



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Tuesday, May 28, 2013
10:00 A.M.

**Los Angeles City Hall
200 North Spring Street
Room 1060
Los Angeles, California 90012**

LISA McCURDY
President

JIM JENSVOLD
Vice-President

TARIQ A. KHERO
MAGGIE NEILSON
ALANA YAÑEZ

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COMMISSION MEETING

1. PUBLIC COMMENT PERIOD - (Comments from the public on items of public interest within the Board's subject matter jurisdiction and on items not on the Agenda.)

Public Comments: The Brown Act prohibits the Board and staff from responding to the speakers' comments. Some of the matters raised in public comment may appear on a future agenda.

2. COMMISSION BUSINESS

A. Approval of the Minutes for the Meetings of May 14, 2013.

3. DISCUSSION ITEMS

- A. Office of the City Attorney Update on:
 - 1. Administrative Citations
 - 2. Amendments to the Spay and Neuter Ordinance
- B. Discussion of Fund Raising Projects:
 - 1. Program for Animals of Deceased L.A. City Residents
 - 2. Free Animal Medical Care for Low-Income L.A. City Residents
 - 3. Enrichment Programs for Shelter Animals
 - 4. Other Fund Raising Ideas From the Commission
- C. Spay/Neuter Enforcement

Discussion of Department report in response to Commission request for additional information on targeted spay/neuter programs and enforcement of regulations.

4. BOARD REPORTS

- A. Amended Changes to the Apollo Program

5. COMMISSION MOTIONS

- A. Motion by Commissioner McCurdy on pet-to-pet introduction policy and staff training.

Proposal to establish a policy permitting pet-to-pet and group pet introductions in the shelters. Additionally, instruct the Department to develop a training program for staff and volunteers to conduct and oversee these activities and report back to the Board for approval before implementing the new policy.

6. ORAL REPORT OF THE GENERAL MANAGER

7. BOARD AVAILABILITY FOR THE MEETING OF June 11 , 2013

8. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M. June 11, 2013, Los Angeles City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012.

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday of each month at 10:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Board Agendas are available at the Department of Animal Services (Department), Administrative Division, 221 North Figueroa Street, 5th Floor, Los Angeles, CA 90012. Board Agendas may also be

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viewed on the 2nd floor Public Bulletin Board in City Hall East, 200 North Main Street, Los Angeles, CA 90012. Internet users may also access copies of present and prior agenda items, copies of the Board Calendar, MP-3 audio files of meetings as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at <http://www.laanimalservices.com/CommissionAgendas.htm>

Three (3) members of the Board constitute a quorum for the transaction of business. Some items on the Agenda may be approved without any discussion.

The Board Secretary will announce the items to be considered by the Board. The Board will hear the presentation on the topic and gather additional information from Department Staff. Once presentations have finished, the Board President will ask if any Board Member or member of the public wishes to speak on one or more of these items. Each speaker called before the Commission will have one (1) minute to express their comments and concerns on matters placed on the agenda.

PUBLIC INPUT AT BOARD MEETINGS – Public Participation on Agenda Items.

Members of the public will have an opportunity to address the Board on agenda items after the item is called and before the Board takes action on the item, unless the opportunity for public participation on the item was previously provided to all interested members of the public at a public meeting of a Committee of the Board and the item has not substantially changed since the Committee heard the item. When speaking to an agenda item other than during Public Comment (see Public Comment below), the speaker shall limit his or her comments to the specific item under consideration (California Government Code, Section 54954.3).

Public Comment. The Board will provide an opportunity for public comment at every regular meeting of the Board. Members of the public may address the Board on any items within the subject matter jurisdiction of the Board as part of Public Comment.

Speaker Cards. Members of the public wishing to speak are to fill out one speaker card for each agenda item on which they wish to speak and present it to the Board secretary before the item is called.

Time Limit for Speakers. Speakers addressing the Board will be limited to one (1) minute of speaking time for each agenda item except in public comment which is limited to three (3) minutes. The Chairperson, with the approval of a majority of the Board, may for good cause extend any speaker's time by increments of up to one (1) minute. Total speaker time on any agenda item will be limited to ten (10) minutes per item and fifteen (15) minutes for Public Comment, unless extended as above.

Brown Act. These rules shall be interpreted in a manner that is consistent with the Ralph M. Brown Act, California Government Code Section § 54950 et seq.

STANDARDS OF CONDUCT. Speakers are expected to behave in an orderly manner and to refrain from personal attacks or use of profanity or language that may incite violence.

All persons present at Board meetings are expected to behave in an orderly manner and to refrain from disrupting the meeting, interfering with the rights of others to address the Board and/or interfering with the conduct of business by the Board.

In the event that any speaker does not comply with the foregoing requirements, or if a

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speaker does not address the specific item under consideration, the speaker may be ruled out of order, their speaking time forfeited and the Chairperson may call upon the next speaker.

The Board, by majority vote, may order the removal from the meeting of any speaker or audience member continuing to behave in a disruptive manner after being warned by the Chairperson regarding their behavior. Section 403 of the California Penal Code states as follows: "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor".

VOTING AND DISPOSITION OF ITEMS – Most items require a majority vote of the entire membership of the Board (3 members). When debate on an item is completed, the Board President will instruct the Secretary to "call the roll". Every member present must vote for or against each item; abstentions are not permitted unless there is a Conflict of Interest for which the Board member is obliged to abstain from voting. The Secretary will announce the votes on each item. Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

When the Board has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the issue is again placed on the next agenda for the following meeting for the purpose of allowing the Board to again vote on the matter.

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BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: May 28, 2013

PREPARED BY: John Chavez,
Assistant General Manager

REPORT DATE: May 23, 2013

SUBJECT: CHANGES TO THE APOLLO PROJECT

BOARD ACTIONS RECOMMENDED:

1. Authorize the General Manager of the Department of Animal Services to execute Letters of Agreement with various mobile spay/neuter vans to provide free sterilizations to Pit Bull and Pit Bull mixes in Zip Codes 91331 and 91342 on a reimbursement basis with funds from a \$50,000 donation from the Jason Debus Heigl Foundation and the Animal Sterilization Fund in a total amount not to exceed \$80,000; and,
2. Forward to the Mayor and City Council for review and approval.

SUMMARY:

In 2010, the Board approved the acceptance of \$50,000 from the Jason Debus Heigl Foundation to provide free sterilizations to Pit Bull and Pit Bull mixes in Pacoima and Sylmar. The \$500,000 Amanda Foundation contract was amended to provide services under this "Apollo Project."

Limited Amanda Foundation resources and outreach have hampered that organization's ability to make significant progress in meeting the goals of the Apollo Project. Therefore, the Department recommends changing the program to allow other mobile spay/neuter providers to go into those two communities and sterilize Pit Bulls and Pit Bull mixes as part of Apollo.

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CHANGES TO THE APOLLO PROJECT

May 28, 2013

BACKGROUND:

On July 13, 2010, the Board of Animal Services Commissioners approved the acceptance of \$50,000 from the Jason Debus Heigl Foundation to help fund the Apollo Project. This project provides free spay/neuter for Pit Bulls and Pit Bull mixes. These services are for two Zip Codes - 91331 (Pacoima) and 91342 (Sylmar). Both are in Council District Seven (see attachment).

The Board also agreed to allocate \$30,000 from the Animal Sterilization Trust Fund to augment the Heigl Foundation's \$50,000 donation, so that a total of \$80,000 is available to subsidize sterilizations of this breed. The Board also approved amending the Amanda Foundation's contract and increasing the Foundation's contractual authority by \$80,000. The City Council approved this targeted spay/neuter strategy on October 26, 2010 (C.F. 10-2451).

In 2012, the Heigl Foundation agreed to drop the Zip Code requirements and allow any Pit Bull or Pit Bull mixes to be eligible for free sterilization services. On April 24, 2012, the Board approved this citywide approach and this matter was forwarded to Council for approval. However, on January 15, 2013, the Personnel and Animal Welfare Committee continued the item at the request of Councilman Richard Alarcon, who requested to meet with the Department, the Amanda Foundation, and the Heigl Foundation. This follow-up meeting occurred on January 30, 2013. All parties consented to keep the program in Council District Seven with the understanding that the rate of spay/neuter surgeries would increase and there would be more public outreach regarding the program.

APOLLO PROJECT PROGRESS TO DATE

From February 2011 through April 15, 2013, the number of Apollo-related spay/neuter surgeries totaled 332 (out of an estimated 940 surgeries expected to be done with the \$80,000). Of the total \$80,000 dedicated to Apollo, \$33,855 has been spent.

However, since late January 2013, when the key stakeholders met with Councilman Alarcon, only 23 additional sterilizations have been performed. As there was no promotional plan or budget tied to the Heigl donation, public awareness of the program has been limited, resulting in a lower than expected demand for service.

This relative lack of progress prompted the Department to meet with the Amanda Foundation and the City Attorney and discuss other ways of increasing the sterilizations in Pacoima and Sylmar.

PROPOSED PROGRAM CHANGES

It was mutually agreed that the most viable option was to open up the Apollo Project funding to any mobile spay/neuter organization. These organizations would perform

CHANGES TO THE APOLLO PROJECT

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spay/neuter surgeries and bill the Department upon submission of the appropriate documentation.

In summation, the Department proposes to:

- Allow other mobile spay/neuter providers to provide free spay/neuter surgeries in Zip Codes 91331 and 91342.
- Execute a Letter of Agreement with interested mobile spay/neuter operators to ensure that they abide with the Project's requirements and procedures.
- Reimburse qualified mobile spay/neuter operators upon submission of necessary documentation.

The Heigl Foundation has agreed to these proposed changes. The Foundation also believes that enhanced community outreach is needed to reach dog owners. Therefore, mobile spay/neuter service providers, coordinating with the Department and Council District Seven, must submit an outreach plan to ensure that Sylmar/Pacoima residents are aware of the services offered and that the number of sterilizations that take place are at a significantly higher rate than has been accomplished to date.

The Department surveyed other mobile spay/neuter providers to determine whether there was interest in providing Apollo Project services in Pacoima and Sylmar, and for the average cost of \$85. Based on the results of this survey, the Department is confident that other mobile spay/neuter operators will participate in this revised Apollo Project.

The Department will impose the appropriate fiscal controls to ensure that the total cost of the Project (\$80,000) is not exceeded.

FISCAL IMPACT:

There is no fiscal impact. The only change is programmatic, allowing other mobile spay/neuter providers to sterilize Pit Bull and Pit Bull mixes in Sylmar and Pacoima.

Approved:

Brenda Barnette, General Manager

Attachment:

"The Apollo Project" flyer

CHANGES TO THE APOLLO PROJECT
May 28, 2013

BOARD ACTION:

_____ Passed

_____ Passed with noted modifications

_____ Tabled

Disapproved _____

Continued _____

New Date _____



The Apollo Project

FREE!!

(No Income Restrictions)

**Spay/Neuter for Pit Bulls
& Pit Bull Mixes!**

Pacoima (91331) and Sylmar (91342)



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Call today to get in on this FREE offer!**



*This program sponsored by a generous donation
from The Jason Debus Heigl Foundation in
partnership with LA Animal Services .*



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BRENDA F. BARNETTE
GENERAL MANAGER

JOHN CHAVEZ
ASSISTANT GENERAL MANAGER

DR. JEREMY PRUPAS
CHIEF VETERINARIAN

Report to the Board of Animal Services Commissioners
Brenda F. Barnette, General Manager

COMMISSION MEETING DATE: May 28, 2013

PREPARED BY: Brenda Barnette

REPORT DATE: May 23, 2013

TITLE: General Manager

SUBJECT: Spay/Neuter Enforcement

BOARD ACTION RECOMMENDED:

The Board should review and discuss this report and give direction as appropriate.

1. BACKGROUND:

At the Board's meeting on February 14, 2012, a number of proposed amendments to the City's existing all-breed dog and cat spay/neuter and breeding permit Codes were presented for consideration. Those proposals were eventually approved by the Board on June 12, 2012, in slightly modified form and transmitted to the City Council for further action. As of this writing the ordinance containing these amendments is awaiting final approval from the City Council.

However, during the February 14 discussion an additional proposal was raised by the Board to consider methods for increasing enforcement of the existing spay/neuter ordinance (applicable to all breeds), and possible methods for making the spay/neuter ordinance even more effective for the several types of dogs that are most prominent in the Department's shelter intake and euthanasia statistics. These include pit bulls, pit bull "mixes," Chihuahuas and Chihuahua "mixes." (Pits and pit mixes are estimated to number more than 40% of the population of LAAS shelters.)

The goal of these considerations would be to decrease the numbers of animals across the board that are coming into LAAS shelters, with a specific focus on the types of animals that have the highest numbers. It should be stressed at the outset that the

Board did not suggest, and this report, therefore, does not propose, any form of “breed ban” which, in any event, would be unlawful in the State of California.

Because the City’s current spay/neuter ordinance already requires mandatory spay/neuter for *all* dog breeds with some exemptions, options that might be considered would likely include (1) removal of all or some of the current exemptions for certain breeds or types of dogs; and/or (2) methods for increasing the effectiveness of the current spay/neuter ordinance.

This report-back sets forth some of the options the Board might consider and sets the table for further discussion. No action by the Board is proposed at this time.

2. ASPECTS OF THE ISSUE

In reviewing possible mechanisms for increasing the effectiveness of the spay/neuter ordinance, the Department considered the following questions:

- a. What have other jurisdictions done to tighten spay/neuter regulations as to certain breeds?
- b. How are such regulations similar to or different from our existing spay/neuter regulations?
- c. How have such regulations performed in locales where they are in place?
- d. Can specific breeds be accurately identified as would be required to implement any regulations that apply differently to different breeds, such as spay/neuter exemptions that apply only to certain breeds and not to others?
- e. What other implementation issues can be anticipated?
- f. How can it be determined whether such regulations would tangibly advance the City’s goal of broad compliance with spay/neuter regulations?
- g. Are there other options for achieving broad compliance that are worth exploring or which are already being implemented?

This report will explore these questions in sequence.

a. What other jurisdictions have approved breed-specific spay/neuter regulations?

Although Los Angeles already has a blanket spay/neuter ordinance for all breeds, the Department has considered the effectiveness of ordinances in other communities that apply only to specific breeds, to help assess whether the LAAS shelter animal population might be decreased by making the spay/neuter exemptions inapplicable to the highest-intake breeds. Thus, following is a chart of California jurisdictions with breed-specific spay/neuter laws:

**California Breed Specific Mandatory Spay/Neuter Ordinances
As of March 2013**

CITY	ORDINANCE	BREED TYPE
Barstow	Section: 8.20	pit bulls
Gilroy	Section: 4.64-4.68	pit bulls
Hollister	Section: 6.20.030	pit bulls and chihuahuas
Lancaster	Section: 6.08	pit bulls and rottweilers
Manteca	Section: 6.10	pit bulls
Ripon	Section: 6.56	pit bulls
San Bernardino County	Section: 32.1501	pit bulls
San Francisco	Section: 43	pit bulls
Sonoma County	Section: 5-171	pit bulls
Yucaipa	Section 6.04.098	pit bulls

*Note: As of this writing Riverside County is considering such an ordinance.
Chart and research courtesy of Nicole Herft, Esq.*

Nationwide

Breed specific spay/neuter laws are relatively rare. As per California Health and Safety Code Sections 122330-122331 (created by the passage of Senate Bill 861 authored by former Sen. Jackie Speier in 2005), California permits local breed-specific spay/neuter regulations but disallows breed bans. San Francisco was the first jurisdiction to approve a spay/neuter law under this section. The County of San Bernardino later followed suit, joined by a couple of cities within that county. Along the lines of considering, but not adopting, a breed specific spay/neuter law, California's Ventura County looked at the idea in 2011 before dropping the proposal. More recently, Broward County in Florida formed an ad hoc task force that proposed recommendations to address uncontrolled breeding of pit bulls, promote or require spay/neuter, offer better training for law enforcement staff and do a better job enforcing animal-related laws. These recommendations were released at the end of April 2013.

(Note: This report is not intended to be a comprehensive consideration of jurisdictions that have enacted or considered targeted regulation based on breeds.)

Legal Considerations

With respect to the possibility of removing spay/neuter objections for particular breeds, such a proposal is likely to raise the same objections that accompany any type of legislation that applies to select breeds. Specifically, opponents of breed-specific laws base their opposition on concerns regarding discrimination, over-inclusiveness,

questions of due process, waste of government resources, documented failure to produce the desired results, , enforcement issues connected with identifying the dogs to be regulated, infringement of property rights, and a belief that many problems associated with such dogs can better be attributed to the dogs' owners.

It appears that most legal challenges to such laws on these bases, however, have not been granted by the courts around the country, and certain of them would have no application to a removal of exemptions for certain breeds. To wit, such a proposal would be motivated by a desire to decrease the *numbers* of a certain breed of animal coming into shelters and, thereby, reducing the kill rate; unlike so-called breed bans, and even San Francisco's aforementioned ordinance, it would not be motivated by any judgment based on a breed's behavior tendencies.

The motivation to reduce the number of animals coming into LAAS over the past ten years corresponds directly with the rise of the "No Kill" movement and heightened concern in many quarters over the large numbers of certain breeds landing in public sector animal shelters (mostly pits, pit mixes and Chihuahuas in Southern California). In any event, the courts tend to find that such regulation is a local prerogative and SB 861 defines the playing field in California.

On the other hand, while some animal activists and groups generally object to mandatory spay/neuter laws, the inclusion of exemptions has helped those laws withstand court challenges (including the City's law, which has become a model adapted by a number of other jurisdictions, including several of those that have adopted breed-specific spay/neuter ordinances and include exemptions comparable to those in L.A.'s ordinance).

Members of the legal community have opined that a failure to include exemptions could cause such laws to run afoul of federal anti-discrimination laws and the Americans With Disabilities Act (ADA). And the judge who upheld L.A.'s ordinance when it was challenged in court in 2009 cited the existence of exemptions – especially one that allows an owner to purchase a breeding permit in order to exempt a dog – as preserving key personal property rights. These arguments are likely to be raised again in the event LAAS proposes to eliminate exemptions to the spay/neuter ordinance for certain breeds.

b. How are those regulations similar to or different from our existing spay/neuter regulations?

The California ordinances charted above all include some combination of exemptions that resemble those originally included in the City of Los Angeles' spay/neuter ordinance, generally with the exception of being able to obtain an exemption by buying a Breeding Permit and intact license. Also, many of them include a process for a dog

owner to appeal the jurisdiction's determination that their dog is of one of the breeds affected by the regulation.

The other notable difference between these ordinances and L.A.'s is their limited focus on specific breeds (primarily pit bulls and pit mixes).

Again, if the City of Los Angeles were to modify its spay/neuter regulations in an effort to reduce the number of the high-impound breeds in LAAS shelters, the primary methodology for doing so would appear to be by reducing or eliminating the exemptions available for those animals. This assumes that such an action would withstand legal scrutiny. Otherwise, pits/mixes and Chihuahas/mixes are already covered by the City's ordinance.

c. How have such regulations performed in locales where they are in place?

The highly-publicized 2005 pit bull spay/neuter law adopted in San Francisco appears to have succeeded in modestly reducing the amount of shelter intake and euthanasia of these dog types in that city. According to Marisa Lagos' San Francisco Chronicle article from August 27, 2007, (approximately 20 months after the ordinance became effective), *"Not long ago, pit bulls occupied about three-quarters of the dog kennels at San Francisco's Animal Care and Control shelter. Now, only about a quarter of the unwanted canines at the shelter are pit bulls. The numbers of pit bull terriers and pit bull mixes abandoned and euthanized in San Francisco have fallen drastically since the city implemented a law 18 months ago requiring that pit bulls be sterilized, animal officials say..."*

In August 2011, a spokesperson for San Francisco Animal Care and Control (ACC) stated that over the five years since the ordinance's adoption pit bull intake was down approximately 25% and that overall dog intakes were down about 33% over the same period. Rebecca Katz, the current director of ACC, reports that the annual pit bull/mix intake for the seven years prior to implementation was 4,744 and in the seven years since the law became effective it was 4,087. Annual pit euthanasia over the same time periods fell from 2,750 to 1,940.

ACC's overall statistics between FY 2006-2007 and FY 2010-2011 posted on the agency's website suggest, however, that there has been no verifiable sustained correlation between the success of the pit bull ordinance and a decline in either overall dog intakes or euthanasias at its shelter.

The first year there was a modest drop in dog intakes from 2069 to 1939, and in euthanasias from 442 to 308. However, in each subsequent year the trend reversed, with annual increases in each category until 2424 dogs were impounded and 481 were euthanized in FY 2010-2011.

San Francisco ACC's overall live release rate for dogs exceeded 79% during each year noted. But, given that the live release rate has remained within a relatively narrow range during the period cited and not shown a consistent improving trend, energetic adoption efforts and ACC's beneficial relationship with the San Francisco SPCA, which pulls animals from the ACC shelter, may have more to do with that steady, encouraging outcome than other factors. In terms of providing an important additional avenue for getting shelter pets adopted, this relationship is not dissimilar to that which LAAS enjoys with Best Friends Animal Society's operation at our Northeast Valley shelter.

It is important to remember that the period of time since 2008 substantially coincides with the national economic recession, a period during which many animal control jurisdictions (including Los Angeles) experienced rising intake and euthanasia numbers (at least through 2011). Ms. Katz attributes the disparity between the progress made with pits and the overall problems since 2008 to those economic issues and the accompanying budget constraints on ACC's overall enforcement capabilities. Still, the pit bull/mix intake reduction of approximately 14% over the life of the ordinance is noteworthy.

d. Can specific breeds be accurately identified to an extent in a typical enforcement context that sufficiently facilitates such regulations?

If LAAS were to remove the application of spay/neuter exemptions for certain breeds, staff obviously would be required to accurately identify dogs that are of the non-exemptable breeds. This is one of the main challenges facing any attempt to regulate specific breeds of dogs is that of identifying which dogs are covered by the regulation and which ones are not. The jurisdictions undertaking such regulation have employed relatively consistent, albeit general, criteria. For example, San Francisco, which drove the breed-specific movement in California through its advocacy of Senate Bill 861 in 2005 after a child was mauled in a tragic incident, has included the following language in its pit bull spay/neuter ordinance:

"...For the purposes of this Article, the word "pit bull" includes any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics that conform to the standards established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") for any of the above breeds. The AKC and UKC standards for the above breeds are listed on their websites as well as online through the Animal Care and Control Department's ("Department") website..."

San Francisco's animal care and control department has created an eight-point checklist of criteria for identifying pit bulls or pit bull mixes that can be applied by department staff if and when enforcement officers encounter a dog they believe is covered by the regulation, or when an owner inquires. If a dog matches at least five of the eight points, it is considered a pit or pit mix for purposes of enforcement.

Importantly, the ordinance goes on to provide a mechanism by which a dog owner may appeal the outcome of this breed assessment. A visual chart of examples of dogs considered to be pits or pit mixes also is provided.

Rebecca Katz of ACC reports that breed identification hasn't been a significant issue in the enforcement of San Francisco's ordinance. To the extent that owners have disputed ACC staff assertions, Katz says that the most oft-cited point of contention has been place of residence, not breed. When the breed identification has been challenged ACC has required the owner to provide viable proof that the dog is not a pit bull or pit mix. She adds that very few such appeals have been granted.

Other city and county breed-specific ordinances follow a similar path. The ordinances do not include actual mechanisms for determining breed identity but leave it to their animal control agencies to determine the methodology for implementation.

Opponents of breed-specific regulation focus on the difficulties inherent in affirming the breed of dogs that are not registered purebreds and offer them as a key reason why such regulation is problematic. This suggests that they would be the most likely to challenge breed determinations in the context of ordinance implementation.

An uncredited article on the "Stop Breed Specific Legislation" website (<http://stopbsl.org/bsloverview/impossibleid/>) raises a number of points:

"...Some places with BSL use checklists for breed identification in an attempt to standardize and objectify identification processes. Some checklists are very short, while others tick off dozens of characteristics in great detail. The person performing the identification may be asked to choose along a sliding scale whether a particular dog matches or does not match a particular characteristic on the checklist.

"Unfortunately, these checklists consist almost entirely of subjective characteristics. Using descriptive—but unmeasurable and nonscientific—words like "medium length,"

"broad," "high," and "strong," the checklists ask their users to draw personal conclusions about whether a particular dog matches each item..."

The article also alleges the unreliability, inconvenience and expense of using DNA tests to determine breed. It quotes from an August 2, 2008, article from the Boston Globe, "Mutts Decoded":

"The results of the [DNA] testing have been so startling that the Animal Rescue League is planning to stop making educated guesses about mixes and will instead label all mutts as American shelter dogs. The shelter the Massachusetts Society for the Prevention of Cruelty to Animals runs at Angell Memorial Hospital is considering a similar change, although the MSPCA prefers the term New England mutt."

It also includes the purported results of two different DNA tests run on one dog who probably would be identified as a pit mix based on a visual encounter. The first identifies the dog as possessing distant traces of American Staffordshire Terrier, Bull Terrier, Bulldog, Dalmatian and “faint signals” from other breeds. The second identifies the same dog as possessing strains of Bulldog, Parson Russell Terrier, Rottweiler, Poodle and Boston Terrier.

A corroborating – and more rigorous - study, *Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs*, Victoria L. Voith, et al., 12 JOURNAL OF APPLIED ANIMAL WELFARE SCIENCE 253, 260 (2009), is cited in the aforementioned ABA report as follows: “A significant percentage of the US dog population is of mixed breed and undocumented origin. Attempts to name the breed or breeds in undocumented mixed-breed dogs has been shown to correlate extremely poorly with DNA breed analysis of the same dogs. In a recent study, adoption agency personnel were asked to identify the breed or breeds comprising mixed breed dogs whose origins they did not know. Their identifications were then compared with DNA breed analysis of the same dogs. In only 25% of the dogs was at least one of the breeds proposed by the adoption agency personnel detected as a predominant breed by DNA analysis. In 87.5% of the dogs, breeds were detected by DNA analysis that none of the adoption agency personnel named in their responses.”

This suggests that the evidence regarding breed identification is at best inconclusive and at worst very problematic for breed-specific regulation. Staff already is well aware of the repeated criticism of the Department based on alleged flaws in its efforts to identify the breed of shelter dogs for informational notation on kennel cards. If even DNA tests can be substantially inconclusive, there may be no simple way to improve the identification process. So this issue potentially looms as the single largest operational challenge associated with any proposal to remove the availability of spay/neuter exemptions for certain breeds. .

e. What other implementation issues can be anticipated?

As is the case in the other jurisdictions where breed-specific regulations have been enacted, it appears that some kind of appeal process relative to breed determination would have to be implemented. Such a process was, for other purposes, added to the City’s current spay/neuter ordinance by the amendments approved by the Board in June 2012. That process probably would have to be augmented to accommodate appeals relating to breed ID and/or other issues (such as residency) associated with removing the availability of spay/neuter exemptions for certain breeds.

In a general sense it can be said that the City’s current spay/neuter regulation, which does not differentiate by breed, is as simple to enforce as this kind of regulation is going to be. It places the burden of providing proof for exemptions on the dog owner rather than on Department staff, whereas a breed-specific approach has the potential to place at least two layers of burden on the staff, these being the initial determination and

adjudicating any appeals that might be filed. As seen in San Francisco, primarily at the appeal stage some of this burden can be shifted back to the dog owner.

f. Can it be reasonably determined whether such regulations would tangibly advance the City's goal of broad compliance with spay/neuter regulations and the reduction of the number of animals impounded?

All one has to do is visit one of the City's shelters to observe the high populations of what appear to be certain breeds or breed mixes of dogs in the kennels. Based on non-scientific observational identification, the general consensus is that the proliferations currently are of pit bulls, pit bull mixes and Chihuahuas and Chihuahua mixes. This undoubtedly is the source of the concern that led to the Board's request for this report.

Assuming that the claims (noted in section b above) that breed-specific spay/neuter laws actually do reduce the euthanasia of those breeds in shelters, it can be argued that they would support the City's goal of reducing shelter killing. San Francisco's statistics thus far encourage such a conclusion, at least with regard to the targeted type of dog. During the drafting of the City's 2009 spay/neuter ordinance, a breed-specific approach was considered centering on the concept of targeting whichever dog breeds or types were experiencing the highest level of intake during any given year. The approach was dropped from the discussion when it was determined that implementation and enforcement concerns appeared to exceed the potential benefit when compared to a broader approach.

g. Are there other options for achieving better spay/neuter compliance that are worth exploring or which are already being implemented?

Targeted Subsidies

The Department and its partners and collaborators in the community have long recognized the need to address the predominance of certain varieties, types or breeds of dogs in our shelters. Over the last three years the Department has partnered with the Heigl Foundation, the Amanda Foundation, Found Animals Foundation, SNP-LA and Spay4LA to conduct targeted free spay/neuter programs in neighborhoods that are the source of the highest percentages of shelter intakes. In most of these programs pits and pit mixes are targeted for free or heavily subsidized spay/neuter and there is no formal breed identification requirement associated with them.

The Heigl Foundation has provided a generous grant that specifically provides free surgeries for pits. Other entities helping substantially with the funding, surgeries and implementation of reduced-cost spay neuter in Los Angeles include ASPCA, Best Friends Animal Society, Found Animals Foundation, the Humane Society of the United States, the Angel Dog Foundation and the Sam Simon Foundation.

The downside of these voluntary programs is that they depend on publicity and marketing efforts that sometimes don't keep the surgery schedules full. A proposal to make citywide the geographic area in which Heigl grant-funded free spay/neuter for pits can be offered was floated late in 2012 but ultimately rejected by the City Council. Consequently since the beginning of 2013 new attention has been paid to the need to better publicize the free surgeries for pit bulls in the most heavily impacted neighborhoods where the service can be offered under the Heigl grant.

Since spay/neuter for large dogs can be cost-prohibitive (staff is aware of recent quotes of up to \$600 from some local veterinarians), the availability of free or discounted surgeries is a crucial part of programs to sterilize pits and pit mixes, whether they're voluntary or mandatory, and make the City's overall spay/neuter efforts more effective. More funding is beneficial for such programs no matter what the Board decides about breed-specific regulations, but it would especially be necessary if the City were to adopt such regulations.

Unfortunately, the City's annual contribution to the Spay/Neuter Trust Fund has at times fluctuated based on the state of the City budget. In the proposed budget currently pending before the City Council, the contribution is reduced by \$400,000 to help balance the City budget. Fortunately the spay/neuter contributions from the organizations previously noted compensate for that reduction in the coming year. This is not a sustainable situation and the Department will work to restore full spay/neuter funding in future years.

Focused Enforcement

A key benefit to the City's current spay/neuter ordinance is that it allows for a variety of enforcement strategies. The Department's ongoing challenge is to develop more such strategies within the constraints of our scarce resources.

Due to the severe budgetary restrictions of the last several years that limits the number of Animal Control Officers (ACOs) the Department can allocate to enforcement activities at any one time, enforcement of the spay/neuter ordinance tends to be conducted as a part of how ACOs perform the full range of their duties. If they encounter an unsterilized animal in the normal course of duty, they are expected to enforce the ordinance. But their workload is such that they rarely can devote time solely to spay/neuter enforcement.

San Francisco ACC's Rebecca Katz notes that that city's enforcement activity centers on the use of "voidable citations," which incentivize compliance over fines. Much as with L.A.'s current approach to enforcement (prior to pending enactment of an Administrative Citation program), a citation can be waived if compliance is achieved within a certain time period. Failure to comply results in the citation being turned over to the court system, with the potential added ramifications that naturally accompany court actions. ACC's animal control officers also continue to pursue compliance even after

the matter has gone to the court system. Katz reports that, much like it does in L.A., most enforcement activity takes place when her ACOs encounter animals that they suspect – based on visual inspection – are subject to the ordinance and appear to be intact.

Since 2011 the Department has upon occasion deployed ACOs on focused projects to sell more dog licenses (an ongoing concern for the Department and City decision makers, and among many in the local humane community) in specific geographical areas, with encouraging results. In the future the Department expects to undertake similar projects that combine dog license sales with spay/neuter enforcement in a manner that targets the types of dogs that might otherwise be the focus of targeted regulation and which also can steer the dog owners to the aforementioned subsidized spay/neuter programs that can make the surgeries more financially feasible for them. Selling more licenses has the added benefit of increasing the funds available for spay/neuter subsidies.

Adoption Strategies

As a result of the transfer of hundreds of dogs from Los Angeles to shelters and humane societies in other parts of the country, the Department has become aware of some of the “market variations” that exist for dogs in other regions.

A primary example that relates to the challenges the Department faces in our shelters is the apparent fact that the Chihuahuas and other similar small dogs that seem so numerous in Los Angeles are in short supply in the northeastern United States. Since the Department undertook its first out-of-state transfers in 2009, hundreds of small dogs have been relocated to the Northeast and almost immediately placed in permanent homes via adoptions. This is a successful example of “regionalized product distribution” as applied to pet adoption.

As of this writing, under the direction of the City Attorney, the Department is not directly undertaking out-of-state shelter-to-shelter transfers. Other entities, including certain New Hope partners, continue to implement them.

When done properly (with adequate vetting of the transferee and proper reporting and follow-up), these interregional transfers can alleviate some of the pressure the Department feels from the proliferation of certain types of dogs in our shelters and, more basically, save the lives of more of these deserving animals. However, they do little for the larger types of dogs that are even more at risk in the shelters, and do not address the concern that the breeding of these types of dogs needs to be better controlled.

3. FINAL THOUGHTS

The Spay/Neuter Advisory Committee formed by the City Council released a comprehensive report in 2009 that offered an array of suggestions for improving spay/neuter in Los Angeles. Breed-specific spay/neuter regulation was not one of them.

Based upon the research done for this report, it is clear that breed-specific legislation of any kind (even the limited, spay/neuter exemption variety discussed here) is a volatile topic amongst animal lovers, the veterinary community, the legal community and the political community and should not be undertaken lightly.

Broader breed-specific regulations have been imposed in a variety of locales outside of California, including Colorado, Maryland and the Netherlands, amongst others, where pit bulls were simply – if controversially – banned. Opponents of such legislation protested loudly and, in some cases, unsuccessfully took the matter to court. Prince George’s County, MD studied the effectiveness of its ordinance and decided that it was not cost-effectively enforceable. After a number of years of debate, County officials are now looking at converting it to a spay/neuter regulation. The Netherlands, after determining that the goal of reducing breed-related dangerous dog incidents was not being achieved, repealed its ban.

So, with regard to breed specific legislation – especially that which goes beyond targeted spay/neuter – the combination of controversy, litigation and, in some cases, “buyer’s remorse” suggests that a more limited scope of action would be preferable if a jurisdiction is to explore such legislation at all. In California, statute imposes that limitation.

If, as appears to be possible, there could be legal impediments to removing spay/neuter exemptions for certain types of dogs and not others, L.A.’s spay/neuter ordinance already positions the City where most of the jurisdictions adopting breed-specific spay/neuter laws that include exemptions are trying to go, albeit on a less focused basis when it comes enforcement upon certain types of dogs.

Should the Board determine that this issue merits further inquiry, the Department can continue to explore it. In the meantime, the Department will observe breed-specific spay/neuter laws enacted in other jurisdictions and, over time, review data and public discussion regarding their effectiveness, as that information becomes available. Additionally, and importantly, the Department should be exploring potentially more effective operational, enforcement and implementation efforts regarding current spay/neuter regulations that could accomplish many of the same goals.

FISCAL IMPACT:

No impacts on the General Fund are expected as a result of this report. The enactment of specific ordinances or implementation of specific programs that might subsequently

be developed may lead to impacts on the Departmental budget which, in turn, could lead to a General Fund impact. Such impacts would be determined when ordinances or programs are separately considered.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____

MOTION

One of the goals of the Department of Animal Services is to increase the number of adoptions of dogs, cats, rabbits and other animals from City shelters. The more animals who can be placed in “forever homes,” the more space there is in the shelters that can be used to give other animals a chance to live after they are impounded for whatever reason.

When would-be adopters who already have other pets – particularly dogs – in their homes come to the shelters, they are faced with the delicate task of trying to determine whether an animal they’d like to adopt will prove to be compatible with the animal(s) already in the family. Under current policy and practice, there is no practical way to resolve this problem because pet-to-pet introductions have been interpreted as being a form of behavioral assessment. Behavioral assessment is prohibited as a function of Board-adopted policy. The inability to determine in advance whether the animals can co-exist in a confined space sometimes results in a potential adoption being lost or recently-adopted pets having to be relinquished.

To enlarge the Department’s tool kit for promoting and increasing adoptions and to provide a valuable customer service, the Board of Animal Services Commissioners should take action to allow pet-to-pet introductions and “play groups” in a supervised context. The Board also should instruct the Department to prepare for such activities by providing staff and volunteers with appropriate training in observing the animals’ body language and other characteristics in a pet-to-pet or group context so as to allow them to help prospective adopters make informed decisions. Introductions would be supervised at all times by a staff member or volunteer authorized to handle the animal being introduced.

NOW, I THEREFORE MOVE that a policy be adopted to explicitly allow pet-to-pet introductions and playgroups for the purpose of encouraging adoptions from City shelters, and;

I FURTHER MOVE that the Department develop a training program for shelter staff and volunteers that will prepare them to facilitate these introductions and playgroups and to report back to the Board on the content and scope of the training program before receiving final Board authorization to implement the policy.

PROPOSED BY: Commissioner Lisa McCurdy