



# Gimme Shelter and a Pound of Advice

The State of Animal Welfare Overseen by the County of Orange



COUNTY OF ORANGE

Grand Jury 2022-2023

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# SUMMARY

Orange County Animal Care has been a source of public concern since the 1990s, with no less than five previous Orange County Grand Jury reports detailing troubling conditions. The previous reports cited excessive euthanasia rates, poor leadership, inadequate numbers of animal care attendants, a lack of cooperation between staff departments, the exclusion of kennel staff from euthanasia decisions, the lack of proper assessment of animals chosen for euthanasia, and low morale negatively impacting operation of the shelter.

Recent public outcry citing conditions at the shelter, recent litigation, and publicly circulated petitions calling for changes at the shelter suggest the previously expressed concerns remain. In addition to these publicly voiced concerns, the current Orange County Grand Jury received direct complaints requesting an inquiry. The Grand Jury determined a renewed investigation was warranted. The investigation focused on three major areas of concern: the management of the shelter, the welfare of animals under shelter care, and the communication and engagement with the public and the animal rescue community.

A particular concern of the Grand Jury was the shelter's termination of its Trap, Neuter, and Return (TNR) program for community cats. In early 2020, the shelter decided to stop its TNR program. The Grand Jury's investigation determined that termination of the TNR program had detrimental consequences for the welfare of the animals under the shelter's care.

The elimination of the TNR program also has contributed to substantial public dissatisfaction and alienation that undermines the public's and the rescue community's relations with shelter leadership.

During the Grand Jury's investigation, it was reported by the shelter's senior management that the termination of the TNR program resulted from an opinion rendered by the County's legal counsel. Understanding the reason leading to the decision to terminate the TNR program would be important for considering whether the program can and/or should be reinstated. Toward that end, the Grand Jury endeavored to obtain a copy of the opinion of the County's legal counsel by directing a written request to the Chair of the Orange County Board of Supervisors. While the Grand Jury recognizes that the opinion may enjoy confidentiality pursuant to the attorney-client privilege, the Board of Supervisors has the discretion to waive that privilege. The Grand Jury's request included its commitment to maintain the confidentiality of the opinion itself and its contents. Nevertheless, the request was declined, as was the Grand Jury's alternative request that the County simply identify the legal authority reviewed in studying the issue.

Members of shelter management indicated their understanding the TNR program was terminated due to the opinion that the program violates a state law. The law makes it a crime to willfully abandon an animal notwithstanding that the program was designed to

return cats to their original location rather than releasing them to randomly selected sites. TNR programs are widespread throughout California, not to mention the nation as set forth in a report from the American Bar Association. The Grand Jury is unaware of any published court case determining that a bona fide TNR program is prohibited under the anti-abandonment statute. Given the important benefits to animals and the public provided by such programs, the Grand Jury believes it would be prudent for the County to revisit the propriety of the former program and consider obtaining a second legal opinion.

This report highlights analysis of data provided to the Grand Jury by the shelter indicating that euthanasia rates related to dog behavior and to cats have increased significantly within the last two years. The increase in dog behavioral euthanasia rates suggests that there is inconsistency over time as to how dogs are being assessed and evaluated for behavior-related euthanasia. The increase in feline euthanasia rates appears to be correlated with elimination of the TNR program.

This report also addresses the challenges in maintaining quality staff at the shelter, especially in the Animal Care Attendant positions. Hiring practices for the shelter are too cumbersome, lengthy and lack consideration of how those practices impact animal welfare. Animal Care Attendant staffing at the shelter is inadequate and Animal Care Attendant staffing vacancies need to be filled more quickly.

This report discusses major deficiencies with each of the issues identified above and makes specific recommendations to help support a more engaged community. Status quo at the shelter is unacceptable. Appropriate remedial steps must be taken as animal welfare is paramount!

Finally, this report comments on the difficulties the Grand Jury encountered during its investigation. Without explanation, the entirety of the Orange County County Counsel's office determined itself to be conflicted with the Grand Jury's inquiry into Orange County Animal Care. The investigation was hampered and slowed during the six weeks the Grand Jury was required to arrange for outside legal counsel.

## **BACKGROUND**

Orange County Animal Care (OCAC) began operations in 1941 and was responsible for rabies and tending to lost livestock. In 1950, the population of Orange County was roughly 216,000. By January 2022, the estimated population was 3.1 million people.

OCAC provides a myriad of services over a wide territory and variety of client needs and expectations. OCAC serves the unincorporated areas of Orange County and contracts its services to 14 client cities: Anaheim, Brea, Cypress, Fountain Valley, Fullerton, Huntington Beach, Lake Forest, Orange, Placentia, San Juan Capistrano, Santa Ana, Tustin, Villa Park, and Yorba Linda. The remaining cities in Orange County either have their own shelter or contract with other cities or non-profit groups to provide animal care and control services. The unincorporated areas of the county and the 14

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contract cities have a combined population of approximately 1.8 million residents, greater than half of the total population of Orange County.

In March 2018, a new shelter was opened on a 10-acre site at a cost of \$35 million. The shelter includes a two-story, approximately 30,000 square-foot main building, six stand-alone kennel buildings, multiple dog play yards, a barnyard, and a rabbit housing area. OCAC can shelter up to 600 animals and is the single largest municipal animal facility in the western United States serving residents in one location.

OCAC has 137 authorized staff positions. Approximately 21 staff are animal care attendants who are represented by the Teamsters Union. All other staff are represented by the Orange County Employees Association. Labor relations and contract terms must be taken into consideration while operating the shelter.

OCAC, like most municipal shelters, relies upon a variety of rescue support groups and citizen volunteers to enhance animal welfare and outcomes. The relationship between shelter management, rescue groups, and volunteers has deteriorated in the last three years. The historical partnership between the shelter and rescue groups has become stressed due to a variety of reasons. The breakdown in communication, engagement, and trust between parties has negatively affected shelter operations.

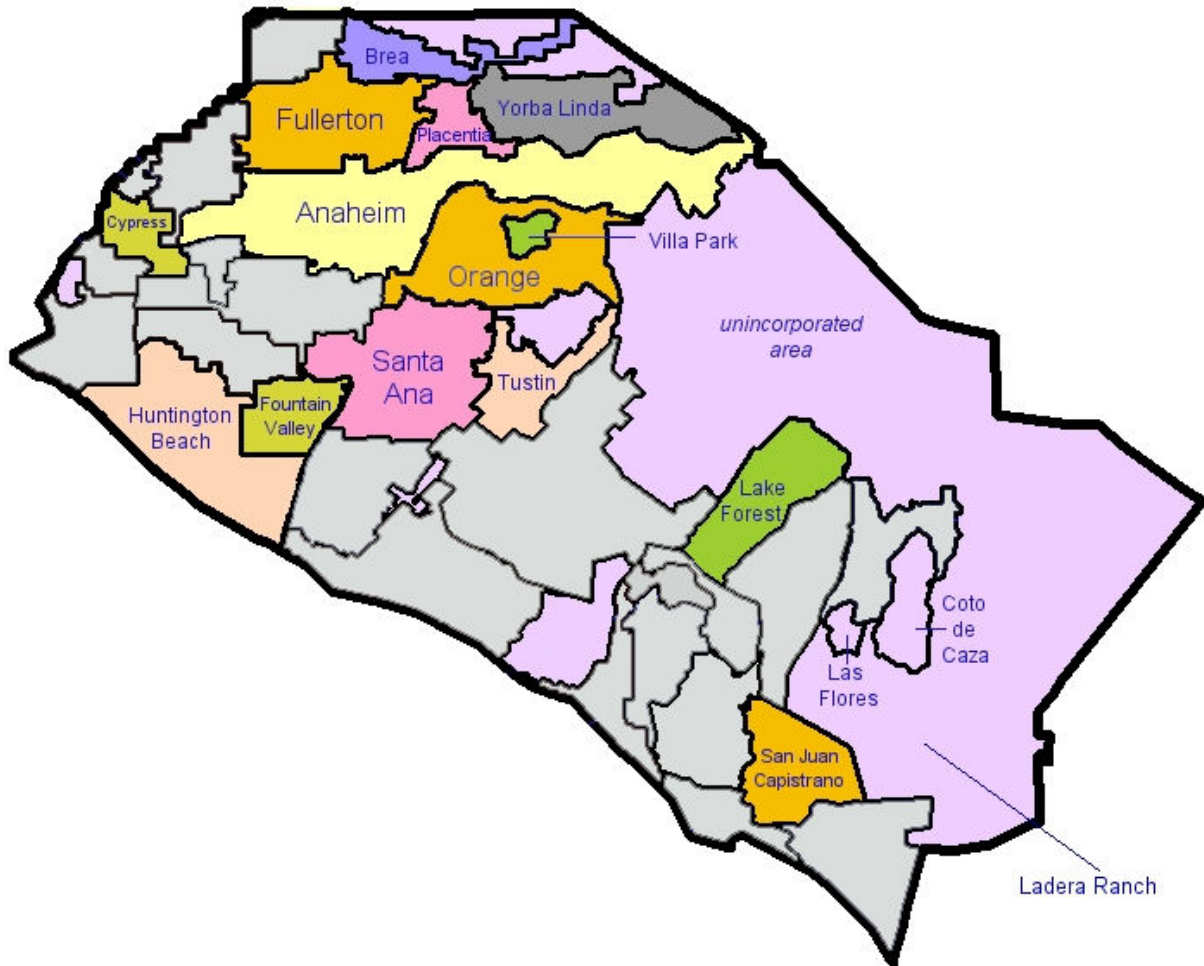
Most large municipal shelters are “kill” shelters, which are shelters where animals may be euthanized for any of a variety of reasons. Privately operated shelters and smaller municipal shelters tend to be non-kill shelters. Non-kill shelters may euthanize some animals in special cases, but generally do not euthanize animals. Large municipal shelters, owing to their size, capacity, public responsibility, operational mandates, and their positioning as “shelters of last resort,” euthanize animals as a matter of course. Animals are euthanized for a variety of reasons, such as:

- they suffer from irredeemable disease or injury,
- they are of a species that represent a danger to the community, or
- they are behaviorally unfit for adoption.

Many shelters have Trap, Neuter and Return (TNR) programs. In accordance with these programs, feral and community cats are captured from their outdoor environment, taken to a shelter or veterinarian where they are neutered, and then returned to the location from where they were trapped. TNR programs serve to reduce colonies of feral and community cats in a humane manner and serve to manage and reduce this cat population. OCAC had a TNR program beginning in 2013 until early 2020 when it was discontinued.

**Figure 1 - Map of Orange County**

**Cities Contracted with Orange County Animal Care**



The map above shows the cities and unincorporated areas currently contracted with OCAC. All city contracts are not alike in that OCAC may provide partial services for some cities and full services for others.

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## REASON FOR STUDY

In 2022, the Grand Jury received 14 complaints about the Orange County Animal Care (OCAC) shelter. Many of those complaints were the same complaints addressed in five previous Grand Jury reports, including:

- the shelter's unresponsiveness to community needs,
- restricted public access to the shelter's kennels,
- restricted opportunities to walk through the kennels and engage with adoptable animals, and
- concerns related to inadequate staffing and volunteer levels.

Complainants also expressed concerns about animal surrenders, a perceived increase in homeless cats with less spay/neuter availability, and the shelter's increased euthanasia rates.

About the same time the Grand Jury was receiving public complaints about the shelter, a petition with thousands of signatures was delivered to the Orange County Board of Supervisors. The petition addressed the same concerns as the complaints received by the Grand Jury and demanded change in the shelter's appointment-only system and reinstatement of the shelter's TNR program.

The Grand Jury also learned about a lawsuit filed by Elizabeth Hueg, Safe Rescue Team (a California 501(c)(3) nonprofit corporation), and Cats In Need Of Human Care (another California 501(c)(3) nonprofit corporation) seeking an injunction from the Orange County Superior Court for the assignment of a shelter monitor to oversee shelter operations.

The 2022-2023 Grand Jury revisited OCAC because public discussion pointed to new and allegedly ongoing and unresolved concerns about shelter operations. The Grand Jury focused on current practices at OCAC to determine how well the needs of the animals, staff, and public are being met.

## METHOD OF STUDY

The Orange County Grand Jury's objective is to provide an accurate portrayal of OCAC's current operations, culture, inner workings, and challenges. The Grand Jury investigation relied on interviews, public and shelter documents, surveys, site visits, and news accounts about the shelter. The information supporting the facts, findings, and recommendations in this report is corroborated, validated, and verified through multiple sources.

### Interviews

The interviews conducted by the Grand Jury focused on an in-depth review of OCAC management, staffing, operating structure, animal care procedures, communications, animal care statistics, operating plan, organization structure, morale, the volunteer



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program, relationship with rescue organizations, and complaints. Interviews included the following:

- Management and staff from OCAC.
- Current and former volunteers from OCAC.
- Management from the OC Community Resources (OCCR) office.
- Management from the Orange County Centralized Human Resources and OCCR Human Resources offices.
- Community complainants from Orange County Grand Jury Public Concern Letters.
- Retained outside legal counsel.
- Leaders of Orange County city-managed shelters.
- Animal advocates.

## Surveys

The Grand Jury solicited feedback from the shelter's clients by surveying the 14 cities contracted with OCAC to provide animal care and control services. Questions in the survey were crafted to determine city satisfaction with the services provided and cost effectiveness, and to solicit any concerns city leaders, managers, and residents may have with OCAC. (Appendix 3)

A second survey was directed to the five independent city-managed animal shelters in Orange County, soliciting information about their shelter operations, staffing, animal population, adoption procedures, and other challenges. (Appendix 4)

## Site Visits

The Grand Jury conducted tours and site visits to the OCAC shelter:

- One visit was a guided tour of the facility, during which the Grand Jury was provided behind-the-scenes access to observe conditions and observe shelter staff as they went about their daily routines.
- A second visit was an anonymous visit by two members of the Grand Jury. The two members visited the shelter to experience, firsthand, guest services and the appointment process for adopting an animal.
- A third visit was an unscheduled visit to observe kennel cleaning and to gather additional documents and records.

The Grand Jury also toured the City of Irvine Animal Shelter and the Mission Viejo Animal Services Center.

## Key Documents

- Documents and information provided by OCAC:
  - Policy and Procedure Manual governing the Orange County Animal Shelter
  - Volunteer Program Manual

- Total number of volunteers who have served by year since 2018
- Organization Charts
- Job Descriptions of all authorized and contracted positions
- Statistics on animals under OCAC care, including adoptions
- The OCAC Monthly and Quarterly National Shelter Statistics Project Data Matrix (2018-2022)
- OCAC euthanasia records
- OCAC Asilomar Reports
- OCGJ cat and dog euthanasia statistical analysis derived from OCAC euthanasia records and OCAC Asilomar Reports
- City Run Shelters and Contracted City survey responses and summaries
- Reports from city-managed shelters
- OCGJ Public Concern Letters
- Legal briefs filed in the lawsuit against OCAC (Orange County Superior Court Case No. 30-2022-01282419-CU-WM-CJC)
- Reports from five former OC Grand Juries: 1999-2000, 2003-2004, 2007-2008, and 2014-2015 (2 reports in 2014-2015)
- OCAC Performance Audit responses (February 4, 2016)
- American Bar Association legal opinion 102B, Tort Trial and Insurance Practice Section report to House of Delegates - Resolution No. 29N, pages 1 and 2
- California Penal Code Section 597s
- OCAC Strategic Plan Executive Summary (January 22, 2018) - Strategic Priority, pages 1 to 4
- Association of Shelter Veterinarians Guidelines for Standards of Care in Animal Shelters

### Documents Requested but Not Provided

- Daily census of all animals plus breakdown of number of cats and dogs from 2018 through 2022 (not provided by OCAC since it reportedly is not tracked).
- Complaints and Grievance log.
- The Grand Jury attempted, without success, to obtain a copy of OC County Counsel's opinion concerning the terminated TNR program. The Grand Jury's request to the Chair of the Orange County Board of Supervisors for a copy of the opinion was denied, as was an alternative request that the County simply identify the legal authority reviewed in studying the issue.

## INVESTIGATION AND ANALYSIS

### Services and Facilities

The Orange County Animal Care (OCAC) shelter is the largest municipal shelter in the western United States serving residents in one location. The nature, size, and scope of the shelter adds complexity and unique challenges to its operation. The shelter employs 137 staff engaged in a variety of functions including animal sheltering and care, animal control, reuniting lost pets with their owners, veterinary services, licensing, adoption, marketing, public relations, and administration. Supporting the varied needs of over 1.8

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million residents requires a substantial investment in facilities, infrastructure, personnel, organization, customer service, and public outreach.

OCAC provides temporary shelter and medical care for “lost” owned or stray animals and opportunities for adoption of these animals. OCAC houses and provides medical care for impounded dogs, cats, and exotic animals. OCAC also provides animal control services that include removing dangerous non-domesticated animals where they pose a hazard to humans or other animals.

OCAC is not a No-Kill shelter. OCAC euthanizes animals for several different and sometimes compelling reasons, including animals injured beyond redemptive medical care, behavior, species and breed, and age.

The size and complexity of the shelter leads to numerous managerial and operational challenges. The shelter has space capacity to care for up to 600 animals; however, at times, the number of animals at the shelter exceeds shelter capacity. When capacity is exceeded, temporary capacity is created by moving cat cages into administrative areas such as the facility’s training and conference room. On the day the Grand Jury toured the shelter, there were 450 animals. The Grand Jury was unable to obtain a full accounting of the average number of animals per day at the facility since OCAC only began keeping daily animal census records in December 2022. However, the Grand Jury was able to estimate average daily cat and dog count from the shelter’s Asilomar reports.

Average daily cat and dog count based on quarterly Asilomar data for the years 2021 and 2022 was between 350 and 400 cats and dogs. Actual daily counts will vary from the average and counts vary with the seasons.

The Grand Jury surveyed the cities being served by OCAC. Most cities expressed satisfaction with the services provided by the shelter. During interviews with the Grand Jury, shelter management voiced the challenge of expanding and enhancing services versus the willingness of contract cities to pay for additional services. Shelter management expressed the need to balance services with the cost consciousness of their contract cities and the county budget, while also providing a level of service expected by the public. Shelter management expressed awareness that contract cities have alternative service options if the prices charged by OCAC for its service are beyond city expectations or budget.

From 1995 through 2016, the California Department of Public Health (CDPH) collected and published data from California’s animal shelters. Currently, CDPH does not keep or compile comprehensive data on animal shelters operating within the State. Out of concern for crowding and high euthanasia rates, animal welfare groups within the State have pressed for legislative action in Sacramento. In January of 2023, Assembly Bill 332, called the “Shelter Animal Collection Data Act,” was introduced by Assemblyman Alex Lee (D-San José) and coauthored by Assemblywoman Marie Waldron (R-Valley Center). Assembly Bill 332, if adopted, would require shelter data collection and reporting that piggybacks onto current rabies reporting mandates. The bill would further require CDPH to collect and publish animal shelter intake and outcome data, including adoption, redemption, euthanasia, and other categories.

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## Volunteer and Rescue Relations

Most animal shelters rely on a host of shelter volunteers to help with the care and enrichment of the animals under supervision, and they also rely on private rescue organizations (rescues) to help with the adoption process and fostering. OCAC is no exception.

Shelter volunteers help by assisting shelter staff with animal care, socialization, and enrichment; community outreach and events; conducting tours; greeting shelter visitors; and assisting with shelter adoptions. Volunteers are often the ones who walk the dogs, work with their socialization, and foster kittens without mothers. The volunteer program is vital.

Rescue organizations help by accepting animals from the shelter and facilitating adoptions or placing animals in foster care for eventual adoption. Rescues help relieve the shelter of overcrowding. These organizations benefit animals by facilitating adoptions or placing them in foster homes with enriched social environments greater than the shelter can reasonably provide.

The coordinated efforts of shelter staff, volunteers, and rescue organizations are vital to OCAC's success and the welfare of animals under its care. OCAC has been challenged by both inadequate staffing and strained collaboration between the shelter, volunteers, and rescues. Some challenges are the result of the recent COVID-19 crisis, when the volunteer program was shut down in response to County health mandates. Other challenges are due to some rescue organizations' responses to changes in shelter organization, operation, and procedures within the last 2 to 3 years. Moreover, some organizations report recent funding challenges that limit their ability to fully assist the shelter with its animal welfare mandate. Funding has been especially challenging for rescues since COVID-19.

The shelter's volunteer program was not restarted until late 2022, although state COVID-19 restrictions were lifted June 15, 2021. Unfortunately, restarting the program required more than calling all volunteers back from COVID-19 isolation. Some former volunteers have not returned because they have moved on with their lives. Some volunteers have not returned because of their dissatisfaction with recent changes in organization, operation, and procedures at the shelter. However, some volunteers have returned, and more are being recruited to form the foundation for a re-energized volunteer program.

Relationships between the shelter and some rescues remain strained. Leadership changes within the past three years, changes in circumstances at the shelter, and the shelter's response to COVID-19 resulted in changes to shelter priorities and practices to which some rescues object. Some changes were precipitated by differences in priorities and concerns that came with the change in shelter leadership, some changes were in response to COVID-19 restrictions and concerns, and one change came as the result of the shelter's response to a threat of litigation by a lone animal activist from outside Orange County challenging the shelter's TNR program.

Strained relations between OCAC and rescue organizations are detrimental to the operations of the shelter and ultimately to the welfare of animals under the shelter's care.

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To operate at its highest potential, OCAC needs to have a good working relationship with the rescues. Rescues want to have a good working relationship with OCAC. During Grand Jury interviews, both management at OCAC and representatives of rescues indicated a desire to work to resolve their differences, and both expressed the welfare of the animals as being their highest priority.

OCAC will benefit if it has a robust outreach program to continually recruit volunteers and will benefit by engaging with the rescue community to mend the fractured relationship that has developed between them.

## Human Resources

The OCAC shelter is a 24/7 facility that requires adequate staffing during all hours to meet the highest standards of animal welfare.

Continuity of leadership at the OCAC shelter has been a challenge over the past four years with turnover in management and supervisorial staff level positions. Over the past four years, two executive directors have been hired with interim leadership having to be provided on two separate occasions. The Chief Veterinary position went unfilled for months until the current Chief Veterinarian was brought onboard in May 2022. Between September 2021 and May 2022, the shelter did not have a chief or a staff veterinarian and services were provided by one contract veterinarian.

OCAC is under the direction of OC Community Resources (OCCR). However, day-to-day human resource and recruitment support for the shelter is performed by OC Human Resource Services (OCHRS). OCHRS provides separate, targeted human resource support for OCAC's recruitment, labor relations, and employee relations needs.

Personnel turnover in critical job categories, such as kennel attendants, can add huge pressure to the remaining staff. Vacancies in critical positions strain shelter operations and impact animal welfare. There are currently 21 allocated Animal Care Attendant positions out of the 136 shelter staff positions. The 21 animal care attendants are assigned to fill the shelter's attendant needs over the 7-day shelter week. There is reason for concern and urgency when even one Animal Care Attendant position goes unfilled.

County policies and practices exacerbate high turnover and make filling vacant positions difficult. Current county practice allows an employee to promote out of their shelter position, or any position, at any time, even while they are still within their probationary period. The ease and fluidity of transitioning adds to the shelter's understaffing and staffing volatility.

Staff vacancies, which have been as high as 23%, negatively impact shelter operations and have taken as long as six months or longer to fill. Delays in filling staff positions disrupt shelter operations. Delays have resulted in qualified candidates declining job offers because they have accepted other positions. Animal Care Attendant and Veterinarian positions are particularly critical and vital to the welfare of the shelter's animals. While OCCR has taken some steps to correct hiring delays, there needs to be an increased sense of urgency when posting and filling critical vacant positions.

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As a unionized organization, limitations exist which impact the assignment of human resources within the shelter's organization and daily operations. Staff are siloed into operational categories and job functions, which limits managerial flexibility in their ability to respond to special operational needs. An inflexibility in management's ability to respond to vacancies in Animal Care Attendant staffing is one such example. Staffing limitations and operational inflexibility has resulted in instances of inefficient allocation of shelter human resources. Moreover, labor rules limit shelter volunteers from performing certain duties that *must* be performed by shelter employees. Volunteers are drawn to the shelter out of a desire to work and care for the animals. Restricting volunteers from lending a hand when they see the need is disheartening to the volunteers.

## Animal Care Attendants

Animal care attendants at OCAC provide the direct, daily care of the animals. They attend to several areas of responsibilities:

- Intaking animals brought to the shelter by the public or impounded by animal control or the cities, entering information about the animal into the shelter's data base, and taking pictures of the animals.
- Feeding and watering of all the shelter's animals – domestic, exotic, and wild.
- Cleaning and disinfecting kennels, cages, corrals, and equipment and maintaining the general cleanliness of the shelter's kennel facilities.
- Monitoring, documenting, and reporting on the health and well-being of sick, exotic, and quarantined animals; reporting any abnormalities or changes in condition to veterinary staff.
- Assisting with animal adoptions, including providing counseling on breed characteristics, matching and introducing the appropriate animal to the potential adopter, and instructing adopters in basic animal care.
- Grooming the animals for the health and comfort of the animals.
- Responding to public inquiries about legal retention, adoption procedures, basic animal care, and behavior.

Animal Care Attendants may be assigned into any one of three areas of responsibility: Intake, Cat Team, or Dog Team. Usually, Intake has two Animal Care Attendants assigned to it; they may receive 30 to 60 animals per day. The Cat Team is responsible for the kennel areas housing cats, kittens, rabbits, guinea pigs and other animals. Their duties include cleaning and feeding, enrichment, adoption and the other activities discussed above. The Dog Team is responsible for the kennel areas housing dogs. Their duties include cleaning and feeding, enrichment, adoption and the other activities noted above.

In 2016, OCAC brought in professional consultants to provide recommendations for a 2018 Strategic Plan. One of the consultant's recommendations was for the shelter to increase staffing allocation to 26 Animal Care Attendant positions. OCAC did not implement that recommendation. Additionally, the consultant recommended the shelter follow the Association of Shelter Veterinarians (ASV) Guidelines for Standards of Care in Animal Shelters. Those practices include National Animal Control Association (NACA)

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guidelines and the Humane Society of the United States (HSUS) guidelines (which is the current standard).

The allocation of Animal Care Attendants at OCAC is insufficient for the shelter to meet industry standards for level of care. NACA and HSUS recommend a minimum of 15 minutes of care per day per animal for feeding and cleaning each animal housed in the shelter; 9 minutes for cleaning and 6 minutes for feeding and watering.

There are currently 21 Animal Care Attendant positions allocated at the shelter. Three positions were vacant as of May 1, 2023. A normal Animal Care Attendant daily shift at the shelter is 10 hours, of which the attendants are expected to spend half their time cleaning, feeding, and watering the animals and half their time attending to other responsibilities, including those responsibilities noted above. Half the Animal Care Attendants work from Wednesday through Saturday and the others work Sunday through Wednesday. Animal Care Attendants spend about 4½ hours cleaning and feeding the animals each day.

The Grand Jury evaluated the Animal Care Attendant's workload during the four-month period between December 4, 2022 and April 10, 2023. Individual Animal Care Attendants cared for 48 animals per shift on average and in some cases up to 90 animals per shift. Conservatively, Animal Care Attendants at the shelter spend less than 6 minutes on average per animal attending to cleaning and feeding, which is much less than the 15 minutes recommended by the NACA and HSUS guidelines.

Of note, the four-month period reviewed by the Grand Jury is not the shelter's busy season. During kitten season, the cats and kittens alone can number up to 500 to 600 cats and kittens per day. The Grand Jury could not evaluate daily census records prior to December 4, 2022 because OCAC did not keep daily animal census records prior to that date.

There are still other needs the animals have, such as time for animal enrichment which is required daily. The other half of the Animal Attendant's shift is devoted to picking up animals from intake, showing animals for potential adoptions, walking dogs, stocking supplies, washing dishes or other non-direct animal care tasks.

ASV Guidelines stress enrichment should be given the same significance as feeding, watering, and veterinary care. Successful enrichment programs prevent the development and display of abnormal behavior and provide for the well-being of the animal. Regular positive daily social interaction with humans is essential for both dogs and cats. Animals need daily walking, playing, grooming, petting, etc. OCAC's 2018 Strategic Plan called for all sheltered dogs and cats to receive appropriate daily enrichment tailored to their needs. The Grand Jury found that other shelters in Orange County walk their dogs several times per day and provide numerous opportunities for enrichment. At the OCAC shelter, dogs are not always walked daily. Instead, animal care attendants only walk dogs every other day, as time permits.

The Grand Jury recognizes that resources are limited, but the shelter must prioritize the welfare of the animals over other shelter operation considerations. This puts pressure on management to operate the shelter efficiently. Other animal care facilities report 50% of

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their staff provide direct care to their animals. At OCAC, only 15% of staff provide direct care. The Grand Jury recommends a review of the current allocation of positions within OCAC. OCAC has 137 budgeted staff positions of which only 21 positions provide direct care to the animals. Assigning adequate resources to the direct care of the animals must be a priority as the health and welfare of the animals is the shelter's primary charge. The current allocation of Animal Care Attendant positions is insufficient.

## Communication

The shelter's organizational challenges are numerous; many challenges are systemic, but some are self-inflicted. With many constituents, such as shelter staff, volunteers, rescue organizations, and the public at large, robust communication programs are essential to addressing the concerns and needs of both internal and external audiences.

Collaboration and communication within the shelter are lacking. Departments within the shelter are siloed. Staff within departments focus solely on their duties and responsibilities and are not encouraged to think of their efforts as being part of a "Big Picture." Morale is reported to be low. Workplace rules and position classifications tend to discourage a collaborative mindset.

In March 2015, the Orange County Office of the Performance Director issued a report on the OCAC. The OC Auditor noted that, among other things, the shelter was not holding regular "all-hands" staff meetings. The Auditor recommended that the shelter hold meetings at least every quarter. The 2014/2015 Orange County Grand Jury report of the OCAC made the same recommendation. The response from OCAC to this Grand Jury report was that all-hands meetings *were* implemented. However, all-hands meetings currently do not occur at any regularly scheduled interval. Although shelter staff have a general sense of shelter operations and functions, the shelter is a siloed work environment. Without regularly scheduled all-hands meetings, staff have little opportunity to hear and be heard by shelter leadership and for management to communicate a consistent message.

Shelter volunteers are limited to a program that effectively segregates them from shelter staff and management. Volunteers have little to no voice or effective input into the shelter's decision hierarchy.

## Policies and Procedures

The Grand Jury found that the shelter's Policies and Procedures manual does not undergo regular internal review. There are policies and procedures in the manual that do not reflect current shelter practices. Additionally, there are important shelter practices and functions that are not addressed or are inadequately documented within the manual. There are some policies and procedures in the manual addressing programs that are no longer relevant or where the manual describes practices that are outdated. It is evident some policies and procedures in the manual have from time to time been inserted or revised, but those cases appear to be done on an ad-hoc basis and are not methodical.

Individual policies and procedures documented in the manual are annotated with the date they became effective and, when applicable, revised. However, there is nothing to



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indicate when or if a policy or procedure has been contemporarily reviewed and determined to be relevant, accurate, and applicable. Some policies and procedures in the manual were written as long ago as the late 1970s with revisions in the mid-2000s. There is no indication that any particular policy or procedure has been reviewed as current and appropriate, or by whom, or when.

Operating a shelter without up-to-date, reliable policies, procedures, and guidelines make formal training difficult, if not impossible, and results in inconsistent operating protocols and practices. More importantly, when new staff are hired, training becomes “on the job training” and subject to inconsistency. With the high level of turnover at the shelter, it is all the more important to ensure policies and procedures are up to date.

## COVID-19

The impacts of COVID-19 on shelter operations should not go unacknowledged. Shelter operations were severely strained as state and county COVID-19 restrictions were put into place. The shelter was effectively closed to the public. Emergency protocols and practices were put into place to ensure the safety of the public and OCAC staff.

Leadership had to manage a 24-hour shelter, with many members of the staff required to work on site. Work shifts and resources had to be juggled to ensure staffing was sufficient and personnel were kept safe. Within the limits of the shelter’s staffing allocation, management created a Team A/Team B system that isolated one half of the staff from the other half of the staff. Staff came into work only during those days and hours their assigned team was scheduled. Extraordinary sanitation protocols were put into place.

Nevertheless, when COVID-19 illnesses did occur, management and staff rose to the occasion, working flexibly and cooperatively to prioritize the care of the animals. Both shelter leadership and staff are to be commended for managing shelter operations through a difficult time.

Unfortunately, the volunteer program was suspended during COVID-19 restrictions and engagement with rescues was significantly impacted. The volunteer program was slow to be restarted. Shelter management could and should have anticipated the end of COVID-19 restrictions and worked toward reinstating the shelter’s volunteer program much earlier than late 2022.

## Facilitating Adoption



During COVID-19, most animal shelters, including OCAC, closed or restricted their shelters to public access, including stopping all public walk-in visits.

Prior to COVID-19, the adoption process at the shelter was relatively open. The public was at liberty to visit the shelter at their convenience without an appointment. The cat and dog kennels were mostly open to public viewing where a potential adopter could experience first-hand the size, look, and manner of a potential adoptee. Volunteers and staff were available to facilitate an intimate meeting where humans and animals could interact and bond. The experience was unconstrained, spontaneous, instinctive, and natural.

OCAC previously had an animal behaviorist who worked with stressed animals to facilitate their adoptability. OCAC eliminated the animal behaviorist position. Other animal shelters in Orange County have animal behaviorists working with their animals to facilitate adoptability.

During COVID-19, public adoptions were carried out by appointment only and computer facilitated. The public was required to schedule an appointment to visit the shelter. Up to three animals could be selected on the shelter's website from photographs and biographical information about the animals. A one-on-one meet-up with the animal(s) followed. People without computer access could use the shelter's computer kiosk to select an animal, but by appointment only. If a suitable animal was not found among the animals selected via computer, kennel staff might make recommendations to the potential adopter.

Currently, the adoption process is less restrictive than during COVID-19 but remains more restrictive than pre-COVID-19. The current appointment system is restrictive and

does not provide prospective adopters viewing access to all available adoptable animals. The shelter has opened to limited walk-ins on a stand-by basis when there are openings in the appointment schedule and when staff are available to assist. All potential adopters, appointments, and walk-ins are still required to use the shelter's website to pre-select potential adoptees prior to a one-on-one meeting. The kennels are still off-limits to all visitors.

OCAC leadership expressed concern about bites to visitors as the primary reason for restricting kennel access. The shelter experienced a marked drop in bites coincidental with the closure of the facility to the public when COVID-19 restrictions were implemented:

- 2019 – 23 bites
- 2020 – 7 bites
- 2021 – 3 bites
- 2022 – 2 bites (as of December 23)

However, not all dogs are bite risks and there is space throughout the kennel facilities to provide for public viewing. Public safety is important, however, dogs representing bite risks can be segregated, and supervised viewing is a viable option.

Shelter leadership said that public viewing within the kennels stresses the animals and that restricting access keeps the animals calm. However, to address that concern, dogs prone to excitability and stress can be secluded, and supervised viewing is an option.

## Spay and Neuter Overview

As mentioned earlier, the population of Orange County in 1950 was about 216,000. Today the contract cities and unincorporated county areas served by OCAC has a population of approximately 1,800,000. With the population increase comes an increase in the number of dogs, cats, and other pets.

Euthanasia of animals at the shelter is a challenging problem confronting OCAC and pet owners. In most cases, members of the public either bring lost animals to the shelter to be reunited with their owners or bring their own animals to be adopted to new homes. Few people bring animals to the shelter to be euthanized. One reason OCAC has so many animals and a high incidence of euthanasia is that many pet owners do not spay/neuter their pets and thereby allow them to reproduce beyond the owner's ability to care for the offspring.

Uncontrolled reproduction is a factor in the high population of dogs and especially cats. According to a 2011 report by the North Shore Animal League of America, each day over 70,000 puppies and kittens are born in the United States, and because of overpopulation, more than 3.7 million animals are still being euthanized each year across the country. The absence of TNR at the shelter has seriously increased the rate of euthanasia of cats, especially kittens, who are not old enough or healthy enough to adopt.



Many communities incentivize sterilization of pet dogs by significantly lowering the cost of dog licenses for sterilized dogs in their city. Generally, community shelters and rescue organizations will only allow spayed/neutered animals for adoption or require the new owner have the animal spayed/neutered as part of the adoption process.

Some complaints received by the Grand Jury assert that the public has requested low/no cost spay/neuter assistance from OCAC without success. OCAC does not offer low or no cost spay/neuter clinics or events but does list on its website feral cat low cost spay/neuter resources. However, the Grand Jury found that some of the listed phone numbers are incorrect and for those that are correct, some of the listed prices are incorrect. Providing a low/no cost spay/neuter clinic would provide a great service to the community, decrease overpopulation of animals, and decrease the potential euthanasia of cats and dogs.

### **Trap, Neuter and Return**

OCAC began a pilot Trap, Neuter, and Return (TNR) program for cats in 2013 and over the following years saw cat intake and euthanasia decrease dramatically. TNR has been shown to be the most humane, efficient way of stabilizing feral and community cat populations. TNR is an animal control program practiced by many animal shelters throughout the United States and the State of California. Prior to April 2020, the Orange County Animal Shelter had an active Trap, Neuter, and Return program.



OCAC's TNR program was a cooperative endeavor that depended and relied on the efforts of participating non-profit rescue organizations and individual members of the community. Both OCAC and community participants worked together to make the TNR program successful. Non-profits and interested members of the animal welfare community performed the field work necessary to trap feral and community cats and transport the cats to the shelter. OCAC received the animals, performed the spay and neuter procedure, vaccinated the animals, and treated them for injuries or disease. When the animals were healthy, fit, and ready for return to their outdoor home, the same non-profit organization or community members retrieved the cats from the shelter and returned them to the same location from which they were trapped.

OCAC only provided TNR related services within its shelter facility and did not participate in locating, trapping, or returning the animals to the location from where they were trapped. However, OCAC played an integral role in the TNR process. When OCAC's participation in the TNR program ended, TNR within the county effectively ceased. OCAC's TNR program was popular among many local animal welfare groups and individuals and is a necessary element to the continuance of a viable TNR program throughout the county.

The Grand Jury recognizes there is disagreement among animal control and welfare advocates whether TNR is effective in reducing feral and community cat populations, whether TNR serves the best interest of the individual animal, and whether TNR is an environmentally sound practice. In Orange County at least, there apparently is also disagreement whether TNR programs violate a provision of the California Penal Code dealing with malicious mischief.

California Penal Code Section 597s states:

- (a) *Every person who willfully abandons any animal is guilty of a misdemeanor.*  
 (b) *This section shall not apply to the release or rehabilitation and release of native California wildlife pursuant to statute or regulations of the California Department of Fish and Game.*

As best as the Grand Jury can determine, the validity of California Penal Code Section 597s or its interpretation or application has never been adjudicated in a reported California court decision. According to a report published by the American Bar Association, it is questionable whether a bona fide TNR program, in which animals are returned to the same location where they were trapped, constitutes willful abandonment.

In or about late 2019/early 2020, OCAC received a cease-and-desist complaint demanding that it end its participation in the TNR program. OCAC referred the complaint to OC County Counsel. County Counsel reviewed and responded to the referral in an opinion. The Grand Jury went to great lengths to obtain a copy of County Counsel's opinion, to no avail. The Grand Jury requested a copy of the opinion from OCAC, the County Counsel, the Orange County Board of Supervisors, and Orange County Public Resources. As of the publication of this report, the Grand Jury was not able to acquire a copy of County Counsel's opinion. The Grand Jury was informed that OCCR and OCAC management were advised they could be held personally liable for any legal action arising out of continuance of the TNR program. OCAC's TNR program was terminated in or about April 2020.

## Euthanasia Report

OCAC keeps detailed records of each animal it euthanizes. The Grand Jury reviewed a comprehensive list of all euthanasia outcomes at the shelter spanning the period August 19, 2018 through December 4, 2022. The shelter euthanized 11,143 animals during that period. Of the euthanized animals, 5,123 were identified as either domestic cats or dogs. (Feral cats are classified as domestic animals.) The remaining 6,020 euthanized animals included other domestic and/or non-domesticated animals.

OCAC's records identify every euthanized animal's date of euthanasia, estimated age, sex, species, breed, and the reason for euthanasia. Estimated animal ages span one day to 50 years. Species span domestic cats and dogs to domestic and/or non-domesticated animals such as snakes, birds, opossums, bats, rabbits, raccoons, skunks, lizards, rats, squirrels, coyotes, deer, and more. Reasons for euthanasia are varied and include irredeemable suffering, Head Test (rabies), disease, behavior, age, species (public safety), and owner request.

## Asilomar Reports

In 2004, leaders representing national organizations and industry stakeholders gathered to find common ground in the animal welfare field. Together, they wrote the Asilomar Accords, which establishes common definitions and a standardized way of reporting shelter statistics. Asilomar reports are statistical reports that animal shelters compile documenting their animal intakes and outcomes. The reports are aggregated into a national Shelter Animals Count National Database.

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OCAC compiles records and participates according to the Asilomar Accords data collection methods. The shelter publishes its Asilomar reports on its website. OCAC's data includes statistics on monthly (pre-2021) and quarterly (post-2021) cat and dog intake and outcomes such as adoptions, transfers, returns to owner, and euthanasia.

### **Analysis of OCAC Data**

The Grand Jury reviewed euthanasia and Asilomar outcomes to evaluate whether termination of the TNR program may have had any impact on euthanasia rates at the shelter. Possibly confounding the issue is the fact that COVID-19 restrictions were put into place about the same time the TNR program was terminated.

Figure 2 shows quarterly OCAC Asilomar adult cat TNR outcomes and adult cat euthanasia outcomes from the 3<sup>rd</sup> quarter of 2018 through the end of 2022. TNR rates are represented as a percent of total Asilomar outcomes. Euthanasia rates are represented as a percent of total Asilomar outcomes net of TNR outcomes. Juvenile cats are not included in the review because the shelter's juvenile cat population varies widely with the season and, moreover, juveniles are not candidates for TNR.

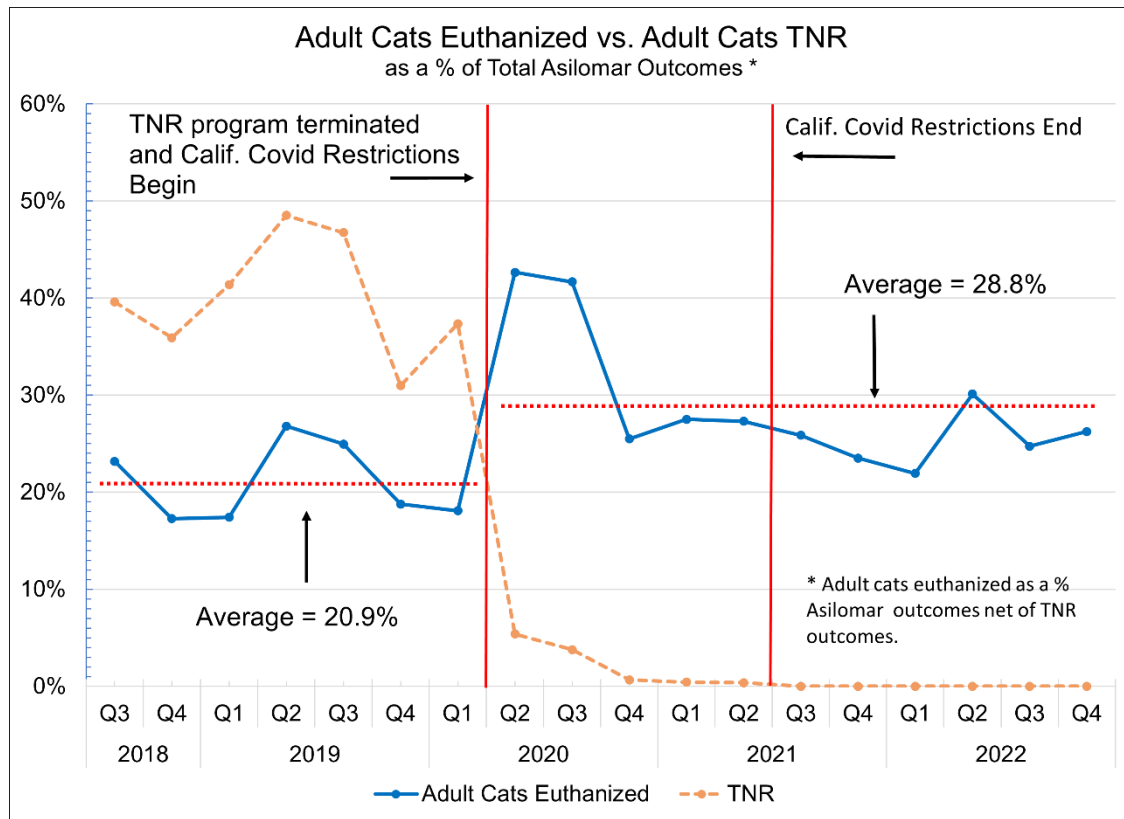
**Figure 2 - Adult Cat Euthanasia Rates**

Figure 2 illustrates that adult cat euthanasia rates increased at OCAC following the termination of the TNR program and the beginning of COVID-19 restrictions.

The average adult cat euthanasia rate in the period from the 3<sup>rd</sup> quarter of 2018 through the 1<sup>st</sup> quarter of 2020 (pre-TNR termination and COVID-19 restrictions) was 20.9%. The average adult cat euthanasia rate in the period from the 2<sup>nd</sup> quarter of 2020 through the end of 2022 (post-TNR and COVID-19) was 28.8%. The increase in the rate of adult cat euthanasia following TNR/COVID-19 is 38% over the previous period. The increase is statistically significant. (See Appendix 1)

**Comparing adult cat euthanasia rates pre-TNR and post-TNR ... the termination of the TNR program correlate to an increase in adult cat euthanasia rate at the shelter.**

To evaluate whether circumstances related to COVID-19 accounted for the increase in euthanasia rates, the rates from the post-COVID-19/post-TNR termination were compared to the rates pre-COVID-19/pre-TNR termination. Again, the average adult cat



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euthanasia rate before COVID-19 and during the TNR program was 20.9%. The average adult cat euthanasia rate after COVID-19 restrictions were lifted but still during the termination of the TNR program (Q3 2021 – Q4 2022) was 25.4%. The increase in the rate of adult cat euthanasia following termination of the TNR program but after COVID-19 restrictions were lifted is 21% over the pre-TNR termination/pre-COVID-19 restrictions rate. Again, the increase is statistically significant.

Comparing adult cat euthanasia rates pre-TNR and post-TNR and pre- and post-COVID-19 restrictions, it appears both COVID-19 restrictions and the termination of the TNR program correlate to an increase in adult cat euthanasia rate at the shelter.

### **Dog Euthanasia:**

OCAC euthanizes animals for a variety of reasons, including but not limited to injuries beyond redemptive medical care, age, and behavior. When OCAC euthanizes a dog for medical reasons, the Chief Veterinarian or a staff veterinarian must approve the procedure. In the case of behavior-related euthanasia, approval is determined by a five-member Behavior Evaluation Committee.

OCAC euthanizes dogs that are determined to have irredeemable behavioral issues, including displays of aggression toward people or other animals, bites, and severe kennel stress. The five members of the Behavior Evaluation Committee include staff members representing Field Operations, Animal Services Operations, the Community Outreach team, the Chief Veterinarian, and a representative from senior management. While there are five staff members represented on the Behavior Evaluation Committee, only three participants are voting members. The Chief Veterinarian and the member from senior management serve only as advisory members. A majority of the three voting members of the committee must approve a behavioral euthanasia – that is, at least two of the three voting members must approve.

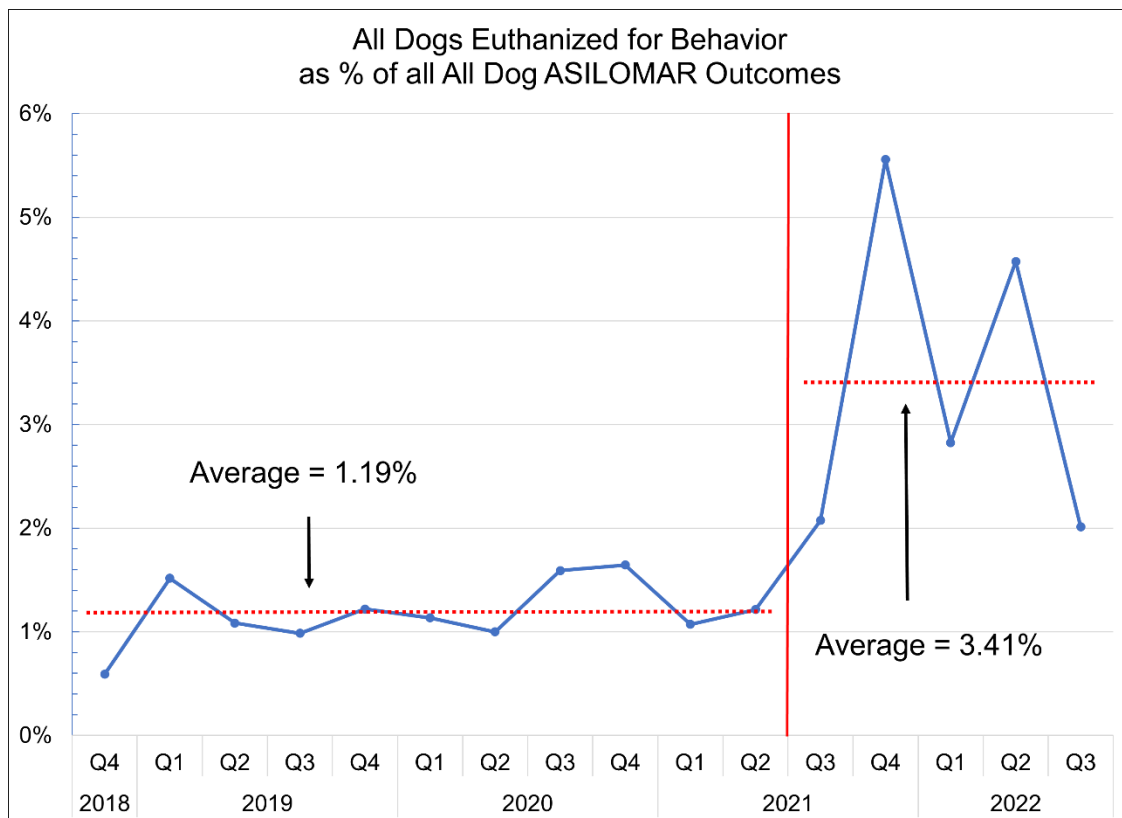
OCAC's Behavior Evaluation Committee evaluates dogs for euthanasia without written guidelines, policies, or procedures, resulting in inconsistent outcomes over time. Behavior-evaluated euthanasia outcomes are dependent on the experience and personal considerations of the individual committee members and management rather than written objective standards. The voting members of the Behavior Evaluation Committee may evaluate behavior based on their own observations and/or on the written reports of other staff members. The voting members are not required to directly observe a dog's behavior, and in some cases have not made direct observation, but they do have access to video documentation of a dog's behavior. Voting members come to their own conclusions based on their own understanding of dog behavior and rehabilitative potential.

OCAC does not have a professional licensed, trained, or certified animal behaviorist on staff to oversee the dog enrichment programs, resulting in dogs with declining behavior being placed at greater risk of being euthanized. Voting members of the Behavior Evaluation Committee are not required to certify or participate in animal behavior education programs. The Behavior Evaluation Committee meets once per week and participation of the voting member from any one of the three voting departments may be

delegated to a lesser experienced staff member when the regular voting member is unavailable.

The Grand Jury reviewed dog behavior-related euthanasia data and Asilomar outcomes from the fourth quarter of 2018 to the third quarter of 2022 to evaluate the nature of dog behavioral euthanasia at the shelter over time. The chart below shows quarterly dog behavior euthanasia at OCAC for the third quarter of 2018 through the third quarter of 2022. Euthanasia rates are represented as a percent of total dog Asilomar outcomes by quarter. Juvenile dogs are included in the review because the shelter's juvenile dog population is subject to behavioral euthanasia. The Grand Jury found that for the dogs euthanized for behavior during the period under review, 7.4% of the dogs were no more than 6 months old and 14.2% were less than 1 year old. The Grand Jury was unable to determine why dogs less than one year in age would warrant behavioral euthanasia.

**Figure 3 - Dog Euthanasia Rates (Behavioral)**



Dog behavioral euthanasia rates increase at OC Animal Care between the second and third quarters in 2021

Figure 3 illustrates that dog behavior-related euthanasia rates increased at OCAC between the second and third quarters of 2021. The average dog behavioral euthanasia rate prior to the end of the second quarter of 2021 was 1.19% of all dog Asilomar outcomes. Beginning in the third quarter of 2021 and through the third quarter of 2022, the average dog behavioral euthanasia rate increased to 3.41% of all dog Asilomar outcomes, an increase of 187%. The increase is statistically significant. (See Appendix 2)

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## Impediments to the Investigation

The Grand Jury's function is to investigate the operation of the various officers, departments, and agencies of the local government.

Article 1, Section 23 of the California Constitution states:

*“One or more grand juries shall be drawn and summoned at least once a year in each county.”*

Provisions of the California Penal Code define the scope and limitations of a grand jury's authority:

Penal Code Section 916:

*... Rules of procedure shall include guidelines for that grand jury to ensure that all findings included in its final reports are supported by documented evidence, including ... official records, or interviews attended by no fewer than two grand jurors and that all problems identified in a final report are accompanied by suggested means for their resolution, including financial, when applicable.*

Penal Code Section 921:

*The grand jury is entitled to ... the examination, without charge, of all public records within the county.*

Penal Code Section 925:

*The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county ... The investigations may be conducted on some selective basis each year ...*

Penal Code Section 925 (a):

*The grand jury may, at all times, request the advice of the court, or the judge thereof, the district attorney, the county counsel, or the Attorney General ...*

As a department of Orange County government, the County Counsel's office provides legal counsel and services to the Orange County Board of Supervisors and all other Orange County departments and agencies, including the Grand Jury.

At the start of a Grand Jury's one-year term, County Counsel assigns an individual attorney within its office to serve as the Grand Jury's primary attorney. Because the individual serving as the Grand Jury's counsel is also assigned to other departments or agencies within Orange County government, there is the potential for the Grand Jury's designated primary counsel to have a conflict of interest when the Grand Jury investigates a department or agency otherwise served by the primary attorney. To ensure continuity of legal service to the Grand Jury, the County Counsel's office also assigns a back-up attorney that provides service to the Grand Jury when the primary counsel is conflicted. The back-up attorney is selected so that at least the primary or

back-up would not have a disabling conflict – that is, one or the other would be available to serve the Grand Jury in any investigation not directly related to the County Counsel’s office itself. Back-up counsel advises the Grand Jury on those matters only when the primary attorney is conflicted.

Early during its one-year term and early in its investigation, the Grand Jury learned that its primary counsel had a conflict of interest with its investigation of OCAC. The County Counsel’s office explained, and the Grand Jury understood, that the services of the County Counsel’s office would continue through the back-up attorney assigned for such circumstances. Initially, during the early stages of its OCAC investigation, the Grand Jury received the legal advice and assistance of the back-up attorney in the County Counsel’s office.

Later during its investigation of OCAC, the Grand Jury inquired into the shelter’s prior TNR program and the program’s termination in early 2020. The Grand Jury learned the program was terminated after a cease-and-desist demand to stop the program was received from a lone individual residing outside of Orange County. The Grand Jury was informed that the County Counsel’s office, in response to a request by OCAC to review the cease-and-desist demand, issued an opinion to the Orange County Board of Supervisors and OCAC about the shelter’s TNR program that evidently led to a direction to terminate the program.

In the course of the Grand Jury’s investigation, including interviews with OCAC and OCCR staff and leadership, the County Counsel’s office and its opinion were repeatedly cited as being the source of the decision to stop the TNR program.

***Grand Jury: Who was the decision maker?  
Answer: “The County Counsel.”***

The Grand Jury understands County Counsel’s role is to provide advice and counsel to the Board of Supervisors, County departments, and various County agencies, but that it has no decision-making authority over any division of County governance, except regarding its own internal functions. While the Grand Jury was skeptical that the County Counsel’s office actually made, or had the authority to make, the decision to terminate the TNR program, the Grand Jury nevertheless understood that the County Counsel’s opinion was pivotal to the decision. Therefore, the Grand Jury requested a copy of the opinion to learn if there was a clear impediment to or prohibition on a possible renewal of the TNR program.

The Grand Jury requested a copy of the opinion from interviewees who were privy to the document or its contents. In addition, the Grand Jury asked the County Counsel’s office for a copy of the opinion. In every instance, those requested told the Grand Jury the opinion is a privileged communication between the County Counsel’s office and the Board of Supervisors and that only the Board of Supervisors has authority to release the document. Finally, the Grand Jury asked the Board of Supervisors, through its Chair, for

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a copy of the opinion or alternatively for an identification of the legal authority reviewed in studying the issue, and stated the confidentiality of the document would be maintained, whereupon the Board of Supervisors declined to consider or include the request in its meeting agenda. Unfortunately, and not through a lack of trying, the Grand Jury has been unable to review or assess the basis of the opinion.

During the Grand Jury's interviews, when various levels of leadership within OCAC asserted that County Counsel made the decision to terminate the TNR program, the Grand Jury always expressed its skepticism and inquired as to how County Counsel, an advisor to the County and OCAC, and only an advisor, could be making policy decisions for OCAC? The Grand Jury inquired and pressed its interviewees, asking if it was, in fact, a decision made at some level within OCAC's leadership, or by OCCR, or by the Board of Supervisors. When pressed, in every case, each interviewee modified their explanation and affirmed the decision had been theirs or that they had taken part in the decision, each taking personal responsibility for the decision.

The Grand Jury was determined to obtain documentation of the decision as it continued to press for a copy of the County Counsel's opinion, The Grand Jury then requested all internal OCAC communications documenting the decision and/or order to stop the TNR program. The Grand Jury requested departmental communications instructing staff to stand down from the TNR program, whether from the OCCR to OCAC, OCAC to animal shelter leadership, or animal shelter leadership to shelter staff.

Departmental communications about the TNR program are policy and procedure communications. The Grand Jury assumed that departmental communications would point to how and by whom the decision was made. The Grand Jury understands such communications are public records, not privileged communications. Nevertheless, the Grand Jury's request for documentation was denied by OCAC with the reason that such communications were privileged.

Coincidental to the Grand Jury's efforts to obtain a copy of the County Counsel's opinion, at the end of 2022, the County Counsel's office detached itself altogether from all matters related to the Grand Jury's investigation of OCAC. The County Counsel's office informed the Superior Court and the Grand Jury that its entire office was "conflicted" with regard to the investigation into OCAC and would recuse itself from assisting the Grand Jury in its investigation into all matters related to OCAC. No back-up attorney was provided and all communications ceased.

Of note, the Grand Jury's investigation was not an investigation of the County Counsel's office. Rather, the Grand Jury was investigating an Orange County agency, a client of the County Counsel, just as every Grand Jury investigation into County agencies represents an investigation into clients of the County Counsel. When the County Counsel's office recused itself from the Grand Jury's OCAC investigation, it did not explain or cite any specific aspect of the OCAC investigation that makes it exceptional from any other of the ongoing Grand Jury investigations into County departments or agencies.

Without the services of the County Counsel's office, the Grand Jury suffered a setback in its investigation of OCAC. The pace of the investigation slowed as time and resources

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were directed toward arranging for alternative outside counsel at the recommendation and with the support of the Superior Court. After losing approximately six weeks, the Grand Jury was able to engage alternative outside counsel in early February of 2023.

As of the publication of this report, the Grand Jury was not able to confirm the logic, reasoning, or basis of the County Counsel's opinion, or even whether in fact the County Counsel advised against the continuance of the TNR program. Moreover, the Grand Jury cannot confirm whether, or who, or at what level of authority, within the County government the decision to end TNR emanated. As a consequence, the Grand Jury cannot verify that any such decision was ever actually made, or communicated at any level of authority, by anyone within Orange County's governing hierarchy and, more importantly, why any such decision was made. The only fact the Grand Jury can confirm with any confidence is that the TNR program was terminated in or about early 2020.

## CONCLUSION

OCAC has been a source of public concern since the 1990s, with five previous Orange County Grand Jury reports and an Orange County Performance Audit detailing troubling conditions at the OCAC shelter. This Grand Jury report shines a light on deficiencies at the shelter still needing resolution. The Grand Jury believes that if the recommendations included in this report are implemented:

- Internal and external communications at OCAC will improve.
- The reallocation of staffing positions within the organization, increasing the number of Animal Care Attendant positions and employing an animal behaviorist or trainer, will improve general animal welfare at the shelter.
- Improvements in the timely filling of staff vacancies will enhance shelter operations and overall staff morale.
- The adoption process will be more public-friendly, leading to more adoptions.
- The behavioral euthanasia decision process will be standardized, articulated, and documented, leading to consistent behavioral euthanasia outcomes.
- The shelter's Policies and Procedures will be correct and up to date.
- OCAC and Orange County rescue organizations and animal advocates can work toward mending their relations for the welfare of the animals.
- The shelter's TNR program will be re-evaluated, reconsidered and reinstated.
- The shelter's volunteers will be more integrated into the shelter's personnel team and communications.

The Grand Jury conducted many interviews with shelter personnel. The Grand Jury is very impressed with their sense of dedication and earnest concern for the welfare of shelter animals.

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# FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) Responses from each agency affected by the Findings presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled, “Gimme Shelter and a Pound of Advice, The State of Animal Welfare Overseen by the County of Orange,” the 2022-2023 Grand Jury has arrived at seventeen Findings, as follows:

## Management:

- F1** Management has limited flexibility utilizing personnel within Orange County Animal Care across departments due to structured work rules, volunteer work restrictions, and employees working in departmental silos.
- F2** Low staff morale exists within Orange County Animal Care.
- F3** Orange County Animal Care staffing is negatively impacted by vacant positions remaining unfilled for greater than six months due to burdensome hiring processes. This delay in recruitment and completion of hiring has resulted in qualified candidates declining job offers.
- F4** Based upon industry standards and best practices, Orange County Animal Care kennel attendants are understaffed to meet the needs of animals under care.
- F5** Orange County Animal Care’s operating policies and procedures manual is out of date.
- F6** The Orange County Animal Care Volunteer program was stopped during COVID-19 and restarting the program has been slow, resulting in decreased animal socialization and enrichment.

## Animal Welfare

- F7** Orange County Animal Care’s Behavior Evaluation Committee evaluates dogs for euthanasia without written guidelines, policies, or procedures, resulting in inconsistent outcomes over time. Behavior evaluated euthanasia outcomes are dependent on the experience and personal considerations of the individual committee members and management rather than written objective standards.
- F8** The rate of behavioral euthanasia of dogs has increased significantly over the last 2 years.

- F9** Orange County Animal Care does not employ a professional or trained and certified animal behaviorist to oversee the shelter's dog enrichment program, resulting in dogs with declining behavior being placed at greater risk of being euthanized.
- F10** While many county and city animal shelters throughout the state have active Trap, Neuter, and Return programs, Orange County Animal Care stopped its Trap, Neuter, and Return program, reportedly on the basis of the County Counsel's legal opinion that the program violates a California statute related to willful animal abandonment.
- F11** The termination of the Trap, Neuter, and Return program is correlated with an increase in adult cat euthanasia rate at the shelter.
- F12** There have been public concerns and requests expressed over the years for public programs to include a spay/neuter program by Orange County Animal Care.

### **Communication / Outreach**

- F13** The current adoption appointment system restricts public access to the dog kennels, thereby limiting potential adopters' access to all available animals.
- F14** Orange County Animal Care's engagement with some animal rescue partners is negatively impacted due to differences of opinion in appropriate animal care policy.
- F15** Internal and community engagement does not adequately communicate the shelter's mission and operating strategy.
- F16** The information currently on the Orange County Animal Care website for low-cost spay/neuter is not up to date with regard to referrals and prices for spay/neuter procedures.

### **Impediments to the Investigation**

- F17** The OC County Counsel's office misstated to the Grand Jury the scope of its commitment to serving and assisting the Grand Jury in its investigations into County governance respecting managing conflicts between the Board of Supervisors, OC departments and agency clients, and the Grand Jury.



# RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2022-2023 Grand Jury requires (or, as noted, requests) responses from each agency affected by the Recommendations presented in this section. The Responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled “Gimme Shelter and a Pound of Advice, The State of Animal Welfare Overseen by the County of Orange,” the 2022-2023 Grand Jury makes the following seventeen recommendations:

## Management:

- R1** By October 1, 2023, OC Human Resource Services should review and update recruitment strategies to significantly increase the timeliness of recruitment of vacant positions and to anticipate vacancies due to retirement, resignations, transfers. (F3)
- R2** By December 31, 2023, Orange County Animal Care, OC Community Resources, and OC Human Resource Services should review hiring practices to facilitate process improvements to expedite filling OCAC vacancies. (F3)
- R3** By October 1, 2023, OC Community Resources and Orange County Animal Care should review their current staffing allocations of Animal Care Attendants to reflect NACA guidelines and to provide appropriate staffing allocations for animal care, feeding and enrichment. (F3, F4)
- R4** By October 1, 2023, OC Community Resources and Orange County Animal Care should review their current staffing allocations of all positions within the OCAC and reallocate resources to increase Animal Care Attendants to reflect NACA guidelines to provide appropriate staffing for animal care, feeding, and enrichment. (F3, F4)
- R5** By December 31, 2023, Orange County Animal Care management should review and update policies, procedures, guidelines, and practices to assure they are accurate and reflect current operating practices. (F5)
- R6** By June 30, 2024, the Board of Supervisors should evaluate the strategic option of creating a Joint Powers Authority for the County and fourteen contract Cities to take ownership and shared responsibility for the financial and operating policies and practices of OCAC. (F1 thru F16)

## Welfare

- R7** By October 1, 2023, Orange County Animal Care management should establish written guidelines, policies, and procedures as standards for evaluating animal behavior for use by the Behavior Evaluation Committee. (F5, F7)

- R8** By December 31, 2023, in the interests of transparency, Orange County Animal Care management should add a representative from a rescue organization to serve as a non-voting, at-large member on the Behavior Evaluation Committee. (F7, F14)
- R9** By December 31, 2023, Orange County Animal Care, OC Community Resources, and OC Human Resource Services should hire an animal behaviorist or certified dog trainers to work with aggressive animals to reduce the high rate of dogs being euthanized and enhance their adoptability. (F8, F9)
- R10** By December 31, 2023, the Orange County Board of Supervisors and Orange County Animal Care management should request that County Counsel reconsider its opinion about the shelter's former Trap, Neuter, and Return program, or seek an independent second opinion to County Counsel's opinion, to ascertain whether the program can be re-established, or a modified version of the program can be implemented. (F10, F11)
- R11** By July 1, 2024, Orange County Animal Care should implement a low-cost public spay/neuter program. (F12)

### **Communication / Outreach**

- R12** By October 1, 2023, Orange County Animal Care management should hold all-hands staff meetings at least every quarter. (F1, F2)
- R13** By October 1, 2023, Orange County Animal Care, OC Community Resources, and OC Human Resource Services should conduct annual surveys of staff to monitor morale and identify opportunities for operational improvement. (F1, F2)
- R14** By December 31, 2023, Orange County Animal Care management should open the shelter to the public for walk throughs to maximize opportunities for the public to adopt animals under the care of the shelter. (F13)
- R15** By October 1, 2023, Orange County Animal Care management should look for new ways to be more inclusive and engaged with volunteers and the rescue organizations that are necessary for the shelter's success. (F14, F15)
- R16** By October 1, 2023, Orange County Animal Care should schedule quarterly meetings with community stakeholders to facilitate transparency and engagement. (F14, F15)
- R17** By October 1, 2023, Orange County Animal Care management should update the information currently on its website for low-cost spay/neuter of feral cats with regard to referrals and prices for spay/neuter procedures. (F16)

## Impediments to the Investigation

- R18** Beginning with the 2023/2024 Grand Jury training, and all training thereafter, County Counsel should provide detailed instruction about the circumstances under which the County Counsel's office might recuse itself from assisting with Grand Jury investigations and the alternatives available to the Grand Jury under such circumstances. (F17)

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# REQUIRED RESPONSES

California Penal Code Section 933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g., District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section 933.05 specifies the manner in which such comment(s) are to be made as follows:

(a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those

budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required and requested from:

### Findings – 90-day Response Required

Orange County Board of Supervisors:	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16, F17
City of Anaheim:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Brea:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Cypress:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Fountain Valley:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Fullerton:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Huntington Beach:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Lake Forest:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Orange:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Placentia:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of San Juan Capistrano:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Santa Ana:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Tustin:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Villa Park:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16
City of Yorba Linda:	F4, F6, F7, F8, F9, F10, F11, F12, F13, F15, F16

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## Recommendations – 90-day Response Required

Orange County Board of Supervisors:	R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17, R18
City of Anaheim:	R6
City of Brea:	R6
City of Cypress:	R6
City of Fountain Valley:	R6
City of Fullerton:	R6
City of Huntington Beach:	R6
City of Lake Forest:	R6
City of Orange:	R6
City of Placentia:	R6
City of San Juan Capistrano:	R6
City of Santa Ana:	R6
City of Tustin:	R6
City of Villa Park:	R6
City of Yorba Linda:	R6

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# REQUESTED RESPONSES

## Findings – 90-Day Response Requested

Orange County Animal Care:	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15, F16
OC Human Resources Services:	F1, F2, F3, F4, F9
Orange County County Counsel:	F10, F11, F17

## Recommendations – 90-Day Response Requested

Orange County Animal Care:	R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17
OC Human Resources Services:	R1, R2, R9, R13
Orange County County Counsel:	R10, R18

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# APPENDIX 1

**Table 1 - Adult Cat Euthanasia and TNR Rates by Quarter**

		Adult Cats Euthanized as a % of Adult Cat Asilomar Outcomes net of TNR Outcomes	Adult Cat TNR Outcomes as % of adult Cat Asilomar Outcomes
2018	Q3	23.17%	40%
	Q4	17.27%	36%
2019	Q1	17.42%	41%
	Q2	26.81%	49%
	Q3	24.95%	47%
	Q4	18.77%	31%
2020	Q1	18.08%	37%
	Q2	42.65%	5%
	Q3	41.67%	4%
	Q4	25.50%	1%
2021	Q1	27.50%	0%
	Q2	27.31%	0%
	Q3	25.86%	0%
	Q4	23.21%	0%
2022	Q1	21.93%	0%
	Q2	30.12%	0%
	Q3	24.73%	0%
	Q4	26.26%	0%

**Table 2 - Adult Cat Euthanasia Sample T-Test**

Adult Cats Euthanized as a % of Non-TNR Asilomar Outcomes Q3 2018 thru Q1 2020 vs. Q2 2020 thru Q4 2022 (TNR period vs. No TNR period)		
t-Test: Two-Sample Assuming Unequal Variances		
	Q3 2018 to Q1 2020	Q2 2020 to End of Year 2022
Mean	20.9%	28.8%
Variance	0.001571145	0.004841058
Observations	7	11
Hypothesized Mean Difference	0	
df	16	
t Stat	-3.0532928	
P(T<=t) one-tail	0.003793173	
t Critical one-tail	1.745883676	

## APPENDIX 2

**Table 3 - Dog Behavioral Euthanasia Rates by Quarter**

All Dogs Euthanized for Behavior as % of all Adult Dog ASILOMAR Outcomes				
		Dogs Euthanized for Behavior	All Dog Asilomar Outcomes	% Dogs Euthanized
2018	Q4	8	1356	0.59%
2019	Q1	21	1385	1.52%
	Q2	15	1384	1.08%
	Q3	15	1522	0.99%
	Q4	16	1312	1.22%
2020	Q1	13	1146	1.13%
	Q2	7	701	1.00%
	Q3	13	817	1.59%
	Q4	13	791	1.64%
2021	Q1	8	746	1.07%
	Q2	10	824	1.21%
	Q3	18	868	2.07%
	Q4	49	882	5.56%
2022	Q1	27	956	2.82%
	Q2	44	962	4.57%
	Q3	23	1143	2.01%

**Table 4 - Dog Behavioral Euthanasia Rates 2 Sample T-Test**

All Dogs Euthanized for Behavior as a % of All Dog ASILOMAR Outcomes Q4 2018 to Q2 2021 vs Q3 2021 to Q3 2022		
t-Test: Two-Sample Assuming Unequal Variances		
	Q4 2018 to Q2 2021	Q3 2021 to Q3 2022
Mean	1.19%	3.41%
Variance	9.40995E-06	0.000251006
Observations	11	5
Hypothesized Mean Difference	0	
df	4	
t Stat	-3.109244662	
P(T<=t) one-tail	0.017949066	
t Critical one-tail	2.131846786	

# APPENDIX 3

## Orange County Grand Jury Animal Shelter Contract City Survey

1. How long has your city been serviced by the Orange County Animal Shelter?
  - a. What factors motivated the city to contract with the Orange County Animal Shelter?
2. What Services have you contracted for the Orange County Animal Shelter?  
(i.e., Shelter; Animal Control, Licensing, other)
3. What Animal control and care services does the city continue to reserve for itself or contract out to other agencies or vendors not with the Orange County Animal Shelter?  
(i.e., Control, Licensing, other)
4. How often is the city contract with the Orange County Animal Shelter reviewed and renewed?
5. Describe any regularly scheduled processes the city has in place to review the quality of service provided by the Orange County Animal Shelter.
  - a. Describe the measure or metrics the city uses when evaluating the Animal Shelter. Please provide a copy of the last review of the Animal Shelter conducted by the city.
  - b. Describe any review of the Orange County Animal Shelter and the services it provides as part of Shelter contract review and renewal?
  - c. Who conducts Animal Shelter reviews for the city.
  - d. Are Animal Shelter reviews presented to the city council for their consideration?
6. Does your City have an appointed member of city staff to serve as liaison between the city and OC Animal Shelter management?
  - a. How frequently does your city meet with the OC Animal Shelter management?
7. As it relates to the sheltering and adoption services provided by the Orange County Animal Shelter(if any) describe your level of satisfaction or any concerns with the service and support.
8. As it relates to Animal Control services being provided (if any) describe your level of satisfaction or any concerns with the service and support.
9. As it relates to Licensing fees and processing (if any) describe your level of satisfaction or any concerns with the service and support.
10. How reasonable are the County fees for providing this service?
11. Have members of you community voiced any concern with Orange County Animal Shelter policies or practices.
  - a. Please provide the Grand Jury with the any of the city's complaint logs or records pertaining to the Orange County Animal Shelter.
12. Are there any improvements in the service OC Animal Shelter provides or in the City's relationship with the Shelter you would like to see?


# APPENDIX 4

## Orange County Grand Jury Independent City Shelter Survey

1. How is the shelter organized and management governance accomplished at your Center?
2. How many cats, dogs and other animals can you shelter?
3. What services do you provide your local community?
4. How many total staff and volunteers are working or engaged with the shelter?
5. How many volunteers do you require on a daily or weekly basis?
  - a. Do you have adequate volunteers?
6. Do you promote spay/neuter services to the members of your community?
  - a. If yes, is there a cost to the individual?
7. From your perspective what are the challenges faced by your Center?
8. Does your center practice TNR (Trap Neuter Return)?
  - a. If no, was it ever in place and then discontinued - why?
  - b. If yes, how effective is the program?
9. Does your center accept healthy cats and put them up for adoption?
  - a. If yes, please describe the process.
10. What are the parameters that guide euthanasia at your shelter?
11. Do you have an animal behaviorist on staff? If no, why not?
12. Do you have any interaction with the Orange County Animal Shelter?
  - a. If yes, please describe.
  - b. If no, why?
13. How is adoption handled in your center? (Adoption by appointment system, open visits, other)?
14. Do your adoption totals include totals transferred to rescues or does it apply only to private parties?
15. Please provide statistics (attachment) for your center (intake, adopted, transferred to shelter, euthanized, etc. by animal type for the current and past 3 years).
16. How does your center respond to complaints from the community and animal activists?
17. If tracked, please provide statistics on complaints you received.
18. Please provide intake statistics (by Cats and Dogs) for the current and 3 past years:
  - a. Strays
  - b. Relinquished by owner
  - c. Owner intended Euthanasia
  - d. Other Intakes
19. Please provide live outcomes statistics (by Cats and Dogs) for the current and 3 past years:
20. Adoptions
  - a. Return to Owner
  - b. Transferred to another agency
  - c. Returned to Field
21. Please provide other outcomes statistics (by Cats and Dogs) for the current and 3 past years:
  - a. Died in Care
  - b. Shelter Euthanasia

# APPENDIX 5

## OCAC 4<sup>th</sup> Quarter 2022 Asilomar Report




### Shelter Animals Count

#### National Shelter Statistics Project Data Matrix

October - December 2022

SPECIES BY AGE		DOG		CAT		ALL				
		ADULT	JUVENILE <i>0-5 Months</i>	ADULT	JUVENILE <i>0-5 Months</i>	TOTAL				
INTAKE	A	BEGINNING SHELTER COUNT: 10/01/2022		213	4	46	167	430		
	B	Stray/At Large		777	109	286	835	2,007		
	C	Relinquished by Owner		135	4	22	48	209		
	D	Owner Intended Euthanasia****		0	0	0	0	0		
	E	Transferred in from Agency		0	0	0	0	0		
	F	Other Intakes (Includes Confiscates resulting from bites or cruelty investigations and Disaster related impounds)		125	10	31	8	174		
	G	TOTAL LIVE INTAKE (B+C+D+E+F)		1,037	123	1,160	339	891	1,230	2,390
	H	ADJUSTED TOTAL INTAKE (G-D)		1,037	123	1,160	339	891	1,230	2,390
LIVE OUTCOMES	I	Adoption		476	72	159	895	1,602		
	J	Returned to Owner		357	7	27	3	394		
	K	Transferred to another Agency		149	30	78	185	442		
	L	Returned to Field (TNR Program)		1	0	0	1	2		
	M	SUBTOTAL: LIVE OUTCOMES (I+J+K+L)		983	109	1,092	264	1,084	1,348	2,440
OTHER OUTCOMES	N	Died in Care		2	4	10	35	51		
	O	Lost in Care		0	0	0	1	1		
	P	Shelter Euthanasia		56	6	94	140	296		
	Q	Owner Intended Euthanasia****		0	0	0	0	0		
	R	SUBTOTAL: OTHER OUTCOMES (N+O+P+Q)		58	10	68	104	176	280	348
	S	TOTAL ASILOMAR OUTCOMES (M+R)		1,039	115	1,154	358	1,224	1,582	2,736
T	ENDING SHELTER COUNT: 12/31/2022		217	10	34	26	287			
ASILOMAR LIVE RELEASE RATE/PERCENTAGE <i>(I+J+K+L)/S*</i>		94.61%	94.78%	94.63%	73.74%	88.56%	85.21%	89.18%		
SAVE RATE/PERCENTAGE <i>M/(M+R)**</i>		94.43%	91.60%	94.14%	71.74%	86.03%	82.80%	87.52%		
		Adult Dogs	Juvenile Dogs	All Dogs	Adult Cats	Juvenile Cats	All Cats			

*\*Live release rate was calculated by dividing the Live Outcomes by the Total Asilomar Outcomes. Note that owner surrender for euthanasia (owner intended euthanasia) and died/lost in care were removed from totals per the Asilomar accords formula.*  
*\*\*Save rate includes animals surrendered for euthanasia as well as animals which were lost or died in care.*  
*\*\*\*\*Proof of animal suffering impacting life quality or aggressive behaviors presenting a risk to public safety are required by owners requesting this service.*



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# ABBREVIATIONS:

**ABA:** American Bar Association

**ASPCA:** The American Society for the Prevention of Cruelty to Animals

**ASV:** Association of Shelter Veterinarians

**CDPH:** California Department of Public Health

**HASS:** Human Animal Support Services

**HSUS:** Human Society of the United States

**OCAC:** Orange County Animal Care

**OCCR:** OC Community Resources

**OCGJ:** Orange County Grand Jury

**OCHRS:** OC Human Resource Services

**NACA:** National Animal Control Association

**NGA:** Non-government Organization

**TNR:** Trap, Neuter, Return

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# GLOSSARY:

## **Adoption Barriers**

Policies or procedures that make adoption, fostering, or volunteering a challenge.

## **Asilomar**

Asilomar refers to an animal welfare industry conference held at Asilomar in Pacific Grove, California. Statistical guidelines developed from this meeting became known as the Asilomar Accords. Participating shelters compile their own data into 'Asilomar' reports, publish their data, and forward their reports to Humane Rescue Alliance which compiles nationwide animal welfare statistics.

## **Behavior Dogs**

Dogs identified as having challenging behaviors.

## **Capacity for Care**

Capacity for Care is an organization's ability to appropriately care for the animals it serves. This is based on a range of parameters including, but not limited to, the number of appropriate housing units; staffing for programs or services; staff training; average length of stay; and the total number of reclaims, adoptions, transfers, returns, or other outcomes.

## **Community Cat**

An unowned cat can be social with people or not. A "Community Cat" is an umbrella definition that includes any outdoor, free roaming cat. These cats may be "Feral" (un-socialized) or friendly or may have been born into the wild. Usually, a Community Cat is a friendly cat.

## **Feral Cats**

Feral cats are not socialized to, and are extremely fearful of, contact with people. Typically, they do not respond well in captivity. A feral cat is typically born in the wild or outdoors with little to no human interaction. If you attempt to get too close or try to pet them, feral cats view your hand as a claw that will harm them and will hiss and/or run away. Feral cats are born from other ferals or from stray cats.

## **Kill / No Kill**

Kill / No Kill refers to a shelter's policy respecting euthanasia. A no kill shelter will not conduct euthanasia, with exceptions for humane reasons. Practices of no kill shelters vary along a spectrum that reject the use of euthanasia as a primary means of population control and health management. A kill shelter will conduct euthanasia for a variety of reasons that include animal control, medical and population control, and



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behavior. Many municipal shelters are “kill” shelters as their mandates often include animal control.

### **Kitten Season**

A busy time in the animal shelter world when feral and community cats have kittens. The season occurs during warm weather months. Also referred to as cat breeding season. Typically kitten season is March-October but varies from place to place and in some areas is year-round.

### **Legal Retention**

The number of days a shelter is required by law to hold an animal for recovery by owner prior to placing the animal for adoption, for sale, or euthanizing.

### **Live Outcome Types**

Adoption: an animal is adopted

Return-to-Owner: an animal is returned to the custody of their human/s.

Transferred-Out: an animal is transferred to the custody of another organization.

Trap Neuter Return: an animal is returned to their habitat or community after being treated for medical conditions, including spay/neuter.

Return to Field: putting an animal back where it was found, often as part of a TNR program.

### **Live Release Rate (Asilomar Report)**

Live Release Rate is the proportion of animals leaving the shelter alive to the total number of animals leaving alive plus the number of shelter directed euthanized animals. Live outcomes are usually achieved through adoption, reclaim by owner, transfer to another agency or other life-saving actions

### **Other Outcome Types**

Died in Care: any animal who died while in the custody of the shelter, not by euthanasia.

Euthanized/Killed: any animal whose life was ended purposefully while in custody of the organization.

### **Rescue Groups**

Rescue Groups are often operated by a network of foster home-based volunteers that may or may not be associated with a standing facility. These organizations often accept difficult-to-adopt animals from other shelters and may transfer them or facilitate adoptions outside of the shelter setting.

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## **Return to the Field**

An animal who has been returned to its home or habitat. Also referred to as relocate, return to community, or return to wild.

## **Save Rate (Asilomar Report)**

Save Rate is the proportion of animals leaving the shelter alive to the total number of animal outcomes.

## **Shelter Types**

**Municipal:** an organization that provides the animal care services of a city, county, or cities or counties.

**Municipal Contract:** A private organization that provides contracted services for the animal care of a city, county, or cities or counties.

**Rescue without a Municipal Contract:** a private organization that has no affiliation to the city or county animal services.

**Foster based Rescue without Shelter:** an organization who houses all animals in its custody in foster homes.

**Sanctuary:** An organization that offers animals a place to live out the remainder of their life. Sometimes sanctuaries offer the option of adoption placement.

Animal welfare sanctuaries often offer this space for animals that have exhausted all other local resources, as an alternative to death.

## **Stray Hold**

The number of days a shelter must hold a stray animal before determining the outcome, as determined by local ordinances. These vary from place to place.

## **TNR (Trap-Neuter-Return)**

TNR (Trap-Neuter-Return) refers to an approach for managing community cats that is an alternative to shelter impoundment. In appropriately managed TNR programs, cats are humanely trapped and surgically sterilized, vaccinated, ear tipped, and returned to the location from where they were trapped.

TNR cats are often not taken into the custody of a spaying/neutering organization because they generally have established community colonies to which they are quickly returned. Community cat colonies are often under the care of a local human member of a community.

## **Treatable**

Treatable means dogs and cats with medical or behavioral issues that can be rehabilitated and managed.

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## Unhealthy and Untreatable

Unhealthy and untreatable means dogs and cats who, at or subsequent to the time they are taken into possession:

1. have a behavioral or temperamental characteristic that poses a health or safety risk or otherwise makes the animal unsuitable for placement as a pet, and are not likely to become healthy or treatable; or
2. are suffering from a disease, injury, or congenital or hereditary condition that adversely affects the animal's health or is likely to adversely affect the animal's health in the future, and are not likely to become healthy or treatable; or
3. are under the age of eight weeks and are not likely to become healthy or treatable, even if provided the care typically provided to pets by reasonable and caring pet guardians in the community.

## DISCLAIMER

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.