



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES
Monday August 24, 2009
7:00 P.M.
NORTH CENTRAL ANIMAL CARE CENTER
3201 LACY STREET
LOS ANGELES, CALIFORNIA 90031

Tariq Khero, President
Kathleen Riordan, Vice-President
Irene Ponce
Ruthanne Secunda

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Si require servicios de traduccion, favor de notificar la oficina con 24 horas por anticipado.

COMMISSION MEETING

1. ORAL REPORT OF THE GENERAL MANAGER

2. COMMISSION BUSINESS

- A. Approval of the Commission Meeting Minutes for May 11, May 26, and July 27, 2009.
- B. Oral Report by the Commission on Meetings and Events attended.

3. GENERAL MANAGER RECOMMENDS FOR BOARD ACTION

- A. City Efforts to Control Illegal Sales of Animals

That the Board instruct the Department of Animal Services, in conjunction with the Los Angeles Police Department, the City Attorney, City elected officials, other appropriate public agencies and members of the public, to continue and expand enforcement, publicity, and education efforts relative to illegal animal sales consistent with the principles and activities described in the report and consistent with budgetary constraints, and to report back in 180 days as to progress as of that date. Appearances by LAPD and other Illegal Animal Sales Task Force participants.

4. DISCUSSION ITEMS

None

5. 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 taking any action in response to the speakers' comments. Some of the matters raised in public comment may appear on a future agenda.

6. FUTURE AGENDA ITEMS

A. Requests from Commissioners for future Agenda Items.

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M., September 14, 2009, Los Angeles City Hall, Room 1060, 200 North Spring Street, Los Angeles, California 90012

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Monday 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 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, 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

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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 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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KATHLEEN J. DAVIS
Interim General Manager

Report to the Board of Animal Services Commissioners

Kathleen J. Davis, Interim General Manager

COMMISSION MEETING DATE: August 24, 2009 **PREPARED BY:** Linda Barth

REPORT DATE: August 19, 2009 **TITLE:** Assistant General Manager

SUBJECT: City Efforts to Control Illegal Sales of Animals

BOARD ACTION RECOMMENDED:

That the Board instruct the Department of Animal Services, in conjunction with the Los Angeles Police Department, the City Attorney, City elected officials, other appropriate public agencies and members of the public, to continue and expand enforcement, publicity, and education efforts relative to illegal animal sales consistent with the principles and activities described in the "Strategy" section of this report and consistent with budgetary constraints, and to report back in 180 days as to progress as of that date.

SUMMARY:

The sale of animals, either as a business or a method for dispersing litters of puppies or kittens born to household pets, is all too commonplace in Los Angeles (as it is in many communities). It also can contribute to the proliferation of homeless or unwanted animals ending up in public animal shelters. Additionally, the dogs, cats, rabbits, turtles, lizards, birds, and other types of animals peddled in these contexts sometimes are subjected to substandard care, lack of food and/or water, and exposure to harsh weather conditions.

Such sales currently are prohibited in various outdoor locations (LAMC 53.42) and in commercial outlets (pet shops) without certain permits (LAMC 53.15.2(e)(2) and 53.50). Additionally there are specific state and federal regulations prohibiting sale of animals less than four months in age and young turtles; others protect both animal and human

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health and safety (U.S. Code of Federal Regulations, Chap. 1, Sec. 1240.62; California Code of Regulations Sec. 2612.1). These animal sellers rarely comply with any existing permit requirements or tax laws.

The City has undertaken several legislative attempts to enhance its ability to enforce these prohibitions. In 2000, at the time when it approved the establishment of “differential licensing” (setting a higher price for a license for an unsterilized dog than for a sterilized one)(LAMC 53.15.3(a)), the City also established a separate permit requirement for undertaking breeding within the city limits (LAMC 53.15.2(c)). This requirement was intended to provide the Department with a tool to regulate the previously unrestricted breeding and selling of pets in the city. Both of these concepts now are firmly embedded in the City’s rigorous spay/neuter ordinance (LAMC 53.15.2(b)).

In subsequent years, members of the humane community (led by Actors and Others for Animals) determined that the City still lacked adequate statutory tools to find and apprehend illegal sellers of animals. On November 13, 2007, as an adjunct to the then-pending spay/neuter ordinance, the Board approved sending a proposed “transfer permit” ordinance to the City Council that would require all persons intending to sell pets within the city limits, regardless of where the pets were born, to obtain a special permit and also requiring them to comply with applicable tax statutes. On September 16, 2008, the City Council approved and transmitted the proposed ordinance (CF 08-1495) to the City Attorney for drafting.

Apart from this regulatory history with which the Board has been very involved, the subject of illegal sales of animals within the city of Los Angeles has been discussed before the Board several times in recent years, most recently on October 9, 2007. At that time, representatives of the Department, the Los Angeles Police Department and the office of the City Attorney discussed the issues associated with ongoing efforts to enforce City laws pertaining to animal sales with the Board.

Following the October 2007 discussion, the Department formed an ad hoc Illegal Animal Sales Task Force to develop a strategy for addressing illegal animal sales both in the downtown Fashion District’s Santee Alley (the most publicized venue for such activities), and other locations throughout the city where they also have been observed (Chinatown, Venice and various other locations throughout Los Angeles). This Task Force paralleled an “Anti-Piracy Task Force” formed in 2007 to combat the sale of contraband (bootleg) clothing, shoes, music and video products, and other retail goods often found in Santee Alley and elsewhere.

LAPD, the City Attorney, the District Attorney, the County Department of Public Health, the Downtown Fashion District Business Improvement District, Council Districts 1 and 9 and the Mayor’s office have been regular participants in the Task Force-related process. These discussions have continued through 2008 and into 2009, while LAPD, the Department, and the City Attorney (supported by the Animal Cruelty Task Force when

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necessary) have continued efforts to conduct enforcement activities (primarily at Santee Alley).

Another matter discussed by the Task Force, the role of imported animals in fueling illegal sales, led to an unprecedented effort at LAX in November 2008. Building on the "Border Puppy Task Force" concept initiated in 2005, teams consisting of LA County health officials and Animal Control Officers representing the Department and other animal control agencies throughout Southern California worked with LAX Police, the U.S. Centers for Disease Control, the U.S. Transportation Safety Administration and U.S. Customs and Border Patrol agents to intercept and inspect incoming shipments containing animals. At least 88 full inspections were conducted and approximately 35% of the dogs inspected arrived in shipments with falsified health or shipping documentation. A second deployment of the inspection team has just been completed.

One early recommendation of the Illegal Animal Sales Task Force – to develop and post signs in targeted locations alerting the public about laws regulating animal sales – was memorialized in a motion (CF 09-0632) introduced by Councilwoman Jan Perry on March 24, 2009, calling for the posting of such signs in Santee Alley. Action on this motion is still pending due to jurisdictional concerns and budget constraints.

ISSUES:

There are a number of issues that have arisen over the years relative to controlling illegal sales. They have proven to be central to frustrating the City's efforts.

1. Enforcement in the Field

A recurring complaint has been that the City's law enforcement officials have been unable to consistently and systematically enforce the laws concerning animal sales. This is largely attributable to the limited resources both LAPD and the Department have available to invest in policing animal sales when there are so many other issues they must deal with at any given time.

Also coming into play is the fact that an effective enforcement effort requires a coordinated effort between the two departments and cooperation with the City Attorney (and sometimes the District Attorney) for follow-up prosecution of anyone accused of violations. Ideally, LAAS and LAPD officers would conduct enforcement activities simultaneously, but that has not been the case, particularly when one agency is compelled by some particular situation or issue to take an action quickly.

Consequently, LAPD officers acting without Animal Control Officers present may not recognize the exact nature of the harm being done to the animals in question and also may not be familiar with all the laws that can be brought to bear. At the same time, Animal Control Officers often are limited in their pure law enforcement training and

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ability to make arrests in the absence of police. Whichever one that conducts enforcement without the other often finds itself having to wait until the other shows up to complete the action. With LAPD and LAAS field officers both stretched thin across a city of almost 470 square miles, coordination can be a challenge. As a result, both LAPD and LAAS, along with the other entities involved in this issue, have been working toward increased collaboration in enforcement and prosecutorial efforts.

2. Prosecuting Cases Against Perpetrators

The laws prohibiting outdoor animal sales and indoor sales without a permit are misdemeanors. Perpetrators can be arrested, booked and prosecuted in court. Unfortunately, overcrowded court dockets and jails have led the Superior Court and County Sheriff to give animal (and other contraband) sales cases less attention than they do to felonies and crimes considered more serious, along with those who commit them. Bail is typically set at low dollar levels or the suspects are released almost immediately due to overcrowded jails. Then, when the court date arrives, suspects often fail to appear and if they have used false identifications during the booking process, they can't be apprehended.

Prosecutors have suggested that judges must take the cases more seriously and bail must be set at higher levels.

3. Making Stronger Cases

While ignorance of the law is not considered a viable defense against prosecution, the absence of informative signage regarding applicable laws in Santee Alley and other sales locations is considered a detriment to more effective prosecution. Moreover, the absence of such signage means that potential customers are not being put on notice that by buying animals on the street they are participating in an illegal activity.

Additionally, one way being discussed to encourage courts to treat animal sales cases more seriously is to make sure suspects are charged with every potentially applicable violation. Depending upon the specific circumstances these could include illegal outdoor sales, sales without a permit (including the transfer permit ordinance once it is in place), animal cruelty, sale of underage animals, sale of prohibited animals, and child endangerment (if minors are involved in the activities).

4. Cutting Off the Supply

As with any enforcement activity involving illegal sales, repeatedly going after the individual retailers and confiscating the animals they're peddling on the street is unlikely to address the underlying issue. These retailers often are people struggling to make a living, possibly of questionable immigration status, and who are readily replaced if they are apprehended by law enforcement. But they are not the ones responsible for raising or importing the animals being sold.

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Official and unofficial observation of activities at Santee Alley has revealed that they now are professionally organized, involving professionally-run supply lines, standardized push carts, a consistent selection of “product” from cart to cart, and definite strategies for avoiding arrest. In some other locations, the activities may be more improvised, involving the output of backyard breeders or the unplanned offspring of an unsterilized pet.

Any and all of these circumstances suggest that efforts to stem the flow of animals into illegal sales situations could be an important component of addressing the problem. The City’s spay/neuter law, breeder permits and proposed transfer permits, along with the efforts to catch improper importation of animals from other countries or parts of the U.S. are part of this.

5. Engaging the Community in a More Orderly and Constructive Manner

Heretofore, the process of bringing illegal sales to the attention of law enforcement officials has tended to be similar to that by which other animal-related offenses and problems are reported: call or e-mail the Department, and if that doesn’t generate the desired response, contact the police or the nearest political representative.

The pitfalls of this approach are readily apparent. Illegal animal sellers tend to be transient and if too much time passes between the observation of their activities and the arrival of law enforcement, they could well be gone, and often are. Staffing shortages in the Department and deployment priorities both in the Department and LAPD contribute to such delays. The reality may well be that irregular, periodic and concentrated enforcement efforts in identified locations will prove to be the best approach over time, providing both enforcement opportunities and the ongoing deterrent effect that unpredictable deployment can create.

However, systematizing and simplifying the manner in which information on suspicious sales activities come to the Department, especially, would improve enforcement and deployment-related data collection and also allow the concerned public to feel they are part of a solution instead of merely disempowered witnesses. An interactive web page reporting form and/or telephone hotline are among the possible vehicles for accomplishing these goals.

6. Educating the Public

As noted earlier, most people willing to buy animals from a street vendor, cardboard box in front of a supermarket or other “non-standard” location don’t know that the seller probably is breaking one or more laws. In some situations (Santee Alley, for example), signage would help to alert the unsuspecting shopper to that reality. In other less concentrated locations, it may take a general raising of the public’s consciousness about what constitutes illegal sales activity.

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During September and October of 2008, as the City's spay/neuter ordinance became enforceable, the Department collaborated with a variety of public relations experts, City and other officials, volunteers and dedicated activists to mount a public awareness campaign that generated a high level of media and press coverage. While it may be difficult to mount a similar campaign around the less-visible issue of illegal sales, there is known value in using media to get the word out.

Major national and regional humane organizations and activists alike traditionally espouse the value of adopting pets from animal shelters and rescuers instead of buying them from pet shops. That message parallels the kind of message that the public should hear regarding illegal sales.

STRATEGY:

The Illegal Animal Sales Task Force has developed a draft implementation program for addressing the issues noted above and stepping up enforcement against illegal sales on a citywide basis. It incorporates both new elements and elements that have been developed over a period of several years in an attempt to systematize enforcement and create mechanisms to make it more effective. Unless otherwise noted, Animal Services is presumed to be the agency working with the other departments and agencies to accomplish the various tasks.

Implementation Program - Phase 1

1. Work with appropriate Council Districts, LAPD, Mayor's Office, City Attorney and other interested parties to prepare warning signs to inform vendors and prospective customers of the laws covering street sales of animals. (See Appendix 1 for suggested text.) ***(Councilwoman Perry introduced motion on March 24, 2009, calling for signs for Santee Alley; CF 09-0632. Other efforts currently being undertaken, though they may need to await possible Code amendments and new state laws.)***
2. Site visits with LAPD plus prosecutors to identify and characterize the situations, and where necessary and possible, take undercover photos of perpetrators as a deterrent and as part of effort to establish recognition of their identities. ***(Periodic and ongoing.)***
3. City Attorney and LAPD to review history of previous prosecution attempts to identify pertinent issues; establish data base for cases handled and what the disposition was. ***(Ongoing.)***
5. City Attorney, District Attorney and LAPD to develop enforcement campaign and "toolkit," including:
 - a. Campaign to convince County Bail Committee and Superior Court judges of the seriousness of animal-related crimes. ***(Pending.)***
 - b. Pursue increase in amount of bail required to release arrestees. ***(Pending.)***

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- c. Train enforcement officers on investigation techniques and the need to employ toughest available enforcement measures. ***(Periodic and ongoing.)***
 - d. Educate court officials on the issues involved in animal crime-related prosecutions. ***(Pending.)***
 - e. Complete review of existing statutes to determine whether they are adequate and whether Code amendments are required to make enforcement more effective and meaningful. ***(Ongoing.)***
 - f. Create “cheat sheet” for LAPD and LAAS enforcement units so that they have a handy list of all statutes and Codes they can enforce on animal sales violators. ***(Pending.)***
6. Expand the ongoing coordination with County, State and Federal agencies, airports, ports, national borders and private sector shippers regarding animal importation issues. ***(Ongoing.)***
7. LA County Public Health to continue conducting two- and three-week coordinated intensive multi-agency task force efforts to monitor and enforce on animal importation issues at LAX and elsewhere.
(First pilot completed on November 21, 2008. Second pilot completed on August 21, 2009.)
8. Schedule and launch coordinated intensive enforcement action in conjunction with LAPD against illegal animal vending at appropriate locations around the city as a “demonstration project.” ***(Pending and ongoing.)***
9. Prepare web page devoted to illegal animal sales, including information on applicable laws, situations the public can look for and report, and information on how to easily report suspicious situations and locations to LAAS and/or LAPD. This could include reference to a telephone hotline and/or an interactive reporting form accessible from the web page. ***(Pending.)***
10. Cultivate additional public awareness of illegal sales issue via press, media, blogs, etc. ***(Pending.)***
11. Complete City approval of “transfer permit” ordinance, providing enforcement officers with an additional tool for regulating dog and cat sales.
(CF 08-1495 approved by City Council on Sept. 16, 2008; City Attorney currently drafting final ordinance language.)

Phase 2

1. All collaborating entities launch citywide campaign against illegal animal sales, including:

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- a. Deployment of warning signs. **(Pending.)**
 - b. Launch website and reporting vehicles, accompanied by press and media outreach. **(Pending.)**
 - c. Periodic, non-regularized enforcement visits to all known past locations of such sales. **(Pending.)**
2. Continue and expand coordination and enforcement regarding animal importation issues. **(Pending.)**
 3. Continue coordination with inter-agency Anti-Piracy Task Force dealing with other contraband sales. **(Pending and ongoing.)**
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FISCAL IMPACT:

Participation to date in the strategies above has been handled as a component of daily enforcement responsibilities. Due to the current fiscal problems in the City, the Department has not been able to assign staff exclusively in support of this important task force. For the foreseeable future, this work will continue to be handled in balance with other crucial enforcement activity. However, success in reducing illegal animal sales will likely produce some savings to the Department over time, as we would see fewer impoundments of animals in general and lessening of dog and cat overpopulation with reductions in pets sold outside official processes remaining unsterilized.

Approved:

Kathleen J. Davis, Interim General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____