

## Letter of Grievance to IACC Advisory Board, August 2008

Mr. Warren Patitz  
Chairman  
Indianapolis Animal Care & Control advisory board

Mr. Patitz,

Pursuant to Indianapolis law 251-335(2), the following grievance is hereby filed.

On July 4, 2008, a group of citizens filed a letter outlining concerns of sanitation and care & treatment violations within the Indianapolis Animal Care & Control ("IACC") shelter (Attachment 1). The internal investigations conducted by IACC, results of which were authored and conveyed by Administrator Steve Talley in two separate e-mail messages (Attachment 2 & 3) were superficial, dismissive of the serious nature of the issues and we believe failed to address what would be recognizable to most citizens as obvious violations of care & treatment standards to animals assigned to its custody, specifically:

*(a) Every owner or keeper of an animal kept in the consolidated city and county shall see that such animal:*

*(1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;*

*(4) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;*

*(5) Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and*

*(b) it shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the city, or to fail to comply with any requirement of subsection (a) of this section.*

Further, based upon direct observations of conditions at the IACC shelter, the shelter is operating in violation of the ordinance that codifies the operating standards for the organization. Specifically, the following sections were observed to be in violation of 251-322:

*(b) The division shall maintain a clean, comfortable, safe and healthy environment for the animals at the shelter.*

*(f) The shelter shall make arrangements to receive and assist sick or injured animals twenty-four (24) hours a day.*

*(h) The shelter shall contract or arrange for licensed regular veterinary care and for the appropriate veterinary medical supplies for the animals at the facility, which veterinary care shall include, but not be limited to: treatment of sick and injured animals, care for newborn or young animals, administration of preventative vaccines and worming.*

*(i) The shelter shall provide adequate and nutritional food appropriate to the species and circumstances of the individual animal. Animals will be fed in appropriate containers.*

*(j) The shelter shall assure that the kennels and/or cages in which the animals stay at the*

*shelter are cleaned and disinfected regularly and in no case less than once every twenty-four (24) hours. Animals shall be humanely moved from their individual kennel to a clean area while the cleaning and disinfecting are being performed.*

*(k) Incoming animals shall be received in an area separate from the rest of the shelter population and shall be immediately examined for injury. They shall remain separated from the rest of the shelter population until they have been evaluated for health and temperament.*

*Incoming animals whose vaccination history is unknown shall be vaccinated before being moved into the shelter population.*

*(l) Cages and kennels shall be in good condition, free of sharp or broken edges, covered drains, supplied with clean, fresh bedding daily. Every animal shall be kept in an appropriate enclosure so as to remain clean, dry, comfortable and free of disease.*

To state it more plainly, no animal should be allowed or caused to unduly suffer in the custody of the City of Indianapolis. In fact, direct observations were made of two such incidents, which Administrator Talley dismissed as being within the scope of their normal operations.

According to other first hand reports, the normal scope of their operations include these observed violations: cats with paws slammed/stuck in the door of their cage in the receiving room overnight; a euthanasia procedure gone wrong causing a puppy to suffer a slow, painful 20-minute death; failure to rinse bleach solution from food and water bowls forces animals in the receiving room to drink from bleach-tainted water bowls if they wish to have any water at all; puppies and dogs kept in the receiving room (where cats are housed) are in cages that are too small, where they invariably step in and knock over or contaminate their food and water. They are seldom, if ever walked, so end up defecating and urinating in the cage (which is typically only cleaned once daily).

A companion animal veterinarian with over 30 years in practice in Marion and Hamilton counties (and Marion County resident) has submitted a statement (included as Attachment 4), expressing serious concerns about the alarming rate of infectious disease among animals that have been in the IACC shelter compared to animals coming from other shelters around central Indiana.

The maggot-infested kitten mentioned in Attachment 1 (IACC ID#A109157) did allegedly receive a veterinary examination approximately 15-20 hours after arriving at the facility and being recognized by the impounding officer as being injured. According to IACC's own statements, the cat did not, in fact, receive treatment to relieve its irremediable suffering at any time during the approximately 40 hours it was within the city's custody. The euthanasia of the cat only occurred after volunteers contacted four employees before finding one that would provide relief to the cat's suffering.

The debilitated, aged cat mentioned in Attachment 1 was completely incapable of walking, eating, drinking or using the litter box. Its fur coat was badly matted and the gums were very pale, indicating the cat was in very poor medical condition. Any minimally competent examination of the cat would've confirmed that the cat was in need of immediate, serious medical care, or euthanasia, as was requested by the owner. There is no humane reason for prolonging this cat's suffering.

Any average citizen observing these activities would immediately recognize them as cruel and intolerable. Because Administrator Talley and/or any other staff members state that these activities are acceptable, they cannot be trusted to provide adequate care to the animals entrusted to their stewardship.

We the undersigned do state the following:

1. The Indianapolis Animal Care & Control shelter is being run in a manner that violates Indianapolis law as stated above.
2. The Indianapolis Animal Care & Control shelter is being run in a manner that is inconsistent with the will and understanding of the Indianapolis taxpayers.
3. The Indianapolis Animal Care & Control shelter is being run in a manner that breeches the trust vested in it by the public.
4. As the ultimate operating authority for all activities within Indianapolis Animal Care & Control, Administrator Steve Talley should be held accountable for these gross deviations from acceptable standards of care.
5. The Indianapolis Animal Care & Control shelter should be placed into receivership.
6. An independent oversight panel shall be created, the members of which are selected, and report to the IACC advisory board.
7. The oversight panel will consist of:
  - One veterinary professional (licensed veterinarian with expertise in companion animals or a licensed veterinary technician with similar experience),
  - Two representatives (one democratic, one republican) from the City-County Council,
  - Four representatives of animal welfare organizations that serve Indianapolis,
  - No member of the oversight panel may be under the employ, contract or direction of the Indianapolis Department of Public Safety,
  - No member of the oversight panel may be a member of the IACC advisory board.
8. Members of the oversight panel will be selected by a majority vote of the IACC advisory board
9. The period of receivership will be in effect until the oversight panel unanimously issues a written report with their findings and determines that the shelter has rectified all concerns and can operate within legal operating requirements and in accord with the general will and understanding of Indianapolis taxpayers (as determined by the oversight panel and public commentary) and such report is accepted by unanimous vote of the IACC advisory board as sufficient cause to end the period of receivership.

We request that the IACC advisory board and/or City of Indianapolis stop the illegal, cruel and intolerable treatment of animals in the care and custody of the IACC shelter, by IACC staff, and respond no later 7:30pm August 13, 2008.

Signed:

Greg Brush  
C.E.O. Feral Bureau of Indiana, Inc.

Carmalita Griffin  
Indianapolis, IN

Maureen Owen, LVT  
President, Feral Bureau of Indiana, Inc.

Jill Wise, LVT  
Pendleton, IN

Kathleen Egan,  
Indianapolis, IN

(Additional signatures attached)

**--Attachment 1 --**

Friday, July 4, 2008

Mr. Warren Patitz  
Chairman IACC Advisory Board

Dear Mr. Patitz,

I am writing to you as the Chairman of the IACC advisory board out of frustration and disgust with conditions and actions observed at IACC in the past two weeks. While Administrator Talley has been very open and accommodating, I am skeptical that he will be effective in addressing the concerns outlined below, as they are so obvious that anyone who enters the facility can see them, and know they are in desperate need of remedy...and the conditions persist there.

A group of friends and I have been volunteering at IACC for the past two weeks. We specifically wanted to make a real impact on the care of the animals, and have gone the past two Tuesdays to clean the Receiving Room. On our first visit, the Receiving Room was in very poor shape. The smell was overpowering and the room was teeming with flies.

It became obvious that cleaning would be difficult as they lacked all but the most crude and simple cleaning implements. The cleaning buckets they provided were filled with water and a splash (about 1-2 ounces) of diluted cleaning solution from a spray bottle. We were eventually provided with 2 other spray bottles that contained a colorless liquid with a citrus scent. The volunteer coordinator commented to the kennel manager that he wasn't sure what it was, and "smells like "Lemon Pledge". As a group of individuals that has been involved in high-volume spay/neuter of cats since 2002, we are very familiar with the processes and materials needed for sanitation of a volume animal environment.

When animals are kept in very confined quarters, sanitation becomes critical to prevent them from contaminating their food and water with vomit, urine and feces, and also then contaminating the cage environment thoroughly, making it harder to clean later. The poor sanitation increases disease spread potential, and also increases animal stress, increasing susceptibility to disease. The smaller the cage, the more frequent and thorough the sanitation needs to be.

We dumped and chose not to use the diluted buckets, and dumped the scented colorless liquid and refilled the spray bottles after calculating the proper mixing ratio of concentrated cleaner in a 55-gallon drum of Vetenall in the Receiving Room. During the cleaning process, we observed that a number of cages did not appear to have been cleaned within the past day and likely longer. Some of the small litterboxes were completely full of feces and urine. Numerous food and water bowls were empty or contaminated. Several cats had dry kibble that had become moldy. Several fearful cats were cowering behind their litterboxes, even though donated plastic shelves which would've provided them some measure of cover and comfort were stacked outside the Receiving Room door.

We found one kitten that was obviously debilitated in the hindquarters. A superficial examination by one of our volunteers who is a veterinary technician suggested that there were one more more fractures. The rear end of the kitten was covered with diarrhea, urine and an infestation of maggots. We contacted 3 staff members immediately. The first staff member's reaction was to inform us that it was an "investigation" kitten (which was not correct, according to the cage card). The second staff member

looked with concern, then left. A third staff member looked with concern, then left. Eventually, an animal control officer who was just passing through took the kitten away, presumably to be euthanized. According to the intake date, the kitten had laid there suffering for 2 days without anyone noticing the smell or the maggots. It also became obvious from that, and the general condition of the cages that the “investigation” animals are not considered to be worthy of the same care as the other animals.

Another aged cat that was marked for owner requested euthanasia was also debilitated, and suffering, unable to really move, eat or eliminate. When it was brought to the attention of a staff member, she commented that an officer had brought it in and put it in there, rather than euthanizing the cat themselves. And apparently the cat was then just forgotten. Fortunately, that cat was brought in earlier that day, so had not suffered in the facility as long.

On our return this past Tuesday, we brought approximately 10 spray bottles, a large wash tub and detergent so that gross soil could be removed from bowls and litter pans prior to sanitizing in bleach solution to make the cleaning process not only possible, but easier. We brought scrub brushes, rags, 2 rolling trash cans and trash bags – all the things that would be necessary for the room to be readily cleaned properly. We left the items there as a donation. The monetary cost of the items was trivial, but the need for them was obvious. We cannot understand why nobody had ever considered them necessary (and missing) until we arrived.

The Receiving Room was much cleaner on our second visit, although there were still litterboxes of cats that did not appear to have been cleaned since animals arrived on the previous Saturday (4 days). While cleaning, a few of us were alarmed by the cries of a dog in the hallway. We looked out the open door into the hallway to see a group of 3 people dragging a dog using some kind of pole device with a noose around the dog's neck. Since Receiving Room is next door to euthanasia, it was certain that the dog was headed to euthanasia. The dog was thrashing, barking and crying and was panicked such that he/she trailed urine and feces down the hallway.

According to nationally noted humane expert, Nathan Winograd:

*“Control poles are designed as a defensive or protective safety tool. They are not intended, and should not be used, 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. 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.”*

Upon later discussion, Administrator Talley told us that if we ever saw an employee dragging an animal, to give him a description and he would deal with it, although he did not ask for a description in this case. Although I believe him to be a genuine, kind and honest man, I also believe that all who work in the building must be aware of this kind of mistreatment and choose to ignore. Since 3 people (presumably employees) were dragging and wrangling the dog, I can only conclude that this is a normal and accepted practice, and not the isolated work of an individual.

I requested and received from Mr. Talley a copy of the IACC “SOP” document, which corroborates the statement by Kirsten Vantwoud, kennel manager, when asked about euthanasia protocols at an IACC board meeting – that employees are encouraged to give available sedative drug(s) to animals prior to euthanasia. I have no reason to believe that the animal we saw was adequately sedated (if at all), as he/she was in abject terror while being dragged by the neck, off to his/her death literally kicking and screaming.

Our time there has shown us many things that are totally abhorrent and unacceptable. Even more so in the municipal shelter of the state's capital city. Every animal in the city's care should receive every possible measure of calm and dignity during their time UNDER THE CITY'S TAXPAYER-FUNDED CARE.

When a new volunteer signs up for IACC he/she must agree to follow a “VOLUNTEERS' CODE OF CONDUCT”. Item # 1 states:

*Never strike an animal, or handle an animal in such a way that it would be construed as rough or abusive. Always exercise compassion and care with all animals.*

Although I have yet to review all 150 pages of the IACC SOP, I would hope there is a similar requirement that applies to employees. But again, even if there is, it is not being observed.

Unfortunately, I suspect that in writing this letter, I will also no longer be welcome as a volunteer, as item #2 in the same Code of Conduct prohibits me from speaking of anything I see, read or hear about clients, staff or animals within the facility. It also prohibits me from taking any pictures. This type of forced non-disclosure is a breeding ground for actions (and inactions) that would not withstand scrutiny, like mistreating animals.

Regardless, if we as casual observers could readily see these problems, so could every member of staff or management, if they choose to simply look. I can only conclude that they do not understand what they are seeing, or do not care. Nobody would accept these conditions or any excuses for these conditions in a privately run facility. Indeed, an Animal Control Officer called to investigate conditions such as what we saw would almost certainly find them to be in violation of the city's own ordinances, and possibly state law.

Whether the problem is improper training or inadequate oversight I cannot say, but I can say there is an obvious problem there. The division takes great pains to ensure that there is no transparency, and that their operations cannot be readily observed or documented. This makes ensuring that deficiencies are corrected impractical under the current circumstances. As such, I believe the following measures need to be taken immediately:

- 1 There must be a ZERO TOLERANCE policy for mistreatment of any animal by IACC staff or volunteers. The definition of *mistreatment* should be broad enough to include anything that does not minimize discomfort or suffering of an animal. Whether mistreatment is intentional or the result of improper training or ignorance should not be relevant;

- 2 The facility should be put on a probationary period with active, external oversight by a team that is free to move about the facility, inspecting and observing until IACC demonstrates a pattern of compliance with state and local laws, their own policies and with basic humane care and treatment standards of the animals charged to their care;
- 3 All IACC policies need to be subject to a full independent review to ensure they promote humane ideals and compassionate care of the animals charged to their care;
- 4 IACC should adopt the fundamentals of the Companion Animal Protection Act (CAPA) to provide comprehensive protection of the animals charged to their care;
- 5 There should be complete transparency to the public throughout the facility (with appropriate safety measures), excluding private areas like bathrooms;
- 6 The observations and results from all oversight must be made publicly available and reported directly to the Mayor, Public Safety Director and City-County Council on an ongoing basis until the facility is operating by humane standards, in compliance with a reviewed/revised set of SOP's that ensure proper treatment of the animals charged to their care;
- 7 IACC should adopt No Kill philosophy and the No Kill Equation (as put forth by Nathan Winograd) as the operating model for IACC. A facility that adheres to the No Kill Equation by its very nature is not subject to the observed systemic problems of neglect and mistreatment of animals in their charge, as has been observed at IACC.

The facility cannot be permitted to continue to operate in a way that accepts turning a blind eye to the mistreatment of animals for any reason, and under any circumstances. The taxpayers of Marion County expect their tax money to be used wisely and in a manner consistent with their own moral and ethical beliefs, as reflected by the values of the leaders they elect. I am certain that what is happening at IACC does not reflect the values of the taxpayers of Marion County, or of the leaders, and as such needs to be stopped immediately.

We are a group of individuals committed to seeing that animals consigned to the care of Indianapolis are not mistreated. We are adamant in pursuing any and all options available to us to expedite remedy of these grievous conditions for the sake of immediately ending the suffering of animals.

Sincerely,

Greg Brush  
C.E.O., Feral Bureau of Indiana, Inc.

Maureen Owen, LVT  
President, Feral Bureau of Indiana, Inc.

Jill Wise, LVT

Carmalita Griffin

Kathleen Egan

**-- Attachment 2 --**

(e-mail addresses of other recipients removed for privacy reasons)

From: "Talley, Steve" <[STALLEY@indygov.org](mailto:STALLEY@indygov.org)>

To: "David Horth", "Dr. Bash", "Drew Carlson", "Marcie Short", "Talley, Steve", "Warren Patitz"

Cc: "Quick, Steven", "Bippus, Jerry", "Garrett, Adam J.", "Vantwoud, Kirsten"

Subject: Investigation into Allegations of Animal Cruelty at IACCD

Date: Mon, 21 Jul 2008 17:52:03 +0000

I have completed the investigation into allegations of animal cruelty at IACCD. I found the staff members involved in that incident on July 1, 2008 used only the force necessary to contain and transfer that animal from one area of the facility to another. I also found the use of that device "Stick" was required in that instance to insure the safety of our employees, the safety of visitors to our shelter, and that animal itself or other animal that might be entering the hallways.

Steve Talley, Administrator  
Indianapolis Animal Care And Control  
Office (317) 327-1388  
Fax (317) 327-1390  
[Stalley@indygov.org](mailto:Stalley@indygov.org)

**-- Attachment 3 --**

(e-mail addresses of other recipients removed for privacy reasons)

Subject: RE: IACC investigation results  
Date: Wed, 23 Jul 2008 13:04:22 -0400  
From: "Talley, Steve" <STALLEY@indygov.org>  
To: "Greg Brush" <gbrush@feralville.com>  
Cc: "David Horth", "Dave Bash",  
"Carlson, Drew" ,  
"Dr. Marcie Short" ,  
"Warren Patitz" ,  
"Quick, Steven" ,  
"Bippus, Jerry" ,  
"Garrett, Adam J." ,  
"Vantwoud, Kirsten" ,  
"Kathleen \"Kegan\" Egan" ,  
"Maureen Owen" , "Carmalita Griffin" ,  
"Jill Wise" ,  
"Newman, Scott" ,  
"Llewellyn, Devon" ,  
"Pratt, Erin"

Mr. Brush,

Thank you for your continued concern for the well-being of the animals entrusted to Indianapolis Animal Care & Control.

As Administrator, I personally have reviewed all the issues and concerns you raised about the kitten (animal number109157) which arrived at the shelter at 9:22 PM on June 22, 2008. The animal control officer, who brought the animal into the shelter, noted on the intake form that the kitten had suffered an injury. Our veterinarian arrived at our facility on the afternoon of June 23, 2008, examined the kitten, and made a note of the animal being very lethargic and indeed had sustained an injury to its left femur. She also included in her notes her recommendation for euthanasia. The employees of this agency followed that recommendation on June 24, 2008. There was no mention of maggot-infestation anywhere on the notes from our veterinarian; I have no reason to believe the veterinarian would have over looked or omitted that condition from her notes had it been present. Although there were no apparent signs of a need for emergency veterinarian care for this animal, I have reiterated to our staff that they take advantage of the 24-hour emergency veterinary service by transporting any animal with a serious injury to the VCA West 86th Street location.

In summary, after reviewing the information provided by staff and our veterinarian, I have concluded that IACC did not violate state or local laws as they relate to the care and treatment of animals under the

control of our agency, specifically 531-401(a) as mentioned in your e-mail. Additionally, you mentioned a possible violation of IC 35-47-3-0.5(4) (A). In fact, Indiana Code 35-47-3-0.5 (4) (A) does not exist; Chapter 3 of that Section deals with the disposal of confiscated weapons which does not apply to the operations of our agency.

Please do not hesitate to contact me if I can be of further assistance.

Steve Talley, Administrator  
Indianapolis Animal Care And Control  
Office (317) 327-1388  
Fax (317) 327-1390  
[Stalley@indygov.org](mailto:Stalley@indygov.org)



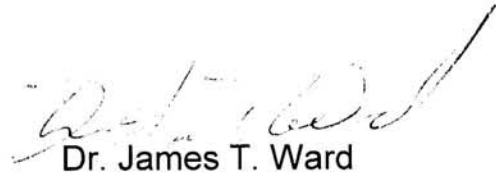
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## ALLISONVILLE ANIMAL HOSPITAL

10173 Allisonville Rd.  
Fishers, IN 46038

(317) 849-3160  
James T. Ward D.V.M.  
Marcie L. Short, D.V.M.  
Dawn Lindstrom, D.V.M.

Our clinic sees animals from shelters all over central Indiana, and the animals that have come from Indianapolis Animal Care & Control by far have the highest rate of infectious kennel-contracted upper and lower respiratory disease, parvovirus and feline panleukopenia. As a result, we are very cautious when allowing animals into our clinic that have been in the Indianapolis Animal Care & Control shelter as I believe they pose a very real risk to our other client's pets.



Dr. James T. Ward

## IACC Grievance Letter Signature Inclusion

To have your signature included on the document entitled “Letter of Grievance to IACC Advisory Board, August 2008,” please provide the following information to verify your identity. **Of the information below, only your name, city and zip code will be printed on the official grievance submission. The other information will be retained and used only for verifying your identity, should it be necessary.**

Full Name: \_\_\_\_\_

Title (if any): \_\_\_\_\_

Organization (if any): \_\_\_\_\_

Address of Residence: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Home Phone (if any): \_\_\_\_\_

Other Contact Phone (if any): \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

By transmitting this information, I hereby request that my signature be added to the “Letter of Grievance to IACC Advisory Board, August 2008”

Signature: \_\_\_\_\_

### To Submit your signature:

- Scan and e-mail the image of this page (only) to Greg Brush at [gbrush@feralbureau.org](mailto:gbrush@feralbureau.org); or
- You may FAX this signed page to 317-622-0018; or
- If you do not have the capability to scan or FAX, simply send this information via e-mail to [gbrush@feralbureau.org](mailto:gbrush@feralbureau.org). By submitting the information by e-mail, you are agreeing to the above statement requesting that your signature be included.

**All signatures must be received by August 10, 2008 to be included in the official filing of this grievance.**