

## **Shasta County Sheriff's Office – Animal Regulation Unit**

**"Animals are such agreeable friends—they ask no questions, they pass no criticisms." –George Eliot**

### **SUMMARY**

A citizen complaint about animal neglect led the 2016/17 Shasta County Grand Jury to investigate the Shasta County Sheriff's Office Animal Regulation Unit. Animal Regulation Officers in this unit are responsible for providing animal welfare services throughout the unincorporated parts of Shasta County. Shasta County closed its animal shelter in 2011 and entered into a 25-year Personal Services Agreement with Haven Humane Society to provide animal care, adoption, sheltering, and licensing services.

Upon completing the review, the Grand Jury determined Animal Regulation Unit supervisors have not developed or maintained policies or procedures for the Animal Regulation Unit. The Animal Regulation Unit has no written procedures for animal seizures or long-term record-keeping.

Finally, the Grand Jury found the Shasta County Sheriff's Office has not performed an annual review of the Personal Services Agreement between the County and Haven Humane Society, as required by the Agreement.

### **BACKGROUND**

The Shasta County Sheriff's Office (Sheriff's Office) is responsible for administering animal control services in unincorporated areas of Shasta County. Covering approximately 3,649 square miles, this responsibility is handled by four Animal Regulation Officers (AROs).

Duties of the AROs include:

- the safety and welfare of domestic animals
- the welfare of injured or dead wild animals
- the investigation of animal attacks

The Sheriff's Animal Regulation Unit ("the Unit") was originally overseen by a lieutenant assigned to the Sheriff – Coroner Division. In 2011, the County closed its animal shelter and entered into an agreement with Haven Humane Society (HHS) for sheltering services. This 25-year agreement provides the vital services of animal shelter and care as mandated by Shasta County Code Chapter 6.04.

The Grand Jury's original inquiry was initiated by a citizen complaint about alleged starving animals. Information obtained led the Grand Jury to broaden the scope of the investigation to cover the entire Unit. In addition, the Grand Jury also sought to ensure that the Sheriff and HHS are meeting all the requirements of the Agreement.

## **METHODOLOGY**

The Grand Jury interviewed:

- Shasta County Sheriff's Office personnel
- Shasta County Board of Supervisors member
- Shasta County Administrative Office personnel
- Shasta County Counsel's Office personnel
- Shasta Area Safety Communications Agency (SHASCOM) personnel
- Haven Humane Society personnel
- Shasta County residents

The Grand Jury reviewed:

- Fourth Amendment of the Constitution of the United States of America
- Board of Supervisors agendas, from September 2016 to January 2017
- Citizen Complaint and photographic evidence submitted
- Shasta County Animal Regulation Unit budgets, FY 2008/09 to 2016/17
- Shasta County Animal Regulation Unit internal work logs, from October 30 to November 12, 2016
- Shasta County Animal Regulation Unit calls for service logs, February 2017
- Shasta County Animal Regulation Unit Policies and Procedures, dated October 2016
- Shasta County Animal Regulation Unit Field Training Manual
- Shasta County Animal Control Hearing packets, from October 2010 to November 2016
- SHASCOM calls for service logs, from July to October 2016
- Personal Services Agreement between Shasta County and Haven Humane Society, dated September 20, 2011
- Communications between Haven Humane Society and Shasta County Administrative Office, from June 2016 to January 2017
- Shasta County Sheriff's Office FEMA reimbursement claim forms for the "Clover Fire", FEMA-5050-FM, from September 9 to September 14, 2013
- Shasta County Department of Support Services Personnel Unit Job Descriptions for Animal Regulation Officer Levels I, II, and III
- Shasta County Class Specification Bulletins for Animal Regulation Officer Levels I, II, and III, last revised June 25, 2013
- Total reported Animal Regulation Officer salaries and benefits from 2011 to 2015
- National Animal Control and Humane Officer Modules A and B Training Materials
- California Food and Agricultural Code sections 31601-31683

- California Penal Code sections 597-599
- Shasta County Code Chapter 6.04 – “ANIMALS GENERALLY”
- California Judicial Council forms MC-600, MC-601, and MC-602

The Grand Jury observed:

- Livestock specific to the original complaint
- Haven Humane Society’s facility

## DISCUSSION

The Unit is typically staffed by four AROs. According to the Unit’s website, ARO duties include responding to:

- stray animals
- suspected cruelty, abuse, and neglect
- animal bites
- injured or diseased animals
- dangerous or vicious dogs
- nuisance barking
- kennel inspections
- emergency evacuation of animals

From July to September 2016, AROs responded to 714 calls for service from Shasta Area Safety Communications Agency (SHASCOM). The two officers on duty each respond to an average of 6 to 8 SHASCOM-initiated cases per day. “Animal bites”, “animal found”, “animal other”, and “animal vicious” were the predominant call types from the public. While responding to animal-related calls are the AROs’ primary duties, subpoena service and abandoned vehicle abatement were added as additional duties in 2016.

There are three levels in the ARO job classification series. The Sheriff’s Office budget shows five positions in the Unit – four ARO I/II’s and one ARO III. ARO Level I is the entry level class of ARO series and is expected to promote to Level II “within one year.” The Unit is currently hiring for the position of ARO I to replace an outgoing staff member. The Level II position is a journey level classification. The Unit currently has three ARO II’s. The ARO III position has been intermittently budgeted for and has been vacant since 2012. The Level III position, if filled, would incorporate patrol duty responsibilities with supervision and would report to a countywide services lieutenant. As of May 2017, the Sheriff’s Office has requested the ARO III position to be eliminated in the fiscal year 2017/18 budget. All three levels are represented by the United Public Employees of California Local 792.

AROs wear a uniform identical to those of a Deputy Sheriff with the exception of the Unit ensign at the bottom of the shoulder patch. AROs drive black and white vehicles that display the Sheriff’s Office logo and have an emergency light bar. AROs may carry pepper spray or TASERS and are issued protective ballistic vests.

New AROs undergo supervised field training provided by a peer in the Unit. They must complete a checklist of duty-related skills and pass a series of tests to be allowed to work on their own. Within one year of their hiring date, AROs are legally required to complete Penal Code section 832 (Arrest and Firearms) training and obtain a certificate for the performance of

euthanasia. Additional training such as the three National Animal Control and Humane Officer (“NACHO”) Modules are available. All current AROs have received the first two modules. Additional training for officers is dependent upon budgetary constraints and supervisory approval.

AROs serve the County on two separate schedules. One schedule is 12 hours on Sunday, Monday, and Tuesday; the other schedule is 12 hours on Thursday, Friday, and Saturday. Each ARO works 84 hours over a two-week period, including one overlapping shift every other Wednesday. Evening on-call duty is assigned to each ARO over a two-week rotation.

AROs are included in daily Patrol Operations morning briefings. Information is shared with the AROs about patrol operations and potentially dangerous areas within the County. Each schedule works independently from the other and reports to its assigned sergeant within the Patrol Operations Division. There are no scheduled meetings between all staff assigned to the Unit.

### **Policies and Procedures**

The Unit’s policies and procedures manual is incomplete, with very few procedures outlined and no table of contents. Upon review, the Grand Jury identified three areas lacking policies and procedures:

1. Animal seizure: Without a written procedure for seizure, AROs are unable to seize animals deemed by their professional assessments to be abused or neglected pursuant to California Penal Code section 597.1. In order for an ARO to seize an animal, he or she must first contact the County Counsel’s Office, either directly or through his or her supervisor, for permission. This process can delay necessary care and potentially further endanger the animal. Penal Code section 597.1 clearly outlines pre-seizure and post-seizure actions the County is required to take. Seizure of assets without due cause violates the fourth amendment rights of citizens and thus may lead to expensive legal actions against the County. Policies and procedures should be created that are legally vetted by County Counsel to ensure all provisions of Penal Code section 597.1 are followed during each seizure process. The decision to seize could therefore be left to the AROs supported by County Counsel.
2. Internal record-keeping: There are no policies or procedures for record-keeping in the Unit. There is currently no formalized case-tracking for follow-up of animals showing signs of neglect or abuse. Some cases, such as a deer in the road, are single incidents that do not require follow-up. For other types of cases, such as livestock malnutrition, follow-up may be needed over an extended period to verify actions are being taken to address the issues. AROs may follow up on their individual cases, but there are not any formal timelines or documentation shared between schedules. The Grand Jury was unable to determine if cases were duplicated by AROs or if follow-up had been provided in a timely manner. The Sheriff’s Office has a records management system, but this system does not notify AROs when follow-up on cases is required. The Sheriff’s Office is preparing to implement an 18-month records management system upgrade to better serve

the County. This upgraded system will also require policies and procedures by the Unit to ensure it is used as intended.

3. Unit phone line: The Unit's website directs calls to the dedicated Unit line. Answering and tracking the calls to this line are the responsibility of the AROs. Calls and voice mails are only answered and checked sporadically, and there is little logging or tracking of these calls. While there is a phone log, little information is recorded, and the use of the log by each ARO varies. There are no policies or procedures currently in place that outline how often this line should be checked, or what information should be logged. In February 2017, only 38 phone calls were received on this line. If an ARO responds to a call for service received through this phone line, he or she must notify SHASCOM to generate a case number. Most calls for service are not received through the dedicated Unit line but instead are received through SHASCOM and are automatically logged, dispatched, and tracked in SHASCOM's records management system.

### **Supervision**

Supervision of AROs I and II was provided by the Coroner Division lieutenant from 2011 to 2016. During this time, four lieutenants rotated through this supervisory position. Since the last ARO III retired in 2012, that position has been left unfilled, pending elimination. In the absence of such supervision, AROs seek input from their journey-level counterparts to discuss issues.

Beginning in 2016, transfer of the Unit to the Patrol Operations Division began. The Coroner Division maintained administrative oversight, while Patrol Operations supervised schedule activities. Since this transition began, two lieutenants have already rotated through Patrol Operations. As of January 22, 2017, Patrol Operations assumed all administrative responsibilities and operational oversight for the Unit. While two AROs have considerable training and expertise, and provide guidance to their peers, no one has been appointed as a lead for the Unit.

Without an ARO III, direct supervision falls on two Patrol Operations sergeants. Current supervision of the department, under these sergeants, has not addressed a known and ongoing issue: lack of policies and procedures related to record keeping, seizure, and the dedicated Unit phone line. Without the creation, maintenance, and enforcement of such policies and procedures, supervision of the Unit is inadequate to the effective functioning of the department. Additionally, the need for a supervisor with more thorough animal regulation knowledge has been noted by Sheriff's Office personnel.

### **Haven Humane Society Agreement**

A 25-year Personal Services Agreement between Shasta County and HHS was signed on September 20, 2011. Shasta County opened the agreement by granting \$2.8 million to HHS to expand its facilities for sheltering and boarding animals from the County. The County further agreed to compensate HHS \$99,320 each fiscal year to provide animal care, adoption, sheltering, and licensing services for the County. In return, HHS also generates revenue for the County through fees for licensing and boarding animals. These funds are returned to the County. In 2015, this sum was \$47,664.50.

There is disagreement between the Sheriff's Office and County Administrative Office as to which office is responsible for fulfilling the provisions of the Agreement. According to the Agreement, the Sheriff's Office is identified as the "County", as follows:

This agreement is entered into between the County of Shasta, a political subdivision of the State of California, through its Sheriff's Office ("County") and the Haven Humane Society, Inc., a non-profit corporation ("HHS"), collectively referred to as "Parties" or individuals as "Party", for the purpose of providing animal care, adoption, sheltering and licensing services in the unincorporated areas of the County of Shasta.

Exhibit A.1.F. of the agreement states, "County and HHS shall conduct an annual evaluation of the contract on or before June 30<sup>th</sup> of each year to evaluate HHS's compliance with the terms and conditions to determine whether any modifications of this agreement are necessary." The definition of such an annual evaluation is contested by County Administrative Office, Sheriff's Office, and HHS personnel. Both County offices state the monthly activity reports they receive from HHS are sufficient to determine if HHS is in compliance with the terms of the Agreement. However, when requested, no record of an annual evaluation of the overall Agreement was provided by either office. In September 2016, HHS sent a formal letter requesting contract modifications of the Agreement to the County Administrative Office. The County Executive Officer responded in January 2017, agreeing to two of the seven requested modifications on behalf of the Board of Supervisors.

## **FINDINGS**

- F1. The lack of a written and legally vetted animal seizure policy and procedures leaves AROs unable to use their professional discretion to determine if seizure of an animal is lawful and to act on that determination without contacting County Counsel.
- F2. The lack of policies and procedures related to record-keeping and case-tracking hinders the ability of AROs to consistently provide timely follow-up to determine if corrective action has been taken to resolve the original complaint.
- F3. The Unit's dedicated phone line receives calls for service without policy or procedures for answering, logging, and tracking them and duplicates call services provided by SHASCOM.
- F4. The ARO III position has been unfilled, and the Animal Regulation Unit supervisors have not developed or maintained policies or procedures for the Unit. As a direct consequence, the supervising Patrol Operations sergeants do not have policies and procedural references to guide them in their supervision of the Animal Regulation Unit.
- F5. The Shasta County Sheriff's Office, as the County's agent, has not met the contractual obligation of the Personal Services Agreement with Haven Humane Society which requires annual evaluations of the Agreement.

## RECOMMENDATIONS

The Grand Jury recommends:

- R1. By September 30, 2017, the Shasta County Sheriff-Coroner direct Animal Regulation Unit supervisors to create and seek legal County Counsel approval of an animal seizure policy and procedures.
- R2. By December 31, 2017, the Shasta County Sheriff-Coroner direct Animal Regulation Unit supervisors to create written policies and procedures for record-keeping and case-tracking in the Animal Regulation Unit.
- R3. By September 30, 2017, the Shasta County Sheriff-Coroner direct Animal Regulation Unit supervisors to discontinue the use of the dedicated Animal Regulation Unit phone line and update its website and voicemail to direct callers to the SHASCOM non-emergency line.
- R4. By September 30, 2017, the Shasta County Sheriff-Coroner direct Animal Regulation Unit supervisors to develop, maintain, and enforce comprehensive policies and procedures or delegate this responsibility to an officer in the Animal Regulation Unit.
- R5. By June 30, 2018, the Shasta County Sheriff-Coroner direct staff to fulfill the provision of the County's Personal Services Agreement with Haven Humane Society that calls for annual evaluations of the Agreement. The results of these annual evaluations should be reported to the Board of Supervisors.

## REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the following responses are required:

From the following governing body (within 90 days):

- Shasta County Board of Supervisors: **F5 and R5**

From the following elected governmental officer (within 60 days):

- Shasta County Sheriff-Coroner: **F1, F2, F3, F4, F5 and R1, R2, R3, R4, R5**

## INVITED RESPONSES

The Grand Jury invites the following response:

From the following governmental official (requested within 60 days):

- Shasta County Chief Executive Officer: **F5 and R5**

**Released: June 26, 2017**