving lives.

At some point in time, nearly every animal shelter feels the pinch of not having enough space. A volunteer foster program can be an ideal low-cost way to greatly increase the number of lives a shelter can save while at the same time providing an opportunity for community members to volunteer. Not only does a foster program maximize the number of animals rescued, it allows an organization to care for animals who would be more challenging to care for in a shelter environment—orphaned or feral kittens, sick or injured animals, or dogs needing one-on-one behavior rehabilitation. For animals who may need a break from the shelter environment, foster care provides a comfortable home setting that keeps animals happy and healthy.

In Charlottesville, VA, the local animal control shelter fosters approximately 1,700 animals annually.

#### V. Comprehensive Adoption Programs

Adoptions are vital to an agency's lifesaving mission. The quantity and quality of shelter adoptions is in shelter management's hands, making lifesaving a direct function of shelter policies and practice. Every year in the United States, there are approximately twice as many homes available for dogs than the number of dogs entering U.S. shelters. There are also more homes available for cats every year than the number of cats entering U.S. shelters. On top of this, not all shelter animals need adoption (e.g., redemptions, transfers, fosters, and killing those who are hopelessly ill/injured or vicious dogs reduces the number of animals entering the facility who actually require adoption.)

Unfortunately, people get their pets from shelters less than about 20% of the time. Nationally, if we impacted that number by about 3 percentage points, we would end all population control killing. That would save somewhere in the neighborhood of 4.5 million animals, the total who are savable which are killed in shelters annually. This is a combination of "replacement markets" (e.g., an animal dies and a person gets another one from a shelter), "expanding markets" (e.g., someone has a pet or pets but wants another one or doesn't have one but wants one), and increasing market share (they get their pet from the shelter). By working hard to increase their adoption markets, shelters can replace all population control killing with adoptions.

#### VI. Pet Retention

While some of the reasons animals are surrendered to shelters are unavoidable, others can be prevented—but only if shelters are willing to work with people to help them



solve their problems. Saving all healthy and treatable pets requires communities to develop innovative strategies for keeping people and their companion animals together. And the more a community sees its shelter(s) as a place to turn for advice and assistance, the easier this job will be.

Intake counselors and operators can work with members of the community to resolve the behavior, medical, or environmental conditions which lead to surrender. A study in the *Journal of the American Veterinary Medical Association*, for example, found that an animal's risk for relinquishment declined by over 90% from good advice that helped resolve the underlying complaint.

Animal control agencies can also maintain "libraries" of pet care and behavior fact sheets in the shelter and on a website to share with the public. Articles in local papers, radio and television spots all provide opportunities to feature topics like solving litterbox avoidance and excessive barking. Other pet retention programs include free in-home dog behavior problem-solving by volunteers, low-cost dog training, pet friendly rental programs, and more.

#### VII. Medical and Behavior Rehabilitation

Partnerships with local veterinarians can supplement the work of a staff veterinarian and veterinary technicians and help diagnose animals, give vaccinations, and administer medication and treatment. A relationship with a veterinary college can allow veterinary students to volunteer at the shelter on a regular basis, providing the students with real life on-the-job training, while shelter animals receive high-quality care under the direction of the veterinary college faculty. Finally, it is impossible to overstate the importance of a foster program for underaged kittens and puppies, undersocialized animals, and those recovering from medical treatment.

#### VIII. Public Relations/Community Involvement

Rebuilding a relationship with the community starts with redefining oneself as a "pet rescue" agency. The community must see improvement at the shelter, and improvements in the area of lifesaving. Public contact with the agency must include good customer service, more adoptions, and tangible commitments to give the shelter the tools it needs to do the job humanely. Public contact, however, is not necessarily a face-to-face encounter. The public has contact with an agency by reading about it in the newspaper, seeing volunteers adopting animals at a local shopping mall or hearing management promoting spay/neuter on the radio. It means public relations and community education.

The importance of good public relations cannot be overstated. Good, consistent public relations are the key to getting more money, more volunteers, more adoptions, and more community goodwill. Indeed, if lifesaving is considered the destination, public relations are the vehicle which will get a shelter there.

Increasing adoptions, maximizing donations, recruiting volunteers and partnering with community agencies comes down to one thing: increasing the shelter's exposure. And

that means consistent marketing and public relations. Public relations and marketing are the foundation of all a shelter's activities and their success. To do all these things well, the shelter must be in the public eye.

Indeed, a survey of more than 200 animal control agencies, conducted by a graduate student at the University of Pennsylvania College of Veterinary Medicine, found that "community engagement" was one of the key factors in those agencies who have managed to reduce killing and increase lifesaving. One agency noted that "public buy-in is crucial for long-term improvements" placing primary importance on "the need to view community outreach and public engagement as integral to the agency's overall purpose and programs rather than simply as an add-on accomplished with a few public service announcements..."

### IX. Volunteers

Volunteers are a dedicated "army of compassion" and the backbone of a successful lifesaving effort. No matter how well funded an agency, the needs of the animals always exceed paid human resources. That is where volunteers come in and make the difference between success and failure and, for the animals, life and death.

In San Francisco, a community of approximately 800,000 people, volunteers spend over 110,000 hours at the shelter each year. Assuming the prevailing hourly wage, payroll taxes and benefits, it would cost the San Francisco SPCA over \$1 million dollars annually to provide those services.

The purpose of a volunteer program is to help a shelter help the animals. It is crucial to have procedures and goals in mind as part of the program. In Tompkins County, for example, the agency required all dogs available for adoption to get out of kennel socialization four times per day. This could not be accomplished by staff alone and therefore volunteers were recruited, trained and scheduled for specific shifts that would allow the agency to meet those goals.

### X. Leadership

The final element is the most important of all, without which all other elements are thwarted—leadership which will ensure a culture of caring and accountability, including rigorous and comprehensive implementation of all efforts to achieve the desired results.

But it is clear—as better than a decade of success in communities throughout the United States—that lifesaving success is simply not achievable without rigorous implementation of each and every one of these programs and services to the point that they replace killing entirely.

These positions and programs allow animals to remain healthy and well behaved, increase adoptability, improve a shelter's delivery of services, and promote a proactive positive public image. All of this translates into more lives saved. And—as shown in this report—none of them are being done well, or at all, by KCACC. And no amount of money will change the calculus.

## Appendix II: The Companion Animal Protection Act

*The people of the City of \_\_\_\_\_ do enact as follows:*

### **Part I. Purpose and Intent.**

SECTION 1(a) It is the intent of the City Council to end the killing of savable animals in the city. In order to accomplish this, the City Council finds and declares:

- (1) protecting animals is a legitimate and compelling public interest;
  - (2) the killing of savable animals in city shelters is a needless tragedy that must be brought to an end;
  - (3) no animal should be killed if the animal can be placed in a suitable home, if a private sheltering agency or rescue group is willing to take care and custody of the animal for purposes of adoption, or, in the case of feral cats, if they can be sterilized and released to their habitats;
  - (4) animals held in shelters deserve proper care and humane treatment including prompt veterinary care, adequate nutrition, shelter, exercise, environmental enrichment, and water;
  - (5) shelters have a duty to make all savable animals available for adoption for a reasonable period of time;
  - (6) owners of lost animals should have a reasonable period of time within which to redeem their animals;
  - (7) shelters should not kill savable animals at the request of their owners;
  - (8) all efforts should be made to encourage the voluntary spaying and neutering of animals;
  - (9) government is obligated to taxpayers and community members to spend tax monies on programs and services whose purpose is to save and enhance the lives of animals;
  - (10) when animals are killed, it should be done as humanely and compassionately as possible;
  - (11) taxpayers and community members deserve full and complete disclosure about how animal shelters operate;
  - (12) citizens have a right to ensure that agencies follow the law;
  - (13) saving the lives of animals, identifying and eliminating animal neglect and abuse, and protecting public safety are compatible interests; and,
  - (14) policies that undermine the public's trust in animal shelters should be eliminated;
- and,

(b) The City Council further finds and declares that all public and private sheltering agencies that operate within the city shall:

- (1) commit themselves to ending the killing of savable animals in their care and custody;
- (2) work with other animal adoption organizations to the fullest extent to promote the adoption of animals and to reduce the rate of killing;
- (3) provide every animal in their custody with individual consideration and care, regardless of how many animals they take in, or whether such animals are healthy, unweaned, elderly, sick, injured, traumatized, feral, aggressive, or of a particular breed;

(4) not ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria unrelated to the individual animal's medical condition or temperament.

(c) The City Council further finds and declares that all public sheltering agencies that operate within the city shall:

- (1) be open to the public for adoption seven days per week;
- (2) implement programs to save lives, including free and low-cost spay/neuter services for animals, including feral cats; a foster-care network for animals needing special care, including unweaned, traumatized, sick and injured animals; comprehensive adoption programs that operate during weekend and evening hours and include adoption venues other than the shelter; medical and behavioral rehabilitation programs; pet-retention programs to solve medical, environmental, and behavioral problems and keep animals with their caring and responsible owners; and, volunteer programs to help socialize animals, promote adoptions, and assist in the operations of the shelter.

(d) The City Council further finds and declares that ending the killing of savable animals will occur when all public and private sheltering agencies and rescue groups work together to achieve this goal, and therefore expects private sheltering agencies and rescue groups to:

- (1) be open to the public during hours that permit working people to adopt animals during non-working hours;
- (2) implement programs to save lives, including free and low-cost spay/neuter services for animals, including feral cats; a foster-care network for animals needing special care, including unweaned, traumatized, sick and injured animals; comprehensive adoption programs that operate during weekend and evening hours and include adoption venues other than the shelter; medical and behavioral rehabilitation programs; pet-retention programs to solve medical, environmental, and behavioral problems and keep animals with their caring and responsible owners; and, volunteer programs to help socialize animals, promote adoptions, and assist in the operations of the shelter.

## **Part II. Definitions.**

SEC. 2 (a) For purposes of this Act, the following definitions shall apply:

(1) a *Public Sheltering Agency* is a public animal control shelter or private shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group that receives city funding and/or has a contract with the city under which it accepts stray or owner-relinquished animals.

(2) a *Private Sheltering Agency* is a shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group, which is designated as a non-profit under Section 501(c)(3) of the Internal Revenue Code, and: (a) which does not receive city funding or have a contract with the city under which it accepts stray or owner-relinquished animals; (b) accepts animals into a physical facility other than a private residence; and, (c) places into new homes stray and/or owner-relinquished animals and/or animals who have been removed from a public or private sheltering agency.

(3) a *Rescue Group* is a collaboration of individuals not operated for a profit, whose primary stated purpose is animal protection, which places into new homes stray and/or

owner-relinquished animals and/or animals who have been removed from a public or private sheltering agency. Individual rescuers who keep animals in their own homes but are not part of a larger collaboration are not a rescue group for purposes of this Act.

(4) an *Animal* is any domestic non-human living creature normally kept as a pet, or a feral cat.

(5) an *Impounded* animal is any animal who enters a public or private sheltering agency or rescue group regardless of whether the animal is a stray, owner-relinquished, seized, taken into protective custody, transferred from another private or public sheltering agency, or is an animal whose owner requests that the animal be killed, except for any animal presented to a medical clinic associated with such agencies for purposes of preventative or rehabilitative medical care, or sterilization.

(6) a *Stray* animal is any animal who is impounded without a known owner present at impound who is voluntarily relinquishing custody.

(7) a *Savable* animal is any animal who is either healthy or treatable, and is not a vicious or dangerous dog.

(8) a *Healthy* animal is any animal who is not sick or injured.

(9) a *Treatable* animal is any animal who is sick or injured, whose prognosis for rehabilitation of that illness and/or injury is excellent, good, fair, or guarded as determined by a veterinarian licensed to practice in this state.

(10) a *Non-rehabilitatable* animal is any animal with severe illness or injury whose prognosis for rehabilitation is either poor or grave as determined by a veterinarian licensed to practice in this state.

(11) an *Irremediably Suffering* animal is any animal with a medical condition who has a poor or grave prognosis for being able to live without severe, unremitting pain, as determined by a veterinarian licensed to practice in this state.

(12) a *Feral Cat* is a cat who is free-roaming, unsocialized to humans, and unowned.

(13) a *Feral Cat Caregiver* is someone who cares for feral cats and has an interest in protecting the cats, but is not the owner of those cats.

(14) an *Unweaned* animal is any neonatal animal who, in the absence of his/her mother, requires supplemental bottle feeding by humans in order to survive. In the case of puppies and kittens, unweaned animals are animals who fit the above description and are from 0 to 4 weeks of age.

(15) a *Litter* of animals includes two or more animals who are under twelve weeks of age as determined by a veterinarian licensed to practice medicine in this state, or by a veterinary technician or veterinary assistant working under the direction of a veterinarian licensed to practice medicine in this state.

(16) a *Vicious Dog* is a dog who exhibits aggression to people even when the dog is not hungry, in pain, or frightened, and whose prognosis for rehabilitation of that aggression is poor or grave as determined by a trained behaviorist who is an expert on canine behavior.

(17) a *Dangerous Dog* is a dog adjudicated to be vicious by a court of competent jurisdiction and where all appeals of that judicial determination have been unsuccessful.

### **Part III. Sterilization Requirements.**

SEC. 3(a) Except as otherwise provided in this section, no public or private sheltering agency or rescue group shall sell, adopt, or give away to a new owner any dog, cat, rabbit, or other animal who has not been spayed or neutered, except as follows:

(1) This section shall not apply to reptiles, amphibians, birds, fish, and small animals such as mice and hamsters, where the anesthesia or sterilization procedure is likely to result in the animal's death.

(b) If a veterinarian licensed to practice veterinary medicine in this state certifies that an animal is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the animal to be spayed or neutered, the adopter or purchaser shall pay the public or private sheltering agency or rescue group a deposit of not less than fifty dollars (\$50), and not more than one hundred dollars (\$100). This deposit shall be returned if the adopter or purchaser presents the entity from which the animal was obtained with proof that the animal has been spayed or neutered within 60 days of receiving the animal, or presents a signed letter from a veterinarian licensed to practice medicine in this state, certifying that the animal has died, including a description of the animal and most likely cause of death. This deposit shall also be returned upon the expiration the 60-day period if the adopter or purchaser presents a signed letter from a veterinarian licensed to practice medicine in this state, certifying that upon the expiration of the 60-day period, the animal remains too sick or injured, or that it would otherwise be detrimental to the health of the animal, to be spayed or neutered.

(c) The adopter or purchaser of an animal must spay or neuter that animal within 60 days of adoption, purchase, or receipt from a public or private sheltering agency, or rescue group, except as follows:

(1) If a veterinarian licensed to practice medicine in this state certifies that an animal is too sick or injured or that it would otherwise be detrimental to the health of the animal to be spayed or neutered within the time period, such animal shall be spayed or neutered within 30 days of the veterinarian certifying that the animal may safely be spayed or neutered.

(d) Notwithstanding subsection (b), if a veterinarian licensed to practice medicine in this state certifies that an animal is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the animal to be spayed or neutered, and that the animal is not likely to ever be healthy enough to be spayed or neutered, no deposit shall be required.

(e) For purposes of this section, a determination that a dog or cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to his or her health, may not be made based solely on the youth of the dog or cat, so long as the dog or cat is at least eight weeks of age.

(f) Notwithstanding the other requirements of this section, animals may be transferred to organizations listed on the registry required under Section 9 before they have been spayed or neutered and without a spay/neuter deposit, as long as the receiving

organization represents that it will spay or neuter all animals before placing them into homes.

(g) Any funds from unclaimed deposits made pursuant to this section shall be expended only for programs to spay or neuter animals.

(h) A licensed veterinarian shall perform spay/neuter operations under this Act.

SEC. 4(a) A person is subject to civil penalties of not less than two hundred dollars (\$200) or more than five hundred dollars (\$500) if that person does any of the following:

- (1) falsifies any proof of spaying or neutering submitted for the purpose of compliance with this Act;
- (2) intentionally issues a check for insufficient funds for any spaying or neutering deposit required under this Act;
- (3) falsifies a signed letter from a veterinarian submitted for the purpose of compliance with this Act, certifying that an animal is too sick or injured to be spayed or neutered;
- (4) fails to sterilize the animal as required.

(b) An action for a penalty proposed under this section may be commenced in a court of competent jurisdiction by the administrator of the public or private animal sheltering agency or rescue group from which the recipient obtained the animal who is the subject of the violation.

(c) All penalties collected under this section shall be retained by the agency bringing the action under subsection (b) to be used solely for programs to spay or neuter animals.

#### **Part IV. Feral Cats.**

SEC. 5(a) Caretakers of feral cats shall be exempted from any provision of law proscribing the feeding of stray animals, requiring permits for the feeding of animals, requiring the confinement of cats, or limiting the number of animals a person can own, harbor, or have custody of, except as follows:

(1) Nothing in this section shall be construed to limit the enforcement of a statute having as its effect the prevention or punishment of animal neglect or cruelty, so long as such enforcement is based on the conditions of animals, and not based on the mere fact that a person is feeding feral cats in a public or private location.

(b) In order to encourage spay/neuter of feral cats and to protect cats, public or private sheltering agencies or rescue groups shall not lend, rent, or otherwise provide traps to the public to capture cats, except to a person for the purpose of catching and reclaiming that person's wayward cat(s), to capture injured or sick cats or cats otherwise in danger, to capture feral kittens for purposes of taming and adoption, or, in the case of feral cats, for purposes of spay/neuter and subsequent re-release;

(1) For purposes of this subsection, the location of the cats, without more, does not constitute "otherwise in danger";

(2) A person is subject to civil penalties of not less than two hundred dollars (\$200) or more than five hundred dollars (\$500) if that person uses a trap from a public or private sheltering agency or rescue group for purposes other than those enumerated above.

(c) An action for a penalty proposed under this section may be commenced in a court of competent jurisdiction by the administrator of the public or private animal sheltering agency or rescue group from which the recipient obtained the trap that is the subject of the violation.

(d) All penalties collected under this section shall be retained by the agency bringing the action under subsection (c) to be used solely for programs to spay or neuter animals.

### **Part V. Holding Periods.**

SEC. 6(a) The required holding period for a stray animal impounded by any public or private sheltering agency shall be five business days, not including the day of impoundment, unless otherwise provided in this section:

(1) Stray animals without any form of identification and without a known owner shall be held for owner redemption during the first two days of the holding period, not including the day of impoundment, and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period;

(2) Stray animals may be adopted into new homes or transferred to a rescue group or private sheltering agency for the purpose of adoption after the first two days of the holding period, not including the day of impoundment, except as provided in subsections (a)(3) to (9);

(3) If a stray animal is impounded with a license tag, microchip, or other form of identification, or belongs to a known owner, the animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period;

(4) Litters of animals or individual members of a litter of animals, including the nursing mother, and unweaned animals may be transferred to a private sheltering agency or rescue group for the purpose of adoption immediately after impound;

(5) Individual members of litters of animals who are at least six weeks of age, including the mother, may be adopted immediately upon impound;

(6) A feral cat caregiver has the same right of redemption for feral cats as an owner of a pet cat, without conferring ownership of the cat(s) on the caregiver;

(7) Irremediably suffering animals shall be euthanized without delay, upon a determination made in writing and signed by a veterinarian licensed to practice medicine in this state. That certification shall be made available for free public inspection for no less than three years;

(8) Dogs and cats with confirmed cases of parvovirus or cats with confirmed cases of panleukopenia may be euthanized without delay, upon a certification made in writing and signed by a veterinarian licensed to practice medicine in this state. That certification shall be made available for free public inspection for no less than three years;

(9) Unweaned animals impounded without their mother may be killed so long as the shelter has exhausted all efforts to place the animals in foster care, made an emergency



appeal under the requirements of Section 9, and certified that it is unable to provide the needed care and feeding in its facility. That certification shall also state in clear and definitive terms why the agency is unable to place the animals in foster care, which private sheltering agencies and rescue groups it made an appeal to, and what would be required in the future in order to provide the needed care and feeding in foster care or its facility, and what steps are being taken to do so. This certification shall be made in writing, signed by the director of the agency or by a veterinarian, and be made available for free public inspection for no less than three years.

SEC. 7(a) The required holding period for an owner relinquished animal impounded by public or private sheltering agencies shall be the same as that for stray animals and applies to all owner relinquished animals, except as follows:

(1) Any owner-relinquished animal that is impounded shall be held for adoption or for transfer to a private sheltering agency or rescue group for the purpose of adoption for the entirety of the holding period;

(2) Owner-relinquished animals may be adopted into new homes or transferred to a private sheltering agency or rescue group for the purpose of adoption at any time after impoundment.

(b) When an animal is surrendered or brought to a shelter to be killed at the owner's request, the animal shall be subject to the same holding periods and the same requirements of all owner relinquished animals notwithstanding the request.

(c) An animal seized by an officer of a public or private sheltering agency under the provisions of a state statute having as its effect the prevention or punishment of animal neglect or cruelty, or seized under the provision of state dangerous dog laws or under state quarantine or disease control regulations, shall be impounded and held as consistent with the requirements of those laws, except as follows:

(1) Where any statute under the provisions of those laws permits a holding period, care, or disposition which affords an animal less protection than the mandates of this Act, this Act shall supersede those specific provisions regarding holding, care, and disposition.

## **Part VI. Animal Care Standards.**

SEC. 8(a) Except as otherwise provided in this section, public and private sheltering agencies shall provide all animals during the entirety of their shelter stay with fresh food; fresh water; environmental enrichment to promote their psychological well-being such as socialization, toys and treats; and exercise as needed; however, never less than once daily, except as follows:

(1) dogs who are vicious to people or dangerous dogs may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), public and private sheltering agencies shall work with a veterinarian licensed to practice medicine in this state to develop and follow a care protocol, which is consistent with the goals of this Act as defined in Part I, for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, geriatric animals, or animals needing therapeutic

exercise. This care protocol shall specify any deviation from the standard requirements of subsection (a) and the reasons for the deviation(s).

(c) During the entirety of their shelter stay, animals shall be provided prompt and necessary cleaning of their cages, kennels, or other living environments no less than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. This cleaning shall be conducted in accordance with a protocol developed in coordination with a veterinarian licensed to practice medicine in this state, provided as follows:

(1) animals shall be temporarily removed from their cages, kennels, or other living environments during the process of cleaning, to prevent them from being exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or antibiotics, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition, even if the animals are not candidates for redemption, transfer, or adoption.

(e) Public and private sheltering agencies shall work with a veterinarian licensed to practice medicine in this state to develop and follow a protocol to prevent the spread of disease, including, but not limited to, appropriate evaluation and testing of newly impounded animals, administration of vaccines, proper isolation and handling of sick animals, and measures to protect those animals most vulnerable to infection.

## **Part VII. Additional Programs and Duties.**

SEC. 9(a) All public and private sheltering agencies that kill animals shall maintain a registry of organizations willing to accept animals for the purposes of adoption, as follows:

(1) All public or private sheltering agencies, and rescue groups designated as non-profits by Section 501(c)(3) of the Internal Revenue Code, shall be immediately placed on this registry upon their request, regardless of the organizations' geographical location or any other factor except as described under subsection (a)(5);

(2) The public or private sheltering agency may, but is not required to, include on the registry any rescue groups that are not designated as non-profits under Section 501(c)(3) of the Internal Revenue Code;

(3) The registry shall include the following information as provided by the registered organization: organization name, mailing address, and telephone number; website and e-mail address, if any; emergency contact information for the organization; the types of animals about whom the organization wishes to be contacted, including species-type and breed; and whether or not the organization is willing and able to care for unweaned animals, sick or injured animals, and/or feral or aggressive animals;

(4) All public and private sheltering agencies shall seek organizations to include on the registry;

(5) A public or private sheltering agency may refuse to include an organization on the registry, or delete it from the registry, until such time as this is no longer the case, if any of the organization's current directors and/or officers have been convicted in a court of competent jurisdiction of a crime consisting of cruelty to animals or neglect of animals; or if such charges are pending against any of the organization's current directors or officers; or if that organization or its current directors or officers are constrained by a court order or legally binding agreement that prevents the organization from taking in or keeping animals. An agency may require an organization to disclose any or all convictions, charges, and legal impediments described in this subsection;

(6) A public or private sheltering agency may require that registered organizations provide the following summary information on no more than a monthly basis: the total number of animals the organization has taken from the agency who have been adopted, died, were transferred, were killed, and are still under the organization's care. This information may be provided in an informal format, such as via electronic mail;

(7) A public or private sheltering agency shall not demand additional information, other than that described in this section, as a prerequisite for including an organization on the registry or for continuing to maintain that organization on the registry.

(b) No public or private sheltering agency may kill an animal unless and until the agency has notified, or made a reasonable attempt to notify, all organizations on the registry described in subsection (a) that have indicated a willingness to take an animal of that type.

(1) Such notification must take place at least two business days prior to the killing of the animal;

(2) At a minimum, such notification shall include calling the organization's regular and emergency contact numbers, and sending an email to its email address, if any.

Notification is considered complete as to each individual group when this has been accomplished;

(3) No animal may be killed if an organization on the registry is willing and able to take the animal within two business days after being notified;

(4) No fee may be assessed for animals released to organizations listed on the registry.

(c) No public or private sheltering agency may kill an animal unless and until the agency has notified, or made a reasonable attempt to notify, individual rescuers, rescue groups who are not designated as a non-profit under Section 501(c)(3) of the Internal Revenue Service, and the public at large so that they may consider adopting or rescuing the animal consistent with the agency's normal adoption or transfer protocols.

(1) Such notification must take place at least two business days prior to the killing of the animal;

(2) Such notification can be accomplished in any manner reasonably likely to lead to lifesaving, but must, at a minimum, include posting a notice in the shelter on the particular animal's cage or kennel, and on the agency's website that states: "This animal is to be killed on [date] and [time]."

(d) The following exceptions shall apply to the requirements of subsections (b) and (c):

- (1) All irremediably suffering animals shall be euthanized without delay. The determination that an animal is irremediably suffering shall be made in writing, signed by a veterinarian licensed to practice medicine in this state, and made available for free public inspection for no less than three years;
- (2) Dogs and cats with confirmed cases of parvovirus or cats with confirmed cases of panleukopenia may be euthanized without delay, upon a certification made in writing and signed by a veterinarian licensed to practice medicine in this state. Such certification shall be made available for free public inspection for no less than three years;
- (3) Dangerous dogs may, but are not required to be, released to organizations listed on the registry;
- (4) Upon the impoundment of unweaned animals without their mother, all public and private sheltering agencies which have not placed the animals into foster care or have not committed to provide supplemental feeding shall immediately make an emergency appeal to organizations on the registry that have indicated that they are willing and able to care for unweaned animals, and give such organizations a reasonable amount of time to respond to the appeal. Unweaned animals impounded without their mother may then be killed before the expiration of the two business days notification period if the requirements of Section 6(a)(9) are met.

(e) All public and private sheltering agencies shall require organizations taking animals under this section to sign a contract providing:

- (1) That the animals are being taken for the purposes of adoption;
- (2) That all animals taken from the agency will be spayed or neutered before adoption, unless a licensed veterinarian certifies that an animal is too sick to be spayed or neutered or that it would otherwise be detrimental to the health of the animal to be spayed or neutered as required under Section 3 of this Act.

SEC. 10(a) All public and private sheltering agencies shall take appropriate action to ensure that all animals are checked for all currently acceptable methods of identification, including microchips, identification tags, and licenses. All public and private sheltering agencies shall maintain continuously updated lists of animals reported lost, and attempt to match these lost reports with animals reported found and animals in the shelter, and shall also post all stray animals on the Internet with sufficient detail to allow them to be recognized and claimed by their owners. If a possible owner is identified, the agencies shall undertake reasonable efforts to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts shall include, but are not limited to, notifying the possible owner by telephone, mail, and personal service to the last known address. Upon the owner's or caretaker's initiation of recovery procedures, the agencies shall retain custody of the animal for a reasonable period of time to allow for completion of the recovery process. Efforts to locate or contact an owner or caretaker, and communications with persons claiming to be owners or caretakers, shall be recorded and be made available for free public inspection for no less than three years.

SEC. 11(a) Every public or private sheltering agency shall have adoption programs which include adoption programs to place animals into homes and to transfer animals to other

private sheltering agencies or rescue groups for adoption; promotion of animals to the community through means such as the local media and the Internet; evening and weekend adoption hours; and, community-based adoption events or venues at locations other than the shelter.

(1) In addition to the requirements of subsection (a), all public sheltering agencies shall be open for public adoption seven days per week for a minimum of six hours per day, except on the following federally recognized holidays, when the shelter may, but is not required to, be open for adoptions: New Years Day, Independence Day, Thanksgiving Day, Christmas Day.

SEC. 12(a) No public or private sheltering agency shall ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria unrelated to the individual animal's medical condition and temperament.

SEC. 13(a) Every public sheltering agency shall provide the following public services:

- (1) low-cost spay/neuter services for animals;
- (2) volunteer opportunities for people to assist the shelter, including fostering animals, socializing animals, assisting with adoptions, and otherwise helping in the operations of the shelter;
- (3) programs to assist people in overcoming situations that may cause them to relinquish or abandon their animals, including, but not limited to, programs that address animal behavior problems, medical conditions, and environmental conditions.

(b) Nothing in this section shall prohibit an agency from enacting reasonable rules to facilitate the orderly operation of these programs, so long as the rules are designed to meet the goals of this Act, as defined in Part I.

SEC. 14(a) No person shall procure or use any living animal from a public or private sheltering agency or rescue group for medical or biological teaching, research or study. No hospital, educational or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture, shall purchase or accept any living animal from a public or private sheltering agency, rescue group, commercial kennel, kennel, peace officer, or animal control officer.

(b) No public or private sheltering agency, rescue group, commercial kennel, kennel, peace officer, or animal control officer shall sell, adopt, transfer, or give away any living animal to a person, hospital, educational or commercial institution, laboratory, or dealer in animals, whether or not such dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research or study.

SEC. 15(a) No savable animal in a public or private sheltering agency shall be killed simply because the holding period has expired. Before an animal is killed, all of the following conditions must be met:

- (1) there are no empty cages, kennels, or other living environments in the shelter;
- (2) the animal cannot share a cage or kennel with another animal;

- (3) a foster home is not available;
- (4) organizations listed on the registry described in Section 9 are not willing to accept the animal;
- (5) the animal is not a feral cat subject to sterilization and release;
- (6) all mandates, programs and services of the Act have been met; and
- (7) the director of the agency certifies he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SEC. 16(a) All animals impounded by a public or private sheltering agency or rescue group shall be killed, only when necessary and consistent with the requirements of this Act, by lethal intravenous injection of sodium pentobarbital, except as follows:

- (1) intraperitoneal injections may be used only under the direction of a licensed veterinarian, and only when intravenous injection is not possible for infant animals, companion animals other than cats and dogs, feral cats, or in comatose animals with depressed vascular function.
- (2) intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose, and then only under the direction of a veterinarian.

(b) No animal shall be allowed to witness any other animal being killed or being tranquilized/sedated for the purpose of being killed.

(c) Animals shall be sedated/tranquilized as necessary to minimize their stress or discomfort, or in the case of vicious animals, to ensure staff safety, except as follows:

- (1) neuromuscular blocking agents shall not be used.

(d) Following their injection, animals shall be lowered to the surface on which they are being held and shall not be permitted to drop or otherwise collapse without support.

(e) An animal may not be left unattended between the time procedures to kill the animal are commenced and the time death occurs, nor may the body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal in all of the following ways:

- (1) by lack of heartbeat, verified by a stethoscope;
- (2) by lack of respiration, verified by observation;
- (3) by pale, bluish gums and tongue, verified by observation; and
- (4) by lack of eye response, verified if lid does not blink when eye is touched and pupil remains dilated when a light is shined on it.

(g) The room in which animals are killed shall be cleaned and regularly disinfected as necessary, but no less than once per day on days the room is used, except as follows:

(l) The area where the procedure is performed shall be cleaned and disinfected between each procedure.

(h) The room in which animals are killed shall have adequate ventilation that prevents the accumulation of odors.

(i) A veterinarian licensed to practice medicine in this state or a euthanasia technician certified by the state euthanasia certification program shall perform these procedures, except as follows:

(1) If a state certification program does not exist, the procedure may be performed by a trained euthanasia technician working under the direction of a veterinarian.

### **Part VIII. Public Accountability.**

SEC. 17(a) All public and private sheltering agencies must post, in a conspicuous place where animals are being relinquished by owners, a sign which is clearly visible and readable from any vantage point in the area, and at least 17 inches by 22 inches, which has all of the following information identified by species-type:

(1) the number of animals impounded for the prior calendar year;

(2) the number of animals impounded for the prior calendar year who were adopted;

(3) the number of animals impounded for the prior calendar year who were transferred to other agencies for adoption;

(4) the number of animals impounded for the prior calendar year who were reclaimed by their owners;

(5) the number of animals impounded for the prior calendar year who died, were lost, and/or were stolen while under the direct or constructive care of the agency; and

(6) the number of animals impounded for the prior calendar year who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency.

(b) All public or private sheltering agencies must provide all owners who are relinquishing an animal with accurate information, in writing, about the likely disposition of their animal which includes, but is not limited to: (1) if the animal is the breed or type who is normally killed, (2) if the animal is likely to be killed because of some current, usual, or unusual circumstances, and (3) the information provided in Section 17(a)(1)-(6).

(c) Any owner surrendering an animal to a public or private sheltering agency must sign a statement on a form provided by the agency which includes the specific language: "I understand that the shelter may kill my pet." If such statements are provided on a form which has additional information, the owner must initial the statement where these words appear. If the person refuses to sign such statement, the shelter, or its agents, must recite the statement aloud to the owner and then write: "Refused to sign." Such statements must be kept on file for a period of no less than three years.

(d) All public and private sheltering agencies must make available for free public inspection the care protocol required under Section 8(b), the cleaning protocol

required under Section 8(c), and the disease-prevention protocol required under Section 8 (e).

(e) All public and private sheltering agencies shall include on their websites and post, in a conspicuous place near the entrance of the shelter, a list of organizations included on the registry described in Section 9, as well as an invitation for all public or private sheltering agencies and rescue groups to inquire about being listed on the registry, so that they may be notified before any animal is killed. Such lists shall not include any contact information the registered organizations do not wish to make public.

SEC. 18(a) All public or private sheltering agencies shall provide to the City Council and, upon request, for free public inspection, a monthly summary by the tenth day of the month that includes the following information by species-type:

- (1) the number of animals impounded during the previous month;
- (2) the number of impounded animals sterilized and/or sterilized by contract with participating outside private veterinarians during the previous month;
- (3) the number of animals who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency during the previous month;
- (4) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous month;
- (5) the number of animals who were returned to their owners during the previous month;
- (6) the number of animals who were adopted during the previous month;
- (7) the number of animals who were transferred to other organizations for adoption during the previous month; and
- (8) the number of animals impounded into the reporting agency from outside the city during the previous month.

(b) Every public or private sheltering agency shall provide an annual summary by January 31 to the City Council and, upon request, for free public inspection, which includes the following information by species-type:

- (1) the number of animals impounded during the previous calendar year;
- (2) the number of impounded animals sterilized and/or sterilized by contract with participating outside private veterinarians during the previous calendar year;
- (3) the number of animals who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency during the previous calendar year;
- (4) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;
- (5) the number of animals who were returned to their owners during the previous calendar year;
- (6) the number of animals who were adopted during the previous calendar year;
- (7) the number of animals who were transferred to other organizations for adoption during the previous calendar year; and



(8) the number of animals impounded into the reporting agency from outside the city during the previous calendar year.

SEC. 19(a) Revenues from dog licenses, as required under any existing state or local laws, shall be deposited into an account for use by the public animal control agency as follows:

- (1) 60 percent shall be used exclusively for free and low-cost spay/neuter of feral cats and owned animals under the provision of subsection (b);
- (2) 40 percent shall be used exclusively for free and low-cost medical assistance, including vaccinations, of feral cats and owned animals under the provision of subsection (b).

(b) These funds shall be used to provide low-cost spay/neuter and medical care for animals if the owner or feral cat caretaker meets income guidelines set by the shelter or city except as follows:

- (1) These funds shall be used to provide free spay/neuter for animals if the owner is on public assistance or is eligible for any type of city, county, state, or federal aid of the kind that is normally given to individuals based on lack of sufficient income;
- (2) These funds shall be used to provide low-cost medical care, including vaccinations, for animals if the owner is on public assistance or is eligible for any type of city, county, state, or federal aid of the kind that is normally given to individuals based on lack of sufficient income;
- (3) These funds shall be used to provide free spay/neuter and vaccinations against rabies for feral cats regardless of the feral cat caretaker's income.

(c) These services shall be performed under the direction of a licensed veterinarian.

(d) These funds shall not be deducted from the public animal control agency's overall city budget.

SEC. 20(a) Any resident of the City may compel a public or private sheltering agency or rescue group to follow the mandates of this Act through a lawsuit asking a court of competent jurisdiction to grant declaratory and injunctive relief including, but not limited to: restraining orders, preliminary injunctions, injunctions, writs of mandamus and prohibition, and other appropriate remedies at law which will compel compliance with this Act.

(b) Any public or private sheltering agency or rescue group may compel a public or private sheltering agency to follow the mandates of this Act through a lawsuit asking a court of competent jurisdiction to grant declaratory and injunctive relief including, but not limited to: restraining orders, preliminary injunctions, injunctions, writs of mandamus and prohibition, and other appropriate remedies at law which will compel compliance with this Act.

SEC. 21(a) Any law, ordinance, or policy which requires the licensing of cats, the confinement of cats, limits the number of animals a household can own or care for,

prohibits or requires permits for the feeding of stray domestic animals, or prohibits the adoption of specific breeds of dogs is hereby repealed as contrary to the public interest except as follows:

(1) Nothing in this section shall be construed to limit the enforcement of a statute having as its effect the prevention or punishment of animal neglect or cruelty, so long as such enforcement is based on the conditions of animals or the environment, and not based on the mere fact that a household has a certain number of animals, a person is feeding stray domestic animals, and/or a dog is of a particular breed.

SEC. 22(a) If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Act shall be adjudged invalid by a court or other tribunal of competent jurisdiction, such determination, order, or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Act. Any such invalidity shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such determination, order, or judgment shall have been rendered.