



Report of the Task Force on Animal Control Policy

Draft -- 10/01/12

BOARD OF COMMISSIONERS CHARGE

On February 15, 2012, the Washtenaw County Board of Commissioners adopted Resolution 12-0027 authorizing a contract for animal control services with the Humane Society of Huron Valley, empowering the Office of the Sheriff to develop a cost model for animal control services, and establishing the Task Force on Animal Control Policy with reporting deadlines of May 15, 2012, September 15, 2012 and October 15, 2012. The Sheriff crafted a stakeholder group to inform the cost modeling. The Task Force was open to any County Commissioner.

PROCESS

The Task Force on Animal Control Policy met seven times and presented a proposal to the September Board of Commissioners Working Session. All meetings were open to the public. The Task Force was facilitated by The Dispute Resolution Center, using an interest-based bargaining approach in a transformative mediation process that focuses on the interpersonal responsiveness and constructive interaction of the parties involved in the process.

Two inter-related and parallel processes combined analysis of the County's service provision objectives and the costs related to those services, allowing the Board of Commissioners to develop a solid set of animal control policies and issue a recommendation for cost effective contracted services. The Office of the Sheriff conducted the empirical analysis of costs, while the Board Task Force addressed the policy-related issues. Their mutual goal was to determine a level of animal control service that 1) meets the values of the community, 2) comports with County budget realities, and 3) fits within the capacity of the executive branch offices to manage.

All Task Force materials and minutes of the meetings are available online at

<http://www.ewashtenaw.org/government/boc/taskforce-on-animal-control-policy>.

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SUMMARY OF RECOMMENDATIONS

At its September 13, 2012 meeting the Task Force on Animal Control Policy developed a consensus recommendation of the following items. They are divided into two sections, the first focused on contractual services the County will negotiate for, and the second for internal policies and practices to facilitate improvements in animal control.

Recommendations for Contract Services

Animal Holds and Care

- Hold all stray animals for the minimum required by law;
- Meet court-mandated holds and bite quarantines for the minimum required by law;
- Provide medical attention and basic humane care during holding period;

Animal Cruelty Investigations

- Conduct animal cruelty investigations;

Administrative and Programmatic Services

- Post information on a website about animals being held to facilitate adoption or recovery;
- License all dogs at point of adoption or recovery;
- Support county policies for registering and licensing animals; and
- Provide monthly reports to the County Board of Commissioners on operating metrics.

Recommendations for County Policies and Practices

- Adopt a civil infractions ordinance and fee structure for unlicensed dogs;
- Adopt a voluntary pet registration program that is cost neutral and does not expand the County's mandate;
- Design and implement a veterinary partners' program to support licensing;
- Work with the Prosecutor and Courts to promote forfeiture in animal cruelty cases;
- Work with the Courts to implement a collections-compliance program for infraction violations and cruelty cases; and
- Develop cost sharing agreements with local governments to offset increases driven by local ordinance requirements.

PARTICIPANTS

Task Force on Animal Control Policy

Barbara Levin Bergman
Felicia Brabec
Ronnie Peterson
Wesley Prater
Yousef Rabhi

Rolland Sizemore, Jr.
Conan Smith
Dan Smith
Rob Turner

Invited Speakers

Jerry Clayton, County Sheriff
Greg Dill, Infrastructure Management Director
Steven Hiller, Chief Assistant Prosecutor
Brian Mackie, County Prosecutor
Catherine McClary, County Treasurer
Verna McDaniel, County Administrator

Dispute Resolution Center Team

Sally Brush
Tom Brush
Crystal Collin
Belinda Dulin

Sheriff's Animal Control Group Participants -

Office of the Sheriff

Jerry Clayton
Rick Kaledas
SiRui Huang
Mark Ptaszek
Haley Gordon

Office of the Prosecutor

Brian Mackie
Steve Hiller

Catherine Jones, Washtenaw County Finance

Robert Turner, Washtenaw County Commissioners

Greg Dill, Washtenaw County Administration

Ypsilanti Township

Brenda Stumbo
Mike Radzik

John Seto, Ann Arbor Chief of Police

Steve Powers, Ann Arbor City Administrator

William McFarlane, Superior Township

Frances McMullen, City of Ypsilanti

Humane Society of Huron Valley

Jenny Paillon
Tanya Hilgendorf
Matt Schaecher

COST METHODOLOGY

The Office of the Sheriff conducted an analysis of the costs of contracted animal control services, using historic data from the Humane Society of Huron Valley. The Board of Commissioners directed the Sheriff to determine the cost of an “animal service unit”, interpreted as the current cost of serving one animal for one day at the shelter. The Sheriff’s group provided a breakdown of those costs using both 2011 actual expenses and 2012 projections. Their assessment incorporates both direct and indirect costs and acknowledges the in-kind contributions of volunteers and donors to the Humane Society that offset hard costs. This latter distinction provides insight for both replacement costs and continuation costs with the Humane Society.

Figures are based on an average ten-day stay for any animal at the shelter and reflect a cost adjustment upwards of 30 percent in recognition that stray animals or feral cats typically demand higher levels of care than lost pets that have been well cared for. Detailed figures can be found in the supporting documents on the website.

30,560 Days of Care		
	2011	Per Day
Direct Costs	\$571,845	\$18.71
Indirect Costs	\$54,167	\$1.77
Overhead	\$58,620	\$1.92
In Kind Value	\$939,000	\$30.73
Total Housing	\$1,623,632	\$53.13

The Sheriff’s group also evaluated the cost of providing animal cruelty investigations separate from the housing costs for confiscated animals. The Humane Society conducts approximately 500 investigations annually, of which some 5 percent result in prosecution.

Animal Cruelty Investigations	
Direct Costs	\$185,500
In Kind Value	\$139,000

In summary, costs for County responsibilities could range between \$317,632 and \$1,948,152 annually.

2011 Actuals	Animals	Hard Costs	In Kind Value	Total
Housing Dogs	1,418	\$317,632	\$435,751	\$753,383
Housing Cats	1,638	\$366,912	\$503,357	\$870,269
Animal Cruelty		\$185,500	\$139,000	\$324,500
Totals	3,056	\$870,044	\$1,078,108	\$1,948,152

RECOMMENDATIONS FOR CONTRACTED SERVICES

The Task Force recommends that the County negotiate a lump sum contract with the Humane Society of Huron Valley to provide at minimum the following core services.

Animal Holds and Care

- Holding all stray animals for the minimum required by law;
- Meeting court-mandated holds and bite quarantines for the minimum required by law;
- Providing medical attention and basic humane care during holding period;

Animal Cruelty Investigations

- Conducting animal cruelty investigations;

Administrative and Programmatic Services

- Posting information on a website about animals being held to facilitate adoption or recovery;
- Licensing all dogs at point of adoption or recovery;
- Supporting county policies for registering and licensing animals; and
- Providing monthly reports to the County Board of Commissioners on operating metrics.

Animal Holds

The County recognizes that the most cost-effective approach to animal holds is to minimize the length of stay and facilitate adoption or recovery as quickly as possible. As such, the County policy will be to fund the holding of stray animals for the minimum periods required by law. The County will also fund holding animals during court-mandated stays (e.g. for animal cruelty cases) and for quarantines to determine rabies risks. During the period of stay, animals are to be provided with urgent and palliative medical care and housed in a humane environment.

Legal Requirements for Holding Periods

Licensed Stray Dogs	7 days
Unlicensed Stray Dogs	4 days
Other Stray Animals	0 days
Confiscated Dangerous Animals	At the discretion of the courts
Confiscated Fighting Dogs	At the discretion of the courts
Animals Subjected to General Cruelty	Until court decision or forfeiture
Stray Dogs, Cats, and Ferrets	10 days

Stray animal hold times are determined based on decisions related to the Use of Dogs and Cats for Research Act (MCLA 287.381 et seq), not the Dog Law of 1919 that guides the County's general responsibility. For both the Dangerous Animals Act (MCLA 287.321 et seq) and the Criminal Dog Fighting Act (MCLA 750.49), holds are precipitated by court order, but the owner bears the financial liability. Under the general animal cruelty laws (MCLA 750.49 -53) the County bears financial responsibility for holding confiscated animals, but the County Prosecutor may file a civil action requesting that the animal(s) be forfeited to the animal control or protection shelter. The forfeiture process can take as long as 17 days.

Animal Cruelty Investigations

MCLA 750.52 states that it is the duty of all law enforcement personnel, including sheriff's deputies, constables, policemen and public officers to arrest and prosecute all persons who they have knowledge of violating the animal cruelty laws. This section also states that it is a misdemeanor for a law enforcement individual to neglect this duty. Again, the duty here is placed on all law enforcement personnel, not just the county sheriff or his deputies. The County policy is to contract through the Office of the Sheriff for animal cruelty investigations via deputized animal control officers to determine if an offense warrants prosecution. It is not the County policy to provide additional educational services.

Administrative and Programmatic Services

Publication: To facilitate recovery and adoption, the County will support basic posting information on a website about animals being held at the contractor's facility. The County will not financially support more expansive marketing of adoption services.

Licensing: The contractor should agree to ensure that all dogs are licensed at point of adoption or recovery before releasing them from their custody. Failing to license animals as they leave the facility does not support the County's goal of increasing licensing compliance to ensure public health protections.

Program Enhancement: The County is seeking to improve compliance with dog licensing and expand programs to support animal control throughout the County. The contractor should be an acknowledged partner in this effort and be prepared to support the County, subject to negotiations, with actions such as the imposition of civil infractions for unlicensed dogs or the registration of other pets. The County further seeks to rely on the contractor for professional advice in the development of animal control policies and practices.

Reporting: The County seeks to maintain a data-driven assessment process of its animal control policies and practices. To support this, the contractor should be prepared to provide monthly reports to the County Board of Commissioners on operating metrics to be developed as part of the contract negotiations.

RECOMMENDATIONS FOR COUNTY POLICIES AND PRACTICES

The Task Force recommends that the County implement an number of legal mechanisms and process enhancements that will support increased compliance with animal control statutes and provide revenues to offset the costs of animal control services:

- Adopt a civil infractions ordinance and fee structure for unlicensed dogs;
- Adopt a voluntary pet registration program that is cost neutral and does not expand the County's mandate;
- Design and implement a veterinary partners' program to support licensing;
- Work with the Prosecutor and Courts to promote forfeiture in animal cruelty cases;
- Work with the Courts to implement a collections-compliance program for infraction violations and cruelty cases;
- Develop cost sharing with local governments to offset increases driven by local ordinance requirements.

Civil Infractions

Washtenaw County does not currently have an ordinance allowing the imposition of civil infractions for violations of County policies. Currently, having an unlicensed dog is a misdemeanor. A misdemeanor is a criminal offense in which the defendant might be punished by heavy fines and up to a year in jail. Defendants have the right to a jury trial in a misdemeanor case. The Task Force believes that in the case of failure to license a dog, the punishment does not fit the crime and in fact serves as a deterrent to effective enforcement. The Task Force recommends that the County instead adopt a civil infractions ordinance and fee structure that includes a fine for having an unlicensed dog. The Task Force further recommends that the civil infraction for unlicensed dogs include a waiver of the fine if the recipient shows the dog to be licensed within a certain period of time.

Voluntary Pet Registration

One of the best ways to reduce the cost of boarding animals in a shelter is to facilitate their quick recovery by their owners. The dog licensing program does just that. However, cats make up more than 50 percent of the animal population at the Human Society shelter, and there are few mechanisms for easily discovering their owners. The Task Force recommends that the County, working with animal welfare organizations and veterinarians, facilitate the development of a low-cost, countywide, purely voluntary pet registration program to help quickly reunite lost pets with their owners. This program should be carefully designed in such a way as to not expand the County's mandate around animal control.

Veterinary Partnerships

The primary point of contact for animal welfare for responsible pet owners is their veterinarian. An American Veterinary Medicine Association model suggests that there may be as many as 34,000 unlicensed dogs in the jurisdictions over which the County has licensing responsibility. Licensing is the single most important way to ensure that dogs are being vaccinated against rabies, a health risk that is higher in the rural areas over which the County has licensing responsibilities. The Task Force recommends that the County design and implement a veterinary partners' program to support licensing through educational and incentive efforts (e.g. similar to the successful Waste Knot program created by the Environmental Health Department).

Animal Forfeiture

In the cases of general animal cruelty where the County bears the financial responsibility for housing confiscated animals, lengthy stays can drive costs up significantly. The County Prosecutor has the option of requesting that the animal be forfeited to the animal protection shelter if a preponderance of the evidence suggests that the animal has been subject to cruelty. The court must hear the civil action within 14 days of its filing, and if it agrees the animal will be relinquished to the control of the shelter, ending the County's financial responsibility for its care. The defendant may within 72 hours of the court's decision submit a security for the cost of boarding the animal to maintain ownership during the disposition of the case, but this too offsets the County's liability. The Task Force recommends that the County work with the Prosecutor and the Courts to make the filing of a civil action for forfeiture and its prompt hearing a regular part of the process in animal cruelty cases.

Collections

In the case of fighting dogs and dangerous animals in particular, defendants are responsible for the costs of housing, care, upkeep or euthanasia of the confiscated animals. Anecdotal evidence suggests that the County does not sufficiently support compliance and collection of these court-ordered costs in cases of animal control and cruelty. Successful collections programs recently implemented in the County District Court, however, offer alternatives for increasing collections. The Task Force recommends that the County work with the Courts to model and implement a collections-compliance program for both civil infraction violations and animal cruelty cases, with fees to accrue to the costs of implementing the program as well as to the general fund in support of animal control services.

Cost Sharing with Local Governments

Between 45 and 65 percent of the animals at the Humane Society come from jurisdictions with their own animal control ordinances or licensing programs. While the County would bear responsibility for stray dogs in those jurisdictions absent a controlling ordinance, it would also collect licensing fees from pet owners in those communities. The current system, however, drives costs to the County without providing direct revenues to offset them. The Task Force recommends that the County reach out to the communities whose ordinances either exceed the scope of the County animal control policy or that capture licensing fees, and develop a cost sharing agreement with those local governments to offset increases driven by local ordinance requirements.