

## AGENDA ITEM 6A: Euthanasia Protocol at SF Animal Care and Control

### [PROPOSED] ANIMAL CARE AND CONTROL EUTHANASIA ALERT LEGISLATION

**PART 1:** City/Health Code Section XXX is amended to add new definitions of “irremediably suffering,” “licensed veterinarian,” “rescue organization,” “severe injury,” “unprovoked biting,” and “interested person(s)” to read as follows, and to renumber the definitions accordingly:

1. IRREMEADIABLY SUFFERING means an animal who has a poor or grave prognosis for being able to live without severe, unremitting physical pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.
2. LICENSED VETERINARIAN means a veterinarian licensed to practice veterinary medicine in the State of California.
3. RESCUE ORGANIZATION means an organization that is:
  - (A) Described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and that is also
  - (B) An animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.
4. SEVERE INJURY means a physical injury from an animal bite that results in broken bones, permanently disfiguring lacerations requiring multiple sutures or cosmetic surgery, other surgery, or nerve damage.
5. UNPROVOKED BITING means biting that is not provoked. Biting is provoked if, among other things, it occurs because an animal was being taunted, or the animal was acting in defense of self, a person, another animal, or property, or the animal was acting from maternal instinct, or the animal was reacting to hunger, pain, or fear, or the animal bites accidentally, as when playing.
6. INTERESTED PERSON(S) means any person(s) not affiliated with a rescue organization but has a professional or personal interest in the well being of an animal including, but not limited to, a finder or surrendering “owner”/guardian.

**PART 2.** City/Health Code Section XXX is amended to read:

1. Not less than 48 hours prior to the euthanasia of any animal, Animal Care and Control must:
  - (A) Notify or make a reasonable attempt to notify by verifiable, documented communication any rescue organization, as described in **Part 1** (3), that has previously requested to be notified before animals are to be euthanized; and inform them the animal is scheduled to be euthanized, and they have the right to take custody of the animal;
  - (B) Unless there is evidence of neglect or animal cruelty as certified in writing by a licensed veterinarian, as described in **Part 1** (2), notify or make a reasonable attempt to notify by verifiable, documented communication to the “owner”/guardian who surrendered the animal to Animal Care and Control; and inform that person(s) that the animal is scheduled to be euthanized, and they have the right to take custody of the animal unless the person(s) request not to be contacted;
  - (C) Notify or make a reasonable attempt to notify by verifiable, documented communication the finder who surrendered the stray animal; inform them the animal is scheduled to be euthanized, and they have the right to take custody of the animal unless the person(s) requests not be contacted;
  - (D) Surrender the animal to a rescue organization or interested parties as described under **Part 1** (3) and (6), if they agree to take custody of the animal.
  - (E) Post information on all social media sites (Facebook, Twitter, Instagram, etc.) being used by Animal Care and Control stating the animal is scheduled to be euthanized within 48 hours.

**PART 3:** Animal Care and Control may not euthanize any animal without making the notifications required by **PART 2**.

1. This section does not apply to:

- (A) An animal who is irremediably suffering as described under **Part 1** (1);
- (B) An animal whose release to a rescue organization would violate a court order; or
- (C) A dog with a documented history of unprovoked biting that has resulted in severe injury to a person, as described in **Part 1** (4) and (5).
- (D) A dog who has been declared “vicious” under California Food & Agriculture Code Sec. 31603, or “vicious and dangerous” pursuant to a hearing under San Francisco Health Code Art. 1, Sec. 42.3, and meets the requirements of Sec. 42.3(c)(iii).

2. This section also applies prior to the spaying of an animal exhibiting visible signs of pregnancy, unless deemed medically necessary by a licensed veterinarian, as described in **Part 1** (2).



VIRGINIA DONOHUE  
EXECUTIVE DIRECTOR

June 9, 2020

Dear Commissioners,

I would like to personally thank each of you for the important but often challenging work that you do in providing a public forum for those who have animal welfare questions, concerns and feedback.

As the euthanasia protocol has been on your agenda for several meetings, I wanted to reach out to provide you with some information related to why SFACC is not in support of amending city code to include euthanasia notification. While it is commendable that the Commission would seek to improve the outcomes of animals at SFACC, we do not believe that this measure would do so.

Since 2016, SFACC has maintained a greater than 90% Live Release Rate for dogs and cats. This makes us extraordinarily successful, particularly for an open admission shelter. Counties who adopted ordinances similar to the one being discussed did so to try and be as successful as SFACC is today.

Our live release rate success has been the result of a massive effort to recruit, establish, and re-establish adoption partnerships in the region and across state lines. We have created a formalized system to assess and approve or decline adoption partners to ensure placement standards are aligned in the interest of animal wellness and public safety. We have enhanced our behavior evaluation criteria to be an on-going process throughout an animal's stay, and we have expanded our in-house enrichment programs from only serving legal custody animals to the entire shelter population.

We also have well-established criteria for determining medical and behavioral suitability for adoption using the Asilomar matrix and behavior assessment criteria. We perform medical services for animals to enhance their status from treatable to adoptable, and we have altered our medical criterion to provide special medical cases an opportunity for adoption. In addition to these improvements, we continue to monitor and change our programming following successful animal sheltering trends.

As was shared at the last meeting, SFACC currently has 122 active adoption partners, which includes 69 dog partners, 16 cat partners, 10 dog and cat partners and 27 varied smalls, wildlife, avian and exotic partners. In Fiscal Year 2019, SFACC placed 2,548 animals in 79 different partner organizations, including 1,291 with our largest partner, San Francisco SPCA.

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San Francisco, CA 94103  
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[www.sfanimalcare.org](http://www.sfanimalcare.org)

What does all of this mean? It means that SFACC does not euthanize any adoptable animal. The number is zero. We do not euthanize because we are out of space or time. The animals at risk for euthanasia fall below adoption criteria for behavior, medical, or a combination of both and either are of too great a risk for further placement or have been declined by approved partners who have the resources available to take on that type of animal. In Fiscal Year 2019, there were a total of 198 cats and 175 dogs (which includes 52 underage cats and 1 underage dog) who were not adoptable and who were euthanized for medical and or behavioral reasons. That is out of an intake of 5,831 cats and dogs.

Euthanasia decisions are amongst the hardest calls that an agency like SFACC has to make, but they are done carefully and with a high regard to the animal's wellness, prognosis, and ability to be safely rehomed. SFACC's euthanasia protocol is clear and only occurs when an animal:

- poses a significant risk to the public;
- poses a significant risk to staff and/or volunteers;
- declines below criteria while in-shelter;
- has a lengthy or severe bite history and/or incident with a human or other animal;
- is behaviorally or medically suffering ; or,
- is not ethically and safely placeable due to human-directed aggression or severe under-socialization.

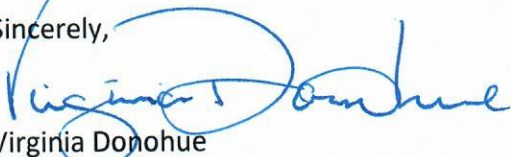
The proposed change would be in conflict with existing regulations which allow veterinarians to euthanize due to pain and suffering. It should also be noted that many dogs euthanized for behavior are involved in legal cases and therefore have sensitive information related to their situation which cannot be in the public domain.

Other potential impacts include inadvertently creating pathways for dangerous animals to reenter the community posing a significant risk to the public. It opens the door for unvetted and potentially irresponsible parties to take an animal out of the shelter without the ability to safely manage a dangerous animal. Also, a 48 hour delay inhumanely increases the length of stay for an animal who is already suffering.

Finally, the City of San Francisco is in the middle of a worldwide pandemic which has decimated our financial resources. We are preparing for a 10-15% budget cut. Any additional requirements placed on SFACC would simply not be manageable.

Once again, I would like to thank the Commissioners for volunteering to take on this important and challenging work. Please do not hesitate to reach out to me if you have any further questions or require any clarification on any of the information I have shared.

Sincerely,



Virginia Donohue



June 12, 2020

Commission of Animal Control & Welfare  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102

Dear Commissioners,

On behalf of the San Francisco supporters of the No Kill Advocacy Center, I am writing to urge a Yes vote on proposed legislation requiring the municipal shelter to notify rescue groups, interested parties, and the community at large before killing and give them the opportunity to save the animal. If passed, the ordinance will not only make a profound life and death difference, it will become a model for the nation.

Predictably, leadership of the city shelter is asking you to reject the bill, claiming it is unnecessary, costly, and dangerous. None of these claims stand up to scrutiny. First, the bill *is* desperately needed. There are municipal, open-admission shelters across the country with placement rates as high as 99%, well above the San Francisco city shelter average. Local rescuers can also confirm that there are still animals being killed in San Francisco who are *not* irremediably suffering. In fact, city officials admitted that roughly 1,200 animals are killed every year *of which 75% are healthy or treatable*. (Sabatini, J., *Advocates want more public notice before SF euthanizes an animal*, San Francisco Examiner, May 24, 2020, available at: <https://bit.ly/3d3s8N0>.) And animals other than dogs and cats have far worse placement rates and their lives matter, too.

Second, not only does San Francisco have one of the best funded animal control shelters in the country (its budget is already far *larger* and the numbers of animals it takes in far *lower* than other cities of comparable size), the cost to implement such an ordinance is *de minimus*. Indeed, the bill will result in overall *savings*, as more animals are sent to rescuers and interested parties, shifting the cost of care from taxpayer to private philanthropy and eliminating expenses associated with killing animals and disposing of their dead bodies.

Commission of Animal Control & Welfare

June 12, 2020

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Finally, the bill does *not* change local law regarding vicious and dangerous dogs. In addition to animals who are irremediably suffering, vicious and dangerous dogs who cannot be rehabilitated are *explicitly* exempted from notification and placement requirements.

Commissioners, as the former director of operations for The San Francisco SPCA, I can attest to a time when San Francisco was the recognized leader of the humane movement in America. But that is no longer true. Last year, for example, the City of Austin, TX, passed a similar measure into law despite a 98% placement rate — substantially higher than San Francisco — committing its municipal shelter to do even better and believing that transparency — by ensuring that animals are not rendered invisible and killed — is key to meeting its obligations to animals, the people who love those animals, the taxpayers who fund their agency, and the residents they serve. One cannot claim a leadership position, as the director of the San Francisco shelter attempts to do, by asking the Commission to take a step backward from what the larger humane movement has *already* achieved. Leadership, by definition, leads. To do so, and reclaim the mantle that is rightfully yours, please vote *Yes*.

Very truly yours,

Nathan J. Winograd

## San Francisco Animal Care & Control Shelter Statistics

San Francisco Animal Care & Control is an *open admission* shelter. We accept ALL homeless, injured, orphaned, unwanted, lost, abandoned and mistreated animals, including companion animals, farm animals, exotic animals and native wildlife—every animal brought to our door is welcome, regardless of temperament or medical condition.

We differ from many shelters that are *limited admission*, meaning that they only accept some of the homeless animals in their community and may refuse those animals that may be difficult to place. Limited admission shelters sometimes do euthanize an animal if it becomes unadoptable for medical or behavioral reasons.

ACC will euthanize when an animal requires medical treatment beyond our ability to provide or when an animal has unmanageable behavior that presents a safety concern to potential adopters or to the community. As an open admission shelter, we do not identify ourselves as “no kill” because we believe the term can be misleading. **In every community there are a number of pets (approx. 25% of the pet population in any community) that will not be candidates for rehoming due to major medical issues or aggression.** Shelters that identify themselves as “no-kill” are shifting the euthanasia of animals in their community to another entity by selecting the pets they admit.

Our high release rate (calculated based on the number of the animals entering the shelter alive that leave shelter alive) is 90%, which is significantly higher than the national average of ~35%. This success is due in large part to a devoted staff and the ongoing support of our rescue groups that improve our success rate by finding suitable temporary and/or permanent homes for every pet possible. Hundreds of volunteers work with us to socialize animals in the shelter, reunite lost pets with their owners/guardians, and to assist individuals looking to add a new family member.

**Please click on this link to see the [Calendar Year 2018 SFACC and SFSPCA Partnership Statistics](#).**

Below are the statistics for SFACC for the previous Fiscal Years:

### Live Release Rate Tables—FY 2006-2007 through FY 2018 -2019

Fiscal Year 2018-2019

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2411	2134	175	93%
Cats	2624	2388	198	92%
Others	2318	1516	826	64%
Total	7353	6038	1199	84%
Dogs & Cats				92%

Fiscal Year 2017-2018

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2369	2172	202	91%
Cats	2365	2136	231	90%
Others	2561	1564	985	62%
Total	7295	5872	1418	81%
Dogs & Cats				91%

Fiscal Year 2016-2017

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2468	2216	247	90%
Cats	2255	2011	178	92%
Others	2699	1762	933	65%
Total	7422	5989	1358	82%
Dogs & Cats				91%

Fiscal Year 2015-2016

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2558	2279	298	89%
Cats	2266	2063	209	91%
Others	2670	1733	900	65%
Total	7494	6075	1407	81%
Dogs & Cats				89%

Fiscal Year 2014-2015

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2690	2341	314	88%
Cats	2426	2240	197	92%
Others	859	756	183	79%
Wild	1863	910	865	54%
Total	7838	6247	1559	80%
Dogs & Cats				90%

Fiscal Year 2013-2014

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2615	2288	320	88%
Cats	2289	2092	242	89%
Others	799	631	119	85%
Wild	1644	770	796	52%
Total	7347	5781	1477	80%
Dogs & Cats				89%

Fiscal Year 2012-2013

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2879	2427	449	84%
Cats	2580	2293	293	89%
Others	941	777	172	82%
Wild	1665	773	862	48%
Total	8065	6270	1776	78%
Dogs & Cats				86%

Fiscal Year 2011-2012

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2632	2085	569	78%
Cats	2690	2423	356	87%
Others	726	616	135	81%
Wild	1452	611	830	43%
Total	7500	5735	1890	75%
Dogs & Cats				83%

Fiscal Year 2010-2011

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2424	1907	481	80%
Cats	3158	2709	493	84%
Others	1049	730	314	70%
Total	8005	5934	2068	74%

Fiscal Year 2009-2010

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2295	1931	335	85%
Cats	3247	2898	498	85%
Others	2730	1591	1167	57%
Total	8272	6420	2000	76%

Fiscal Year 2008-2009

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2161	1821	344	84%
Cats	4217	3514	541	87%



Others	1149	917	190	83%
Wildlife	1643	695	949	42%
Total	9170	6947	2024	78%

Fiscal Year 2007-2008[2]

Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	1939	1618	308	84%
Cats	3827	3234	589	85%
Others	2090	1061	839	60%
Wildlife	667	535	302	55%
Total	8523	6448	2038	76%

[1] Due to a software glitch, “Other” companion animals are currently merged with “Wildlife” — this table will be updated

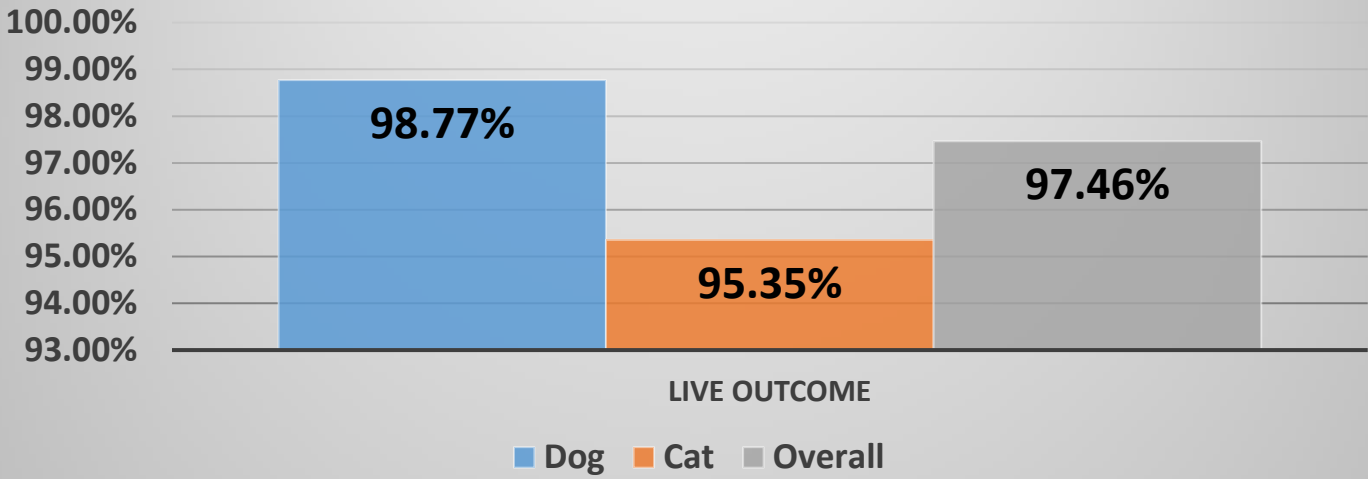
[2] SF/ACC began separating “Other” companion animals from “Wildlife” in February 2008.

Fiscal Year 2006-2007

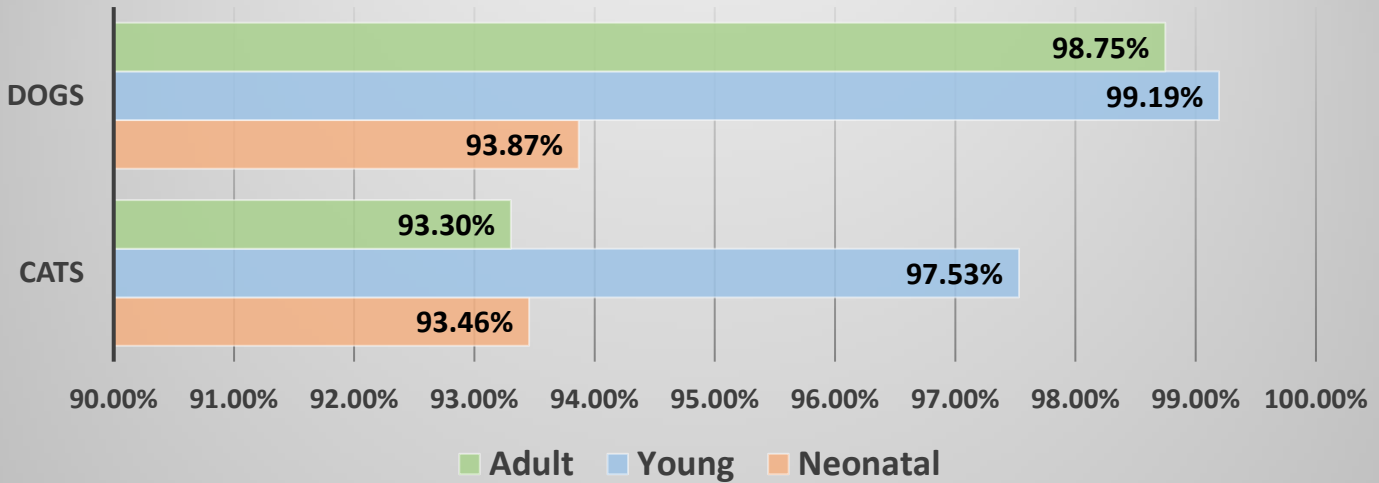
Animal Type	Animals In	Animals Out	Euthanized	Live Release Rate (LRR)
Dogs	2069	1641	442	79%
Cats	4315	3557	769	82%
Others	2742	1420	1350	51%
Total	9126	6619	2561	72%

# Austin Animal Center Fiscal Year 2018 Live Outcomes

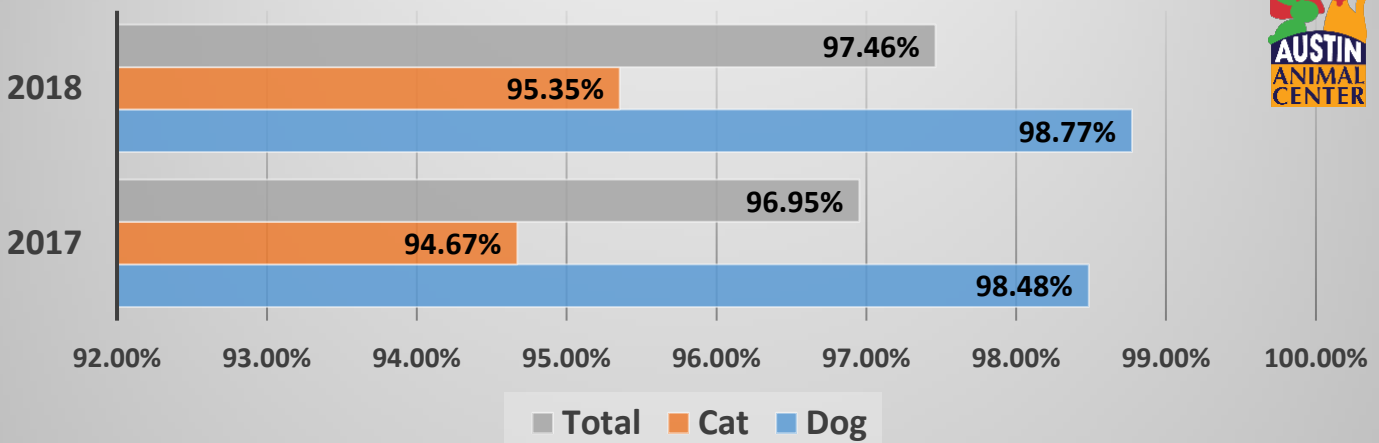
**FY18 Live Outcome %**



**Live Release Rates by Age**



**Live Release Rates by Animal Type & Year**



## AUSTIN, TEXAS ORDINANCE

### § 3-1-26 - NOTICE TO RESCUE ORGANIZATION.

- (A) Not less than two business days before the euthanasia of any animal, the City animal shelter must:
- (1) Notify or make a reasonable attempt to notify by verifiable, documented communication any rescue organization that has previously requested to be notified before animals are euthanized;
  - (2) Unless there is evidence of neglect or animal cruelty as certified in writing by a licensed veterinarian, notify or make a reasonable attempt to notify by verifiable, documented communication the owner who surrendered the animal and inform that person that the animal is scheduled to be euthanized, unless the person requests not to be contacted;
  - (3) Notify or make a reasonable attempt to notify by verifiable, documented communication the finder who surrendered the stray animal and inform that person that the animal is scheduled to be euthanized, unless the person requests not to be contacted;
  - (4) Give one of the rescue organizations or persons notified under subsections (1), (2) or (3) possession of the animal to avoid the animal's death if the rescue organization or person requests it.
- (B) The City animal shelter may not euthanize any animal without making the notification required by subsections (A)(1), (2) and (3).
- (C) This section does not apply to:
- (1) An animal who is irremediably suffering;
  - (2) A dog whose release to a rescue organization would violate a court order; or
  - (3) A dog with a documented history of unprovoked biting that has resulted in severe injury to a person.
- (D) This section also applies prior to the spay of an animal exhibiting visible signs of pregnancy, unless medically necessary.

Source: Ord. No. [20191017-025](#), Pt. 7, 10-28-19.

**AGENDA ITEM 4: Commissioners' Reports**



## Commission of Animal Control & Welfare

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### Commissioners

**Nina Irani**

Chairperson

**Russell Tenofsky**

Vice-Chair

**Michael Angelo Torres**

Secretary

**Brian Van Horn, DVM**

Commissioner

**Annemarie Fortier**

Commissioner

**Bunny Rosenberg**

Commissioner

**Jane Tobin**

Commissioner

### Department Representatives

**Deputy Director John P. Skeel**

Animal Care & Control

**Officer Joe Majeski**

San Francisco Police Department

**Lisa Wayne**

Recreation and Parks Department

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May 26, 2020

Supervisor Rafael Mandelman

Board of Supervisors

City Hall, Room 244

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

Phone: (415) 554-6968

Email: mandelmanstaff@sfgov.org

Dear Supervisor Mandelman,

I am reaching out in support of the resolution regarding the exposure of conditions of animals in factory farms. Our commission voted unanimously to recommend this resolution to the Board of Supervisors in January, and I hope that the Public Safety and Neighborhood Services Committee will support this resolution as well.

As the COVID-19 emergency has again shown, industrial farming practices are inhumane to animals, dangerous to workers, create a public health risk, and compromise the food supply. Slaughterhouses have become leading COVID-19 hotspots, with thousands of employees falling ill and many dying due to a lack of safety precautions. Because of the corporate consolidation of farming operations over the years, interruption of a few slaughterhouses has meant that over a hundred thousand animals have been killed in mass on farms, reportedly by gassing and shooting, while millions more are at risk of the same. These deaths will have been in vain at a time when many Americans face food shortages, and state governments are seeking federal aid for mental health services for farmers coping with the psychological toll of these mass killings.

Factory farming has been responsible for previous zoonotic disease outbreaks, such as the swine flu (H1N1) pandemic of 2009-2010, which the Centers for Disease Control and Prevention estimates took over 150,000 lives worldwide, and which originated in a large-scale corporate farm in North America.

Investigations of these operations by animal activists such as Direct Action Everywhere have exposed the conditions that cause immense suffering to animals and disease risk to humans. This exposure allows the public to make informed choices, including voting in support of laws such as California's Proposition 12, which intends to prohibit the extreme confinement of certain farm animals. However, laws such as Prop 12, and our state anti-cruelty law, Penal Code section 597, are of little consequence when not properly enforced, a problem that these investigations are also bringing to light.

Currently, there is action at the federal level to bring an end to factory farming practices, including the Farm System Reform Act introduced by Senator Cory Booker and cosponsored by Senator Elizabeth Warren, and its companion bill introduced by Representative Ro Khanna. As the pandemic brings our latest call to rethink our relationship with other animals, my hope is that San Francisco will join in support of changing our broken system.

Respectfully,

Nina Irani

Chair, Commission of Animal Control & Welfare

CC: Jonathan D. Frohnmayer, Direct Action Everywhere

Han Zou, Office of Supervisor Matt Haney



## Commission of Animal Control & Welfare

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### Commissioners

**Nina Irani**

Chairperson

**Russell Tenofsky**

Vice-Chair

**Michael Angelo Torres**

Secretary

**Brian Van Horn, DVM**

Commissioner

**Annemarie Fortier**

Commissioner

**Bunny Rosenberg**

Commissioner

**Jane Tobin**

Commissioner

### Department Representatives

**Deputy Director John P. Skeel**

Animal Care & Control

**Officer Joe Majeski**

San Francisco Police Department

**Lisa Wayne**

Recreation and Parks Department

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June 4, 2020

Supervisor Dean Preston  
Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102  
Phone: (415) 554-7630  
Email: Prestonstaff@sfgov.org

Dear Supervisor Preston,

I am reaching out in support of the resolution regarding the exposure of conditions of animals in factory farms. Our commission unanimously recommended this resolution, and I hope that the Board will support it as well.

As the COVID-19 emergency has again shown, industrial farming practices are inhumane to animals, dangerous to workers, create a public health risk, and compromise the food supply. Slaughterhouses have become leading COVID-19 hotspots, with thousands of employees falling ill and many dying due to a lack of safety precautions. Because of the corporate consolidation of farming operations over the years, interruption of a few slaughterhouses has meant that millions of animals have been killed in mass on farms, by gassing and shooting, the cruelty of which has been shown by media reports. Millions more are at risk of the same. These deaths will have been in vain at a time when many Americans face food shortages, and state governments are seeking federal aid for mental health services for farmers coping with the psychological toll of these mass killings.

Factory farming has been responsible for previous zoonotic disease outbreaks, such as the swine flu (H1N1) pandemic of 2009-2010, which the Centers for Disease Control and Prevention estimates took over 150,000 lives worldwide, and which originated in a large-scale corporate farm in North America.

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Currently, there is action at the federal level to bring an end to factory farming practices, including the Farm System Reform Act introduced by Senator Cory Booker and cosponsored by Senator Elizabeth Warren, and its companion bill introduced by Representative Ro Khanna. As the pandemic brings our latest call to rethink our relationship with other animals, my hope is that San Francisco will join in support of changing our broken system.

Respectfully,  
Nina Irani  
Chair, Commission of Animal Control & Welfare

CC: Han Zou, Office of Supervisor Matt Haney

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<sup>1</sup> One example of an investigation can be found in a recent report; please be aware of graphic imagery: [https://theintercept.com/2020/05/29/pigs-factory-farms-ventilation-shutdown-coronavirus/?fbclid=IwAR0pKrGMTAogqjsn8-yPk\\_LC4n7GNyiHid5ZSf2Jbhak1XtFgA4eLZzwRhs](https://theintercept.com/2020/05/29/pigs-factory-farms-ventilation-shutdown-coronavirus/?fbclid=IwAR0pKrGMTAogqjsn8-yPk_LC4n7GNyiHid5ZSf2Jbhak1XtFgA4eLZzwRhs)