

INVESTIGATORS REPORT REGARDING ANIMAL CARE & CONTROL

1. Purpose of Investigation

- (a) Determine if specific allegations of neglect/cruelty occurred.
- (b) Determine if there is a pattern of problems that needs to be addressed.

2. Person contacted & date

Steven Talley 8/29/08
Anonymous volunteer 9/1/08
Various staff 9/3/08
Various staff, ride along with Animal Control Officer 9/4/08
Various staff, volunteers 9/5/08
Greg Brush 9/5/08

3. Records Reviewed

8/10/08 grievance
8/7/08 emails from staff to Talley and from Talley to staff re multiple problems
7/23/08 email from Brush to Talley and from Talley to Brush re kitten incident
7/21/08 email from Talley to Board re 7/1 dragging incident
Undated letter from Talley to Patitz re multiple issues
7/4/08 letter from Brush & others to Patitz
"Redemption" by Nathan Winograd
IACC Job descriptions, work schedules, Procedure manuals, Kennel statistics
Information about Tompkins County NY and their transition to no kill
Catnet.stanford.edu/articles/nokillcommunity.pdf
Comprehensive list of no kill shelters
Saveourstays.com/no-kill.htm
San Francisco SPCA website sfspca.org
www.nacannet.org
IACC SOP

4. Summary of Investigator Activities

Surprise visit at IACC on Friday, August 28, 2008 at 1:00 pm to 5 pm
Surprise visit at IACC on Wednesday, 9/3/08 at 8 am to 9:30 am
Surprise visit at IACC on Thursday 9/4/08 at 6:15 am to 7 am
Unscheduled Ride along with IACC animal control officer 9/4/08 7 am to 10 am
Surprise visit at IACC on Friday 9/4/08 at 7:30 pm to 8:30 pm
Surprise visit at IACC on Saturday, 9/5/08 noon to 1:30 pm

5. Specific Allegations:

- (a)
ALLEGATION: **Kitten with broken leg** and maggots – complaint is in 7/4/08 letter from Brush to Patitz. Volunteer took photos and showed photo to investigators.

IACC Response: In an undated letter from Talley to Patitz, Talley indicates that no member of the staff has any knowledge of the debilitated kitten and without an animal ID number, he is unable to research any specifics regarding the kitten. On 9/23/08 Talley emailed Greg Brush with the following information: Animal number 109157, arrived at 9:22 pm on 6/22. ACO noted injury on intake form. Veterinarian evaluated on 6/23 and recommended euthanasia but no mention of maggots. Euthanasia performed on 6/24. Talley finds no violation of state or local laws.

Investigator interview with staff confirmed that a volunteer brought the kitten to the attention of staff who also saw the maggots and arranged for immediate euthanasia. RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Local ordinance section 531-734 Notwithstanding any provision of this article to the contrary, an injured or diseased animal need not be retained four (4) days, but may be disposed of at any time when in the reasonable discretion of the enforcement authority it would be more humane and reasonable to do so, rather than provide veterinary care. Also, Policy NO. F-015, allows emergency euthanasia if necessary because of a fatal condition or suffering.

FINDING: unsubstantiated.

RECOMMENDATION: Veterinarian on staff who euthanizes animals that can not be treated and treats those which can be treated.

Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(b)

ALLEGATION: **Dog dragging on control pole** incident - complaint is in 7/4/08 letter from Brush to Patitz, incident occurred on 7/1/08. Witnessed by two individuals. An IACC staff dragged a large dog in a public hallway to the ET room. Two other staff looked on as the dog struggled, defecated and urinated. The onlookers pointed and laughed.

IACC Response: 7/21/08 memo from Kindig to Talley indicates he found out which employees performed euthanasia the day of the incident, but not which were involved in the dragging incident. 7/21/08 email from Talley to IACC board members, cc to staff, found staff members used only force necessary and that the control stick was necessary to ensure the safety of employees, visitors and other animals.

Talley advised investigators that he did not investigate the incident because witness accounts varied.

RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Policy No. D-020 animal abuse or mistreatment by ACC staff will not be tolerated. All reports will be investigated and disciplinary action taken, if appropriate. Failure to report abuse may also be subject to disciplinary action.

FINDING: Substantiated

RECOMENDATION: Counseling of involved employees, retraining on use of control stick.

(c)

ALLEGATION: **Crying puppy in ET area** - complaint is in 8/10/08 grievance. A volunteer was at IACC cleaning. She heard crying and sounded like animal in pain. The door was unmarked, so she opened it. The Puppy was found in the ET room alone in crate, crying, obviously in distress. She was given some explanation that it had been sedated and then euthanized and then put back in crate. Someone eventually took the puppy. It appeared that their focus was that she shouldn't have been in the room. Staff were more concerned about her being in the room than the harmed puppy.

Involved staff explained to the investigator that the puppy had received an intra peritoneal injection of fatal plus. This is a slower method than intravenous injection and can result in a variety of behaviors including vocalization, paddling, shuddering and unpredictable movements. The animal was in a crate waiting for the drug to take effect.

IACC Response: in undated letter from Talley to Patitz Talley indicate the union filed a grievance because IACC violated Article XIII, section 2B, placing a member's health and safety at risk.

RELEVANT RULE or LEGAL AUTHORITY: NA

FINDING: Unsubstantiated.

RECOMENDATION: Counseling of involved employees and volunteers.

(d)

ALLEGATION: **Live tortie cat in ET** - complaint in 8/7/08 staff email and 8/10/08 grievance. Staff found cat alive & meowing its head off, uncomfortable, bleeding, pooping, no food, no water, no litter box no bedding. Dead cat in neighboring cage.

IACC Response 8/7/08 email from Kirsten Vantwoud to Steve Talley - tortie was animal #112195. Brought in at 2157 and euthanized at 2158. Kirsten intends to follow up with officer who euthanized cat to see if he checked on it before leaving IACC.

Talley indicates disciplinary action was taken against two employees as prescribed in the Labor Management master agreement for their "unbecoming conduct: damaging the city's reputation and the public trust through unbecoming conduct". Without exception, employee is required to stay with animal to verify that it is deceased.

RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Local Ordinance 531-401 and Policy No. F-005 Every keeper of an animal shall see that the animal 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. Policy No. K-007 Death must be

confirmed for every animal in euthanasia; use stethoscope to confirm absence of heartbeat and respirations, check pupils for reflect.

FINDING: Substantiated

RECOMENDATION: Counseling of involved employees. Stop killing animals. Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(e)

ALLEGATION: **Yellow lab "Chaos"** with no food or water – complaint in 8/7/08 email by staff member.

IACC Response 8/7/08 email from Kirsten Vantwoud to Steve Talley – Chaos brought in at 2146. Notes in system that owner was contacted and would be in today to retrieve him. Animal #103459. Does not know why left without food or water.

RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Policy No. F-005 animals shall have food and fresh potable water.

FINDING: Substantiated

RECOMENDATION: Counseling of involved employee. Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(f)

ALLEGATION: **Elderly black & White Chihuahua** with no food or water complaint in 8/7/08 email from staff.

IACC Response: 8/7/08 email from Kirsten Vantwoud to Steve Talley. Animal #112179. Animal given canned food late in the day on a paper plate. Unknown who removed bedding as it was present when staff left last night.

RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Policy No. F-005 animals shall have food and fresh potable water.

FINDING: Substantiated

RECOMMENDATION: Counseling of involved employees. Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(g)

ALLEGATION: **Sick dog in K-4**, lying in diarrhea, notation in Chameleon deleted – complaint in 8/7/08 staff email and 8/10/08 grievance

IACC Response: 8/7/08 email from Kirsten Vantwoud to Steve Talley. Animal #109978. Kristen sent an email on 7/23, but was not given permission to route the dog by the INV team. Dog was reported again on 7/25 and euthanized by Kirsten. Kirsten was not aware of a note in chameleon regarding this dog.

RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Local Ordinance section 531-401 and Policy No. F-005 Every keeper of an animal shall see that the animal 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

FINDING: Substantiated

RECOMMENDATION: New computer software to increase accountability and communication. Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(h)

ALLEGATION: **Non use of stethoscope** to ensure death of euthanized animal observed by Warren Patiz on 7/24.

IACC response: Investigators were told by Talley that use of stethoscope is staff discretion.

RELEVANT RULE or LEGAL AUTHORITY: Policy No. K-007 Death must be confirmed for every animal in euthanasia; use stethoscope to confirm absence of heartbeat and respirations, check pupils for reflect.

FINDING: Substantiated

RECOMMENDATION: Counseling of involved staff member, retraining. Stop killing animals. Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(i)

ALLEGATION: Volunteer witness to **failure to rinse bleach solution** from food and water bowls - complaint in 8/10/08 grievance

IACC Response: None

RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Policy No. K-012, after disinfecting, bowls are rinsed

FINDING:

RECOMMENDATION: Counseling of involved employees, retraining. Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(j)

ALLEGATION: **Cats with paws stuck in door of the cage** in the receiving room overnight - complaint in 8/10/08 grievance

IACC response: None

RELEVANT RULE or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter.

FINDING:

RECOMMENDATION: Counsel all employees. Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability.

(k)

ALLEGATION: **Puppies and dogs kept in the receiving room** in too small cages, where they step in and knock over or contaminate their food and water. These animals defecate in the cage which is cleaned only once a day – complaint in 8/10/08 grievance. Investigator observed this occur in several puppy cages.

IACC response: Talley indicated that cages are cleaned daily.

RELEVANT Rule or LEGAL AUTHORITY: Local Ordinance 251-332 the division shall maintain a clean comfortable, safe and healthy environment at the shelter. Local Ordinance 531-401 and Policy No. F-005 Every keeper of an animal shall see that the animal 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.

FINDING: Substantiated.

RECOMMENDATION: Shift change roll call/report for both ACO's and kennel staff to increase communication and accountability. Increase volunteer time in this area.

Findings regarding specific allegations

No staff member contradicted any allegation listed. Having viewed the facility on several occasions, there is nothing about the allegations that makes them unbelievable on their face. For each allegation an individual staff member or volunteer witnessed the complained of event and related their experience in either a written grievance to Talley, the IACC board and/or the investigators. What investigation was done contemporaneously by IACC supports the facts alleged. Even though Talley redacted names from the emails he provided, and refused to provide a list of staff phone numbers so that staff could be contacted away from the IACC facility, the information provided by Talley indicates that at least some of the concerns about animal welfare were made by IACC staff. This investigator finds the listed allegations true and accurate.

6. Overall impression:

Animal cages, litter boxes, are cleaned at least once every 24 hours. Animals generally have clean water and food. Staff investigator encountered were forthcoming, helpful, compassionate and dedicated. Two young volunteers in the cat room were petting cats and friendly toward investigator. Two volunteers in the kennels were rude, insular and not helpful. From this limited volunteer contact it is difficult to accurately assess the volunteers as a whole.

Talley is universally liked and referred to as a very nice man. Staff indicates there are not enough kennel staff or animal control officers and that there is insufficient pay for the jobs they do. The NACAN website provides a formula to determine appropriate staffing, but this investigator did not have sufficient information to

calculate appropriate staffing. If it were estimated that on the average an animal is held 10 days, a staffing estimate using the formula provided on the NACAN website indicates that the facility is not adequately staffed.

Staff who were present when I visited would generally speak with me. Calls to specific staff members requesting a return call went unanswered. There are a relatively small number of staff and rumors abound. The investigator's Saturday visit left the impression that the facility is unorganized. There were more people seeking to adopt on that day than on other days where visits were made by an investigator. The investigator was not always able to discern from appearance alone who was an employee, a volunteer or a family seeking to adopt a pet.

There are a few problems that could easily be solved. For example: the dogs do not perceive the plastic things in their cages as beds, so they relieve themselves on them and lie on the floor instead. Because the water bowls frequently drip onto the floor, there is very little dry area for a dog to lie on. There are dog beds that resemble blue cots that the dogs do seem to use, which would solve the bed problem. Adjusting the rings that hold the water bowls would cause them to drain properly. Almost no dogs had bedding despite there being piles of clean bedding in the storage room and a large industrial washer and dryer available to clean soiled bedding. Dogs who had bedding used it.

7. Concerns raised during investigation:

(a) Talley focused on inconsistencies in witness statements in the dog dragging incident and credentials of people filing complaint, rather than animal well being. He tells the investigators that no investigation of that incident was done because the witness accounts differ. However, he provided the investigators an email dated 7/21 in which he indicated he completed an investigation and found is employees used proper procedures.

Talley does not seem very familiar with day to day operations. He gave us information which was incorrect:

He said cage cards are updated with handwritten information that are added to them during each shift. They are not;

He said it is staff discretion whether to assure death with stethoscope, it is not, it is law;

He said killed animals are placed in refrigerator until retrieved for incineration, they are not; animals remain in a pile on the floor of the garage;

He indicated that puppies and adult dogs can not be in the same space, but they share kennel space and now share the small dog and puppy room;

He did not know where stethoscopes to ensure death following euthanasia were stored.

Talley canceled the "puppy bowl" because he had to deal with the allegations of abuse raised in July and August. The response to these allegations so overwhelmed Talley that he could not perform his ordinary day to day duties. However, he did have time to mop the floor daily.

(b) ACO's do not have tranquilizer guns. ACO's ride alone and do not consistently cover one specific geographic area because of staffing problems. ACO's experience is that IMPD is slow to respond to assist if they respond at all. ACO's are frequently pulled off patrol and assigned to kennel duty due to insufficient kennel staff. ACO's impound healthy dogs that are not in danger and are not a danger to others.

Also on the ride along, the ACO picked up a dog who was ambling along side the street. It was not a busy street. He looked healthy and probably lived nearby. He was not in danger and was not a danger to others.

(c) Dogs do not see their plastic cots as places to sleep, their water bowls drip on cage floors resulting in persistently wet floors and very few dogs have bedding.

(d) Use of pre-sedation for euthanasia: Volunteers want it; staff says it makes the process more stressful for the animals and staff. Investigators did not have an opportunity to witness an animal being presedated.

(e) There is reportedly no consistent protocol for temperament testing. This investigator was not able to find a scientific basis for the validity of temperament testing which may be resulting in adoptable pets being killed.

(f) No volunteer or staff was with people who were seeking adoption. Potential adoptors wandered through the kennels alone and took dogs out for a walks without counseling or assistance. They had questions but no one to ask.

(g) Long wait for veterinary care for both healthy and ill animals: A beautiful blue shepherd puppy had been adopted but could not leave until he/she was neutered/spayed. The investigators noticed this dog on one of the first visits to IACC. Cage card indicated surgery was not until 9/10. IACC is housing this dog for weeks while they wait for spay/neuter services. Animals that were bleary eyed, runny nosed, gimp legged or wheezy on initial visits were still in the same condition on subsequent visits.

(h) Animals for an event were segregated into a non public kennel so that they would not be adopted before the event.

(i) Even though the cages are cleaned daily, the kennels become waste filled as the day progresses and makes them offensive to the public and uncomfortable for the animals. This practice appears to violate local ordinance requiring that animals kept in the city are not forced to stand, sit or lie in their own excrement and local ordinance that requires a clean and comfortable environment for the animals at the shelter. Although most of the cats look comfortable once they are moved from the receiving room, very few of the dogs looked comfortable.

(j) Many cage cards have no photos. This means there is no photo for pet finders or to help people find their lost pet on line. No explanation for why photos would be missing from a cage card was forthcoming.

(k) All employees log onto the computer system with the same user ID so changes can not be traced to a specific user. No user feels the system meets the kennels needs.

(l) Staff and online resources indicate the facility is understaffed. Staff indicates they are underpaid.

(m) 64% of the animals brought to IACC in 2007 were killed.

8. Some ideas

(a) review whether Talley is the right man for the job.

(b) On the investigators ride along it took the ACO, the investigator and four other law enforcement officers over an hour to catch three stray dogs. Had the ACO been alone, she could have spent all day and still not caught them. A tranquilizer gun would have been more humane to the animals, would have been quicker allowing the ACO to complete more runs, and would have used significantly less city resources.

ACO's need tranquilizer guns as part of their equipment and need to be properly trained to use them. A protocol should be in place for the appropriate use of the tool. Working in teams might be effective and should be evaluated on a trial basis.

Review IACC policy regarding impounding dogs which are not in danger and do not pose a danger. Consider knocking on a few nearby doors to identify potential owners of wandering dogs. In addition to finding an owner, this could increase the visibility of IACC and create a future friend of the facility.

(c) All animals should have food and water bowls off the floor, affixed to the side of the kennel. If the water bowls are filled automatically, the ring holding the bowl should be adjusted so that the bowl drains properly and not onto the kennel floor. All animals should have bedding and beds they actually use as beds.

(d) Pre-sedation for euthanasia needs continuing study. If the IACC stops killing animals, this will become less of an issue.

(e) Have written, scientifically based, protocol for temperament testing and have that be a job that one staff person does so that the process is performed consistently. Any questionable cases should be reviewed with other staff members testing the animal. When not temperament testing, this person could also be responsible for checking kennels, relocating dogs that are inappropriately placed due to size or temperament. All staff can help keep kennels clean by scooping feces, mopping urine., helping potential owners with adoption counseling. It is possible that this task and the job described in the following paragraph could be a single job.

(f) Adoption counseling for individuals seeking to adopt. This will help match the dog with the person's abilities. This is supposed to be happening, but the investigator did not witness it happen when there were people at the facility seeking to adopt an animal.

This is a job that volunteers could do. Volunteer coordination is a staff position but does not appear to be filled currently.

Simple method of identifying staff, volunteers and the public such as T shirts of a specific color that say staff or volunteer, ID badges for the public clipped to a shirt or hung from a lanyard. This way, people seeking to adopt will know who to ask for help.

(g) Staff veterinarian or network of volunteer veterinarians who provide 24 hour care. IACC has a contract with VCA for emergencies, but most of what was observed by the investigators (lame paws, runny noses, runny eyes, wheezy chests) required a vet on staff, not an emergency run.

(h) Draw animals for events from the entire kennel population.

(i) Morning roll call/report for both ACO's and kennel staff to increase communication and accountability. Encourage volunteers to clean individual cages as needed and provide proper equipment for them to do so. Increase volunteerism in all areas so that dogs are walked more and make less waste in their cages.

(j) Have a single person responsible for intake of all animals and updating of all cage cards. This person takes the initial photo and updates the photo if necessary. Also determine what breed, if it is discernable and determines what information about the individual animal goes on the cage card. Breed information is not always helpful in a mixed breed animal.

(k) New computer software program for tracking kennel information.

(l) Aggressive recruitment for employees. There isn't even anything on the website for people who want to work at IACC.

(m) Make the shelter more inviting to the public by extending hours that it is open to the public, especially on the weekends. Sunday hours would be beneficial.

Review the physical set up of the facility. Is the set up the most efficient possible? Can inexpensive changes be made that would increase efficiency?

Dog room/outdoor runs for healthy well socialized dogs.

More time, space and activities for dogs outdoors - this means planting trees for shade, installing fencing, simple agility equipment, water lines for watering and cleaning stations.

A program of animal socialization, not just hit or miss socialization of favored animals.

Aggressive public education program for sterilization of animals, adoption of animals.

Municipally funded spay/neuter - Los Angeles saw this reduce euthanasia rates within a decade and decrease the number of strays that need to be caught.

Strengthen foster care program, institutionalize it and have management of foster care program part of a staff position. This increases kennel space at no cost and increases adoptable animals.

Pet retention counseling: when someone seeks to relinquish an animal to the shelter, make a determination of the reason and whether the problem can be solved with some education/assistance. This is theoretically already being done. The investigators were not provided any documentation which indicated how many pets that are sought to be surrendered are successfully maintained in their homes. The investigator saw a ten year old Maltese that was surrendered because the owner could not afford it any more.

Look to other shelters best practices and emulate them.

Stop holding investigation dogs. IACC has no reason to hold them. Statutorily, the owner can be required to pay for kennel fees. If an owner seeks to retain ownership of a dog during an investigation, one option is to privately kennel the dog until the investigation is completed. An animal never needs to be held for evidence in a prosecution. Those that are adoptable should be.

Review IACC's policy on not adopting bully breeds. Adoption counseling and temperament testing would allow these dogs to be adopted. If the policy remains that we transfer these dogs to IPC, then it needs to be done more quickly. Is there a reason that the dogs can't spend their stay hold periods at IPC's facility? If they are properly photographed and IACC's responsibility for them documented, where they are kenneled should not matter.

Volunteer coordination is a staff position that needs to be filled.

TNR program for feral cats.

Aggressively court donors and other service providers.

Random inspections

Respectfully Submitted,

Karen Jensen,
Volunteer Investigator

Joan Issacs
Volunteer investigator