

**Stanislaus County Animal Services  
Grand Jury Case No. 05-11  
2004-2005**

**SUMMARY**

The Grand Jury received a citizen complaint, signed by multiple parties, related to the operations of the Stanislaus County Animal Services (SCAS) shelter on Finch Road in Modesto. The complaint criticized the SCAS Department management and leadership.

The contentions of the complaint are:

- The SCAS shelter violates State mandatory hold periods as defined under the 1998 Hayden Act that amended the State of California Food and Agriculture Code Sections 17005 (State of California Euthanasia policy) and 31108 (impound holding periods, dogs), and 31754 (holding periods). The SCAS shelter also violates Food and Agriculture Code Sections 31108.5 (proof of ownership when relinquishing a dog) and 31752.2 (proof of ownership when relinquishing a cat).
- The Director of the SCAS does not effectively or efficiently manage the department.
- The Stanislaus County Doctor of Veterinary Medicine (DVM) violated the Stanislaus County Workplace Security and Anti-violence Policy.
- The SCAS provides poor and inadequate shelter veterinary care.
- The SCAS shelter misappropriated public funds or donations for leased property improvements in the Rexelle cat case.

The SCAS Director and the County DVM testified that euthanasia of healthy, stray and surrendered animals occurs prior to the mandatory hold time in violation of the 1998 Hayden Act and the State Food and Agriculture Code.<sup>1</sup> Testimony and SCAS documents confirmed that euthanasia of healthy animals occurred as quickly as 20 to 32 minutes after arrival at the shelter.

The Director and the DVM's major justification for the violation of California laws is that the facility is no longer large enough to handle the influx of animals and "stupid"<sup>2</sup> pet owners do not take responsibility for their pets. Both witnesses gave the following reasons for which animals are selected for early euthanasia:

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<sup>1</sup> The Hayden Act amended the State Food and Agriculture Code Section 31108 that mandates a four to six day hold period, for stray animals, not including the day of impound and depending on shelter business hours. It also added Section 31754 which mandates that surrendered animals must be held for two business days, not including the day of impound.

<sup>2</sup> Testimony of County DVM

- When animals are extremely scared it is inhumane to retain that animal for the mandatory hold period.
- The animal does not meet the criteria for adoption after a behavioral "temperament test."
- Upon demand.

The investigation revealed that the Director and the DVM lack the ability to effectively lead the department. The Director is not resourceful and the Director frequently defers to the demands of the DVM. Other witnesses confirmed the deficiencies in leadership and operations of the shelter.

The investigation revealed that the SCAS shelter has a dedicated group of rank and file employees, more than 200 volunteers, and rescue workers all of whom consistently make outstanding contributions, in spite of the unfavorable conditions.

The testimony of all of the SCAS employees was guarded. The rank and file staff interviewed were terrified of crossing the wrong person for fear that it would result in the loss of their job.

Testimony of employees and other witnesses confirmed that serious job performance issues exist with the DVM. The Grand Jury received in excess of 50 documents that alleged multiple incidents where the DVM either provided improper, inadequate, or completely failed treatment.

Other Grand Jury findings are:

- Accounting practices at the SCAS shelter are seriously deficient.
- Public spay and neuter account funds are inappropriately used.
- An inhumane quarantine facility exists under the Director's leadership. It endangers the animals and the health of the county employees.

## **INTRODUCTION**

The 2003/2004 Grand Jury investigated a complaint against the SCAS shelter on Finch Road in Modesto for facility safety issues. The 2004/2005 complaint focused on the violation of State euthanasia laws and issues specific to veterinary care deficiencies.

The contentions of the current complaint are:

- The SCAS violates regulations as defined in the 1998 Hayden Act and the Food and Agriculture Code.
- The Director does not effectively or efficiently manage the SCAS Department.

- The DVM violated the Stanislaus County Workplace Security and Anti-violence Policy.
- The county provides poor and inadequate shelter veterinary care.
- The SCAS shelter misappropriated public funds or donations for leased property improvements in the Rexelle cat case.

The Grand Jury determined that an additional investigation was warranted based on the documentation provided in the current complaint.

## **METHOD OF INVESTIGATION**

This Grand Jury interviewed the following:

- One of the complainants.
- Current and former employees of the SCAS shelter.
- Stanislaus County administrators.
- Two expert witnesses:
  - ✓ A local veterinarian.
  - ✓ A spay and neuter clinic veterinary assistant.

The Grand Jury researched and reviewed:

- Previous depositions.
- The 1998 Hayden Act.
- State of California Food and Agriculture Code.
- Stanislaus County Civil Grand Jury Final Report, 2003/2004.
- The 2003/2004 Civil Grand Jury files on complaint number 04-33.
- Media accounts of related events.
- The SCAS Website.

The Grand Jury attended a Board of Supervisor's meeting that was related to SCAS shelter issues.

## **FINDINGS**

### **1.) Violation of State and Euthanasia Laws**

- A. Testimony confirmed that euthanasia of some stray and surrendered animals has occurred prior to the mandatory hold time contrary to the provisions of the 1998 Hayden Act and the State Food and Agriculture Code. The Hayden Act that has been incorporated into the State Food and Agriculture Code applies to a specific group of domestic animals. It stipulates that for stray animals the "minimum impound time is four to six business days", not including the day of impound and depending on shelter business hours. The minimum impound time for surrendered animals is two business days, not including the day of impound.

The SCAS's failure to comply with mandatory hold periods is in violation of the law. Testimony indicated that the standards used by the SCAS shelter to decide which animals are euthanized are subjectively enforced.

The reasons<sup>3</sup> that were given for destroying stray or surrendered animals are as follows:

- The animal was not cute.
- There were too many animals of the same color or gender.
- The animal was too big.
- The animal was old.
- The animal did not play with a ball.
- The animal was scared.

The Director and the DVM testified that euthanasia is performed on demand on surrendered healthy, adoptable animals. They stated that although the staff makes every effort to confirm ownership of the surrendered animals, ownership cannot always be guaranteed. Examples below based on testimony presented to the Grand Jury are two of many cases where the animals had been euthanized prior to the end of the mandatory hold period.

In August of 2000, an animal control officer brought in three dogs to the shelter at 3:20 p.m. At 3:52 p.m. the owner reported to claim the animals and one of the dogs had already been euthanized.

In October 2003, owner surrendered dogs were taken to the shelter. Shelter documentation indicates that the dogs were euthanized 20 minutes after arriving at the facility "because they were big dogs and the shelter was crowded."<sup>4</sup>

The major justification for the violation of California laws is that the facility is no longer large enough to handle the influx of animals and pet owners do not take responsibility for their pets. The Grand Jury heard the following additional reasons for early euthanization of animals:

- When animals are extremely scared it is inhumane to retain that animal for the mandatory hold period.
- The animal does not meet the criteria for adoption after a behavioral "temperament test."
- Upon demand.

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<sup>3</sup> SCAS shelter witness testimony.

<sup>4</sup> Ibid

## 2.) Department Managerial Issues

- A. The Director, who is the SCAS Department head, reports to the Board of Supervisors. The Director is the head of the shelter and the Stanislaus County Animal Advisory Board (AAB)<sup>5</sup>. The Director, who is listed as the primary AAB contact on the SCAS website, could not describe the function, purpose, or name the other members of the AAB. The Director could not say what the selection criteria is to serve on the board only saying that it is a “Board of Supervisor’s function”. The Grand Jury asked several questions related to the functions of the AAB and the SCAS that the Director could not answer. The Grand Jury obtained the answers to the questions by browsing the SCAS website. The Director was also unable to answer basic questions such as how he/she obtained the job or how much money the position paid. The salary range for the Director’s position is \$54,870 at the entry level, to the top salary of \$82,284, plus benefits.
- B. The Grand Jury interviewed a senior administration shelter employee who had been identified by previous witnesses as the person who would have “all of the answers” to our questions. When interviewed, the employee either could not or would not answer the Grand Jury’s questions.
- C. When interviewing a second senior administration shelter employee regarding separated employees, the witness recalled separations up to three years in the past. However, until specifically asked, the witness could not remember an employee termination that had occurred only three days prior.
- D. The testimony of the SCAS shelter witnesses was guarded. The rank and file employees feared that by testifying to the Grand Jury they were jeopardizing their jobs. They also feared that crossing the wrong person would result in retribution and repercussions up to and including job loss.
- E. Pet owners wait up to two weeks pending spay or neuter procedures since, with very few exceptions, state law prohibits the release of an unaltered animal from the shelter.
- F. Testimony indicates that county payments due to private facilities for contract services can take up to five months to be paid.

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<sup>5</sup> Committee fact sheet for the Stanislaus County Animal Advisory Board - Membership consists of 9 members appointed by the Board of Supervisors, 5 members representing each County District, and 4 Members-at-Large. The Purpose of the AAB is to: A) Advise the Board of Supervisors and county staff on issues related to the general provision and delivery of animal care, well-being, and control in Stanislaus County; B) Hold public hearings and workshops to provide the public with information and to address community concerns relating to animal care, well-being, and control. Refer to Appendix for complete document.

### 3.) The DVM

- A. An expert witness testified to three incidents, the last in October 2004, where, in the opinion of the witness, the DVM's actions resulted in negligent treatment of shelter animals. The DVM anesthetized multiple cats in preparation for spay and neuter procedures, only to discover there were not enough surgical packs to complete all of the procedures on up to as many as 12 cats.

The DVM chose the following course of action:

- The unconscious cats were loaded into a vehicle and transferred to an outside spay and neuter clinic.
- The DVM expressed an urgent need for the clinic to immediately stop what they were doing to complete the surgical procedures on the anesthetized cats.
- The DVM explained to the clinic that some of the cats had been adopted and the owners had been waiting up to two weeks to claim their pets pending completion of the spay or neuter procedure.
- The surgical procedures were completed at the outside facility at additional cost to the county.

The expert witness stated that the DVM's actions resulted in the following:

- Some of the cats woke up during surgery since it was not known how long the cats had been under anesthesia.
- Administering additional anesthesia could result in death to the animal.

Testimony further indicated the cats were flea infested and dirty when presented to the outside spay and neuter clinic.

- B. A veterinary technician testified that an outside spay and neuter clinic cared for animals that were surgically treated at the shelter who were suffering from post-operative complications, including improper suturing. The shelter does not provide post-operative follow-up treatment on the adopted animals that are surgically altered at the shelter. When the outside clinic staff questioned the new pet owners, it appeared that the owners had not received the necessary post-operative instructions from the shelter staff.

- C. A witness testified that microchips that are implanted in animals contain the name and address of the facility that implanted the chip. This includes private facilities and the SCAS shelter. The witness testified that an implanted microchip by the SCAS shelter does not guarantee the return of the animal. When a stray animal is presented to a private veterinary facility, and the facility contacts the SCAS based on the Finch Road microchip information, the ability to locate the pet owner is not always possible because the SCAS shelter records are poorly maintained.<sup>6</sup>
- D. Testimony confirmed that when injured or ill stray animals, including animals with microchips, are taken to private veterinary facilities, the SCAS shelter is contacted for treatment instructions based on jurisdiction. The witness stated that in 90% of the cases, regardless of the nature or degree of the injury or illness, the SCAS instructs the facility to immediately euthanize the animal.<sup>7</sup> The witness stated that the opposite is true when the city-managed Turlock and Oakdale shelters are contacted. The witness further stated that the shelter is responsible for collecting the animal's remains for disposal and it has taken up to two weeks for the shelter staff to retrieve the remains.
- E. The Grand Jury heard testimony that the DVM's demeanor creates a work environment of fear and intimidation. This has a negative impact on the day-to-day operations of the SCAS shelter.
- F. The complainants state that the DVM violated the Stanislaus County Workplace Security and Anti-violence Policy. The incident that occurred in January or February of 2004, involved a pit bull attack on a small dog weighing less than 20 pounds. The complaint alleged that the DVM used excessive force. Witnesses reported that after the dogs were separated the DVM returned to the pit bull and repeatedly beat the dog with a metal catchpole, accidentally striking an employee. The incident was reported to and investigated by the Stanislaus County Sheriff's Office<sup>8</sup> and it was determined that no further action was required. There was no new information presented that would warrant re-opening this issue. This Grand Jury agrees with the sheriff's report and considers the matter closed.
- G. The complaint alleges that the DVM does not consistently provide adequate medical care and treatment to the shelter animals as required by law.<sup>9</sup> The Grand Jury received in excess of 50 documents from various sources that alleged specific incidents of either inadequate treatment or no treatment at all.

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<sup>6</sup> The Hayden Act added Section 32003 to the State Food and Agriculture Code that states "All public pounds and private shelters shall keep accurate records on each animal taken up, medically treated, or impounded."

<sup>7</sup> Section 1834.4 (b) of The Hayden Act and State Food and Agriculture Code Section 17005 (b) state "It is the policy of the state that no treatable animal should be euthanized."

<sup>8</sup> Stanislaus County Sheriff's Department Case # S04-21140.

<sup>9</sup> California Civil Code Section 1834 states "A depository of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly. Any depository that fails to perform these duties may be liable for **civil** damages as provided by law.

Examples of poor or inadequate shelter animal treatment presented to the Grand Jury are as follows:

- A January 2005 document reports that the DVM refused to provide a burned dog with pain medication and hydrating fluids. Shelter staff covertly provided the animal with care and treatment.
- Documents reported that the DVM “operated on the cat to spay it...which would mean it is female. She could not find the organs in the animal to spay it. So she closed it up and on the very same day, performed again major surgery on this animal to spay it. She, again, could not find the organs that would be found in a female cat.....At that point she discovered she was working on an intact male with normal testicles outside the body....there is no excuse for her making such a horrific error. Discovering her error, she operated on the cat again several days later to neuter it. Needless to say, she didn't put the cat up for adoption. That is why it lives at the shelter.”<sup>10</sup> Testimony to the Grand Jury verified the information reported on the document as correct. The excuse provided by the shelter staff for the mistake was that the cat was hairy and fluffy.
- In May of 2003, a cat six to eight months of age was certified as spayed when adopted from the shelter. The cat and two, two-week old kittens were later picked up as strays and the mother cat was scanned for a microchip that revealed that the cat had been adopted through the SCAS shelter. Although certified as spayed and the owner was charged for the spay procedure, the cat was unaltered when adopted.
- In June 2000, a dog was certified by the DVM as spayed when adopted and the customer was charged for the spay procedure. A local veterinarian determined during a routine examination that the dog was pregnant.
- A rescue organization document dated April 2005, reports that a female cat and four kittens were held at the shelter in excess of five days pending release to a rescue organization. When the cats were released to the rescue organization it was discovered that one of the kittens was suffering from a respiratory infection. By law, animals must be treated and there was no indication on the shelter paperwork that veterinary care was provided. Because of the nature of the infection and the lack of treatment the ill kitten died that evening and the other three kittens had to be euthanized.

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<sup>10</sup> Shelter employee testimony.

- A rescue organization document dated February 2005, states that a bulldog was retained at the shelter for at least ten days without veterinary care while shelter staff tried unsuccessfully to locate the owner. The dog was released with an existing respiratory problem to a rescue group. The rescue veterinarian treated the dog for pneumonia, a collapsed lung, and other problems. The x-ray revealed that one lung was clearly receiving no air. The animal did not receive mandated veterinary care at the shelter, which may, if true, constitute a violation of law.

- H. In 1998, the DVM was hired by the county as an at-will employee. The DVM proposed the position and wrote the job description. The open position was not publicly advertised and there were no other applicants. The salary range for the county DVM is from \$68,931, at the entry level, to the top salary of \$103,417, plus benefits. The DVM, as a member of the AAB, approached the former Stanislaus County Chief Executive Officer regarding the need and financial advantage to hiring a full-time county veterinarian instead of using the existing contract services of veterinarians within the county.
- I. The shelter staff testified that the DVM is consistently unavailable for after-hour emergencies despite her contractual agreement.<sup>11</sup> As a result, the county continues to utilize and pay for contract veterinary services.
- J. The Grand Jury interviewed an expert witness who is familiar with the SCAS shelter operations. The witness testified that the county DVM does not adequately perform the duties required for shelter management. The witness stated that the county DVM fails to train the shelter staff in the proper procedures required to prevent the spread of disease within the shelter. Examples include improper sanitary procedures such as reuse of equipment and failure to change gloves and boots when changing kennels. The witness further stated the opinion that the DVM does not remain current with new procedures and that the DVM only recently upgraded one outdated surgical spay and neuter technique.

#### 4.) **Rexelle Cat Case**<sup>12</sup>

- A. In August of 2000, the Stanislaus County Sheriff's Department raided a home and rescued in excess of 200 cats and kittens that existed under inhumane conditions. This incident became national news and donations, both monetary and in-kind, arrived to assist the county in caring for the rescued cats. The complainants allege that the county received approximately \$100,000.

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<sup>11</sup> The County Veterinarian duty statement reads "The incumbent, as a management employee may be required to work overtime, weekends, holidays, and may be subject to call-back assignments without additional direct compensation." Refer to the appendix for the entire County Veterinarian job description.

<sup>12</sup> Stanislaus County Sheriff's Department Report # S00-26279.

The Grand Jury interviewed the Director, the DVM, four shelter staff members, and a representative from the Stanislaus County Auditor's Office. None of the persons interviewed could provide an exact amount of the monies received and the estimates ranged from \$5,000 to \$27,000. Receipts provided by the shelter totaled \$13,000 and the senior administrative staff member could not be certain that all of the receipts were included in the evidence presented. This is a lack of control in accounting and bookkeeping practices.

- B. The county leased an outside facility since the SCAS shelter could not accommodate the cats that had to be retained pending legal action. The complaint alleges that county funds and donations were inappropriately used for property improvements to the leased facility. The Grand Jury visited the leased property and information indicates that the county provided additional ventilation and fencing to secure the cats within existing kennels. There was no evidence that excessive monies were used for property improvements.
- C. The Grand Jury determined that the owner of the leased property is a member of the AAB. The Director stated that the AAB member was the only contact the Director made regarding the need to lease additional space. The county paid \$17,000 for use of the facility for five months. The county made the aforementioned necessary improvements and county employees provided all of the care needed for the rescued cats. Since the Director is the head of the AAB, the fact that the Director did not contact anyone but the AAB member in regards to leasing additional property, creates an appearance of impropriety. The Grand Jury did not find evidence that there was any impropriety on the part of the shelter owner or any other member of the AAB.

## **5.) Spay and Neuter Fund**

- A. The SCAS Department maintains two checking accounts. One account is through the Stanislaus County Auditor's Office and is comprised of monies from the annual budget, fees that are received for services performed at the shelter, and donations. The second account is maintained through a local credit union. This account is a separate fund comprised of donations and fees. A senior administration shelter staff employee stated the funds are to be used exclusively for low-cost spay and neuter procedures and educational expenses associated with the spay and neuter program. The Grand Jury has information that the account has been in existence for more than a year. Testimony indicates that there was approximately \$10,000 in this fund and only one signature is required on checks paid from this account. The representative of the County Auditor's Office was not aware of the spay and neuter account. The auditor testified that county departments are not allowed to have accounts that do not contain the signature of the County Auditor.

- B. Information was provided to the Grand Jury, and corroborated through sworn testimony, that a check in the amount of \$150 was used from the spay and neuter fund for the purpose of paying professional membership association dues for the DVM. The association dues are not spay and neuter fund-related, it is not a job-required association. This clearly indicates there is a lack of financial accountability that exists in the SCAS that leaves them vulnerable to misappropriation of funds.

## 6.) Quarantine Facility

- A. The Grand Jury received information that animals in need of quarantine are being housed in an inappropriate and inhumane facility. On January 21, 2005, the Grand Jury made an unannounced visit to the former Memorial Hospital South in Ceres used since at least July of 2000. A groundskeeper directed the Grand Jury to the security staff and the holding area for quarantined dogs. The security staff did not have access to the locked room that was the former hospital emergency room. Access is only available by a visiting animal control officer who reports to the facility twice each day to provide care for the animals. The Grand Jury called the SCAS shelter requesting immediate access to the facility and while waiting for an animal control officer to arrive, the following observations were noted:
- The blinds were drawn and the stench was apparent while standing outside the closed, locked facility.
  - Heavy condensation was seeping outside from the inside of the windows and black mold was visible on the inside, floor to ceiling.

The animal control officer unlocked the door, explaining that the room had been cleaned that morning.

The Grand Jury found the following:

- ✓ The room had no light or ventilation.
- ✓ The room was clean but the stench inside was unbearable.
- ✓ The quarantine facility contained ten dogs and one puppy labeled as “biters”.
- ✓ Quarantined dogs are held up to ten days.

Selection of this property for this purpose is inhumane, unacceptable, and it further supports the fact that the Director is lacking the skills needed to adequately manage the SCAS. It is unconscionable that anyone in the business of protecting animals from abuse would consider this an acceptable alternative. Furthermore, the condensation, black mold, and the horrible stench that has permeated the structure makes it unfit for human and animal occupation. The Grand Jury is concerned for the health and welfare of the county employees responsible for maintaining this facility. These conditions may not meet California Occupational Safety and Health Association (Cal-OSHA) workplace standards.

## **RECOMMENDATIONS**

The Stanislaus County Board of Supervisors shall:

- Immediately demand that all activities at the SCAS shelter comply with all laws and regulations affecting animal services.
- Ask for the immediate resignation of the SCAS Director due to inadequate leadership and poor oversight. If a resignation is not forthcoming, then the Director should be terminated.
- Ask for the immediate resignation of the county's DVM due to unsatisfactory veterinary services. If the DVM's resignation is not forthcoming, then the DVM should be terminated.
- Direct the SCAS to cease using the former Ceres Memorial Hospital Emergency Room as an animal holding facility within 30 calendar days.
- Immediately initiate a review to determine if a full-time county veterinarian is more cost-effective than contracting for outside services. If the county determines that a full-time county DVM is cost effective, then the county shall publicly advertise for applicants with shelter management experience, education, and/or qualifications. Any review shall include the possibility of combining the Director and DVM positions with a DVM graduate that specializes in shelter management.
- Direct county administration to develop, publish, and initiate a "whistle-blower" policy within 90 calendar days. Based on their reluctance to testify, it became evident that the county is seriously in need of a policy that will protect "whistle-blowers". County employees should not have to fear the loss of their job because they report the misdeeds of others.

The Stanislaus County Auditor shall:

- Within 30 calendar days of the release of this report, review all accounting practices at the SCAS Department with specific concerns about the unauthorized checking account that only requires one signature.
- Provide an accounting of all payments and transactions made on that account.
- Direct the auditor's office to immediately implement an adequate recordkeeping system that will accurately account for all monetary and in-kind donations.
- Report misuse of funds to the District Attorney.

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