

Placer County

GRAND JURY
FINAL REPORT
2005-2006

The following pages apply only to issues relative to Placer County Animal Services.

The Grand Jury report can be found in its entirety at:

<http://www.placercourts.org/ftp/grandjury-2005-2006/FinalReport-2005-2006.pdf>

TURTLEGATE and MICROCHIPS

PACER COUNTY ANIMAL CONTROL DEPARTMENT

SUMMARY:

The Placer County Grand Jury investigated two complaints against the Placer County Animal Control Department (PCACD). The first complaint concerned the actions of an employee who failed to use good judgment in his duties as an officer of the PCACD. This case involved the capture, theft, and subsequent return of a one hundred pound pet turtle. The evidence revealed the employee failed to follow department policy and procedures and was involved in other unlawful acts. These ultimately resulted in his termination. In our report, we refer to this investigation as "TurtleGate".

The second investigation involved a disagreement concerning the use of donated funds. The funds had been donated for the specific purpose of providing microchip identification of animals, but the department was considering using the funds for other purposes. The department subsequently agreed to reverse its position, so the funds were used in the way the donors intended, for microchipping animals placed for adoption. In our report, we refer to this investigation as "Microchips".

The Grand Jury's investigations have resulted in a specific set of recommendations to the PCACD for improvements in its practices and policies concerning control of firearms, training for their use, and for the receipt and processing of donations.

METHODOLOGY:

These complaints were received by the Grand Jury, and we verified that the actions took place within the jurisdiction of the county. We conducted interviews and gathered all available information to establish a comprehensive understanding of the complaints.

In our investigation of the lost and found turtle, the Grand Jury took the following actions:

- Interviewed the interim manager of the Placer County Animal Control Department.
- Interviewed the lawyer from the County Legal Department who was assigned to investigate the accusations listed in the complaint.
- Received and reviewed the report issued by the county counsel.
- Contacted the Placer County Sheriff's office to discuss the charges made by the complainant with the investigating detective.
- Requested and received a copy of the detective's investigation and arrest reports.

In our second investigation, dealing with the donated money not assigned to the intended microchipping, the Grand Jury took the following actions:

- Interviewed the interim manager of the Animal Control Department and the assistant director from the Department of Health who oversees the department.

- Interviewed the complainant to better understand the background of the private animal protection group and their fund raising activities.
- Interviewed an associate of the complainant who assisted in the writing of the complaint.
- Thoroughly reviewed all attachments to the complaint.

NARRATIVE/FACTS:

Investigations into these two complaints revealed that personnel had failed to use good judgment in carrying out duties, and as a result, public trust was damaged. The PCACD is the responsible agency for the control, housing, health and adoption of stray animals within Placer County. Outside assistance from private groups such as the Placer Animal Coalition alliance and SPCA assist in various activities with these animals. In Placer County, the SPCA is very active in providing an animal shelter in the Roseville area. All cities within the county have a responsibility to provide for the management and control of domestic animals either through staff assigned to City Police Departments, by city law enforcement officers or by contract with the PCACD. Private groups are very supportive in the health and care of lost or abandoned domestic animals. There are a number of state laws and county/city ordinances that specify the handling, health care and general care of animals while in the control of the County and voluntary groups.

Turtlegate

The first complaint involved the loss of a one hundred pound pet turtle. The lost pet was found by a Placer County Animal control officer who took the pet to his home with the stated intent of adopting it as his own. This was done without supervisor approval or the completion of required documentation. The pet owner persisted in looking for the turtle, and this alerted the animal control officer. He contacted the legal pet owner and demanded money (five hundred and ninety nine dollars) for return of the pet. Following the filing of the complaint and subsequent investigation by the Placer County Sheriff Department and the PCACD, the employee was relieved of duty and subsequently terminated.

During this investigation a potentially serious matter was reported by the complainant. The Animal Control Officer had placed his sidearm on a table and this caused the complainant to be concerned and intimidated. The Grand Jury reviewed this with other agencies involved in animal control to assess the wisdom of allowing sidearms to be carried by animal control officers. The agencies' responses indicated that the preferred policy is to keep firearms in the animal control vehicles. This was discussed with the new interim manager. We are pleased to report that the new interim manager had already started action to remove sidearms and place long guns in a locked compartment within the animal control vehicles. One additional issue was found in the interviews involving the firearms training of animal control staff. The California Penal Code requires that field staff that handle fire arms be trained in accordance with Penal Code Section 832. Our investigation revealed that this had not occurred with the Placer County Animal Control field staff.

Thus, in the Grand Jury's Turtlegate investigation, the facts are as follows:

- There was sufficient evidence uncovered by the Placer County Animal Control Manager and the Placer Sheriffs Department to justify the termination of the employee for cause.

- The pet turtle was returned to the rightful owner and all monies taken under fraudulent pretenses were returned to the complainant.

Requiring that firearms be secured in the vehicles is a step in the right direction. Training offfield staff to include Penal Code Section 832 Qualification has not occurred.

Microchips

The Microchips complaint arose when a nonprofit alliance group raised and donated funds for the explicit use of microchipping of animals prior to adoption. Microchipping of pets at the time of adoption is a permanent method of identification and has been used by a number of agencies for the last three to four years. Microchips have proven to be a successful means of increasing the return rate of lost pets. Historically dogs and cats that are adopted from shelters are disoriented in their new surroundings. Consequently, a large majority of recently adopted animals become lost in the first days or weeks following their adoption. As a result, animals with no information on them fail to get back to their owners. A new temporary manager in PCACD made the decision not to honor the special conditions placed on the donated funds. This was based on his opinion that there was no written agreement with the county, and, as a result, the donated funds were being redirected to other than the purpose intended by the donor.

In investigating this complaint, we contacted both County Counsel (for its opinion regarding written versus verbal agreements) and the County Health Department, which is the controlling agency overseeing the PCACD.

Our investigation revealed that:

- There was a representative from Animal Control present at a fund raising activity. This, together with copies of e-mails from the alliance to animal control clearly indicated they had donated the funds for the sole propose of microchipping of adopted animals.
- The response from the County Counsel was inconclusive. However, counsel believes that as a good faith gesture the verbal agreement should be honored.

FINDINGS:

Turtlegate

The Grand Jury found in the first complaint involving the lost and found turtle:

1. The new interim manager of the Animal Control Department took the appropriate action in identifying the problem and has taken appropriate corrective action with the termination of the animal control officer.
2. The Complainant is satisfied with the return of both the pet turtle and the money that was taken.
3. Animal Control Officers can perform their duties with firearms secured within the vehicles.
4. Field staff should be required to meet the qualifications criteria in California Penal Code 832.

Microchips:

The Grand Jury found that in the second complaint involving microchip pet identification:

5. The then acting PCACD manager failed to use good judgment in dealing with the funds donated by the voluntary animal alliance group.
6. Due to the lack of adequate written procedures, an oral agreement was not kept and the donated funds were placed into an account that could have been used for other than the purpose intended by the group making the donation (microchipping of adopted animals).
7. This has been resolved and the donated funds are now identified for the sole purpose of animal identification using microchips.

The 2005-2006 Grand Jury believes that special recognition should be given to private nonprofit organizations that do an outstanding job in animal protection and adoption within Placer County.

RECOMMENDATIONS:

The Grand Jury recommends that the following actions be taken by the Placer Animal Control Department:

1. Animal control officers should not carry sidearms, and all firearms within the vehicles should be secured in a locked compartment.
2. Field staff should be trained in accordance with the California Penal Code Section 832.
3. Written procedures and instructions should be provided for staff to follow when handling donations.
4. The authority level within the department and agency to accept donations, the process for documentation of donations, and, when requested, the process to direct the donations to the specified activities should be identified and documented.
5. Staff training on these new policies and procedures should be conducted.
6. The Placer County Animal Control Department should consider a formal plan to recognize individuals and groups making donations to the Department.