

**REPORT OF THE
VIRGINIA DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES**

**THE STUDY OF ANIMAL
POUNDS AND SHELTERS**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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COMMONWEALTH of VIRGINIA

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December 29, 1999

TO:

The Honorable James S. Gilmore, III
Governor of the Commonwealth of Virginia

The Members of the General Assembly of Virginia

It is my privilege to present this report constituting the response of the Virginia Department of Agriculture and Consumer Services (VDACS) to House Joint Resolution No. 763, agreed to by the Senate and the House of Delegates during the 1999 Session of the General Assembly.

The resolution requested that VDACS establish a task force to assist it in studying ways to improve animal care and treatment at pounds and animal shelters.


J. Carlton Courter, III

Enclosure

cc: The Honorable Barry E. DuVal
Secretary of Commerce and Trade

PREFACE

This study was undertaken in response to House Joint Resolution No. 763, requesting the Virginia Department of Agriculture and Consumer Services to study ways to improve animal care and treatment at pounds and animal shelters. The study resolution also directed the Department to establish a task force to help in its work. We wish to recognize the members of the Task Force who contributed their time and expertise to this effort. The Task Force members are as follows:

Dr. William M. Sims, Jr., State Veterinarian
Division of Animal Industry Services
Virginia Department of Agriculture and Consumer Services

Mr. Larry Land
Director of Policy Development
Virginia Association of Counties

Ms. Barb Wrenn
Virginia Municipal League

Mrs. Teresa Dockery, Co-President
Virginia Federation of Humane Societies

Mr. Mark Kumpf, President
Virginia Animal Control Association

Mr. George Gotschalk
Standards and Certification Section
Department of Criminal Justice Services

Mrs. Jeanne Bridgforth, President
Save Our Shelters

Dr. Kimberly A. Kuhn
Virginia Veterinary Medical Association

Virginia Department of Agriculture and Consumer Services staff members assigned to this study include Dr. William M. Sims, Jr., State Veterinarian; Dr. Robert D. Whiting, Chief, Office of Veterinary Services; Mr. Thomas R. Lee, Program Supervisor, Office of Veterinary Services; and Mrs. Connie E. White, Executive Secretary Senior.

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EXECUTIVE SUMMARY

House Joint Resolution (HJR) No. 763 directed the Virginia Department of Agriculture and Consumer Services (VDACS) to study ways to improve animal care and treatment at pounds and shelters. The Commissioner of Agriculture was directed by the study resolution to appoint a Task Force to assist the Department in its work. The study would include consideration of whether the following should be increased: (i) requirements for the training and continuing education of pound and shelter personnel; (ii) the frequency of Department inspections of pounds and shelters; and (iii) the Department's enforcement authority with respect to pounds and shelters.

To conduct this study the Commissioner of Agriculture and Consumer Services appointed a task force, as directed by the study resolution. The Task Force, which met on three separate occasions, created three workgroups to report on the issues outlined above. During the meetings the Task Force and each workgroup gathered facts through group discussions, review of VDACS files and other appropriate sources of information.

Key Findings

The Department of Agriculture and Consumer Services reports the following findings with respect to the three issues we were asked to consider:

1. In 1998 legislation was passed by the General Assembly and signed by the Governor requiring animal control officers (ACOs) to attend a basic animal control course, approved by the Department of Criminal Justice Services and the State Veterinarian, within two years of their appointment and to complete continuing education in animal control and protection every three years. A job task analysis of the duties performed by animal control officers had not been done in order to identify minimum training standards for entry level ACOs.
2. Because the primary responsibility of the State Veterinarian's office is to control and eradicate diseases of livestock, sufficient personnel have not been assigned to conduct inspections twice annually to ensure the humane housing and treatment of impounded animals. Most pounds and shelters are inspected annually by State Veterinarian's representatives and less than half are inspected semiannually.
3. A review of VDACS' inspection records revealed that of the 184 inspections of pounds and shelters conducted by the State Veterinarian's representatives during 1998, 21% (39 facilities) had problems that required a follow-up inspection within 90 days. Current law does not provide sufficient incentives for local compliance with animal pound and shelter regulations. When pound or shelter facilities are found to be in violation of regulations, VDACS must depend on obtaining voluntary correction of deficiencies or having the local Commonwealth Attorneys prosecute local government for criminal violations of the Comprehensive Animal Laws.

Recommendations

The Department recommends the following for consideration by the Governor and the General Assembly:

1. DCJS should complete a job task analysis of animal control officer job duties and responsibilities. This task analysis will identify the minimum training standards for entry level animal control officers; develop a basic training course with sample lesson plans; and after taking this through the Administrative Review Process, provide the material to the DCJS Academies to teach.
2. VDACS personnel should inspect, twice annually, each pound and shelter to ensure the humane treatment and housing of the animals. Currently, less than half of the pounds and shelters are inspected twice annually.
3. Based on the current frequency of non-compliance with the Comprehensive Animal Laws, we do not recommend at this time that the Department's enforcement authority be increased. VDACS recommends that the issue of enforcement authority be revisited after 24 months to determine what effect, if any, the training requirements imposed by the 1998 General Assembly and the semiannual rate of inspection will have had on the rate of compliance. If compliance continues to be a problem, then VDACS will explore all viable alternatives for gaining compliance including, but not limited to, imposing civil penalties. Department personnel should continue to work with ACOs and localities to obtain voluntary compliance with state laws and regulations through education and cooperative efforts.

BACKGROUND AND AUTHORITY

In 1998 membership of the Virginia Federation of Humane Societies (VFHS), Save Our Shelters (SOS) and the Virginia Animal Control Association (VACA) in reviewing the administration of the Comprehensive Animal Laws (Section 3.1-796.66 et seq., Code of Virginia) determined that there were three major weaknesses which impacted on the health and welfare of companion animals in Virginia. The first area needing improvement involved the lack of training for animal control officers in animal handling, disease control, nutrition and maintenance of facilities housing the animals. Secondly, VFHS, SOS and VACA determined that there was a need for more inspections of pounds and shelters by VDACS personnel. Thirdly, it was determined that VDACS lacked broad enforcement authority to effectively administer the requirements of the Comprehensive Animal Laws. During the 1999 session of the Virginia General Assembly, VFHS, SOS and VACA initiated action to bring attention to their concerns about the animal pounds and shelters. In response, the legislature passed House Joint Resolution No. 763 requesting that VDACS study ways to improve animal care and treatment at pounds and shelters. The study would include, but not be limited to, consideration of whether the following should be increased:

1. Requirements for the training and continuing education of pound and shelter personnel;
2. The frequency of Department inspections of pounds and shelters; and
3. The Department's enforcement authority with respect to pounds and shelters.

HJR 763 also directed VDACS to appoint a task force to assist in its work. The Commissioner of Agriculture and Consumer Service appointed a task force that included representatives from the Virginia Association of Counties (VACo), the Virginia Municipal League (VML), VFHS, VACA, SOS, the Department of Criminal Justice Services (DCJS), the Virginia Veterinary Medical Association (VVMA) and VDACS.

STUDY SCOPE AND METHODOLOGY

As required by HJR 763, the Commissioner of the Virginia Department of Agriculture and Consumer Services appointed a task force for animal pounds and shelters which was convened in June 1999. It met on three separate occasions: June 10, July 14 and August 12, 1999. At the second meeting, the Task Force created three workgroups from its membership to study (i) training requirements and continuing education for pound and shelter personnel, (ii) the frequency of Department inspections of pounds and shelters, and (iii) the Department's enforcement authority with respect to pounds and shelters. During the meetings the Task Force and each workgroup gathered facts through group discussions, review of VDACS files and other appropriate sources of information.

FINDINGS

1. Training requirements for pound and shelter personnel

Virginia statute § 3.1-796.104:1, states in part that after April 15, 1999, every locality appointing ACOs shall require that every ACO complete a basic training course and a minimum of 15 hours of continuing education in animal control and protection every three years. Prior to 1999, any training for animal control officers was accomplished on a voluntary basis and was provided by volunteer instructors. In considering the new requirements for training and continuing education ACOs, it was also determined that a job task analysis of the duties performed by ACOs had not been done in order to identify minimum training standards for entry level ACOs.

2. Frequency of Inspection

In order to determine the frequency of inspections of pounds and shelters accomplished by VDACS personnel, a review of VDACS' pound and shelter inspection reports was made. It was found after reviewing such records that most pounds and shelters were inspected once per year and less than half were inspected semiannually and that there are approximately 140 animal pounds and an estimated 100 animal shelters located throughout the Commonwealth. Because the primary responsibility of the State Veterinarian's office is to control and eradicate diseases of livestock, only a limited amount of staff time can be devoted to conducting inspections of animal pounds and shelters. The current allocation of staff resources does not permit these inspections at a semiannual rate.

3. Enforcement Authority

The third workgroup designated to evaluate VDACS' enforcement authority found that state statute, § 3.1-796.67:2, states in part that the State Veterinarian and his representatives shall have the power to conduct inspections of animal shelters. A review of VDACS' inspection records revealed that of 184 inspections of pounds and shelters conducted by the State Veterinarian's office during 1998, 21% (39 facilities) had problems that required a follow-up inspection within 90 days. Penalties for an animal pound's or shelter's failure to comply with provisions outlined in the Comprehensive Animal Laws (Title 3.1, Chapter 27.4) are Class 4 misdemeanors unless specified otherwise.

RECOMMENDATIONS

The Department recommends the following with respect to the three issues we were asked to consider:

1. Training requirements for pound and shelter personnel

The Department recommends that the DCJS complete a job task analysis of animal control officer job duties and responsibilities. This job task analysis will identify minimum training standards for entry level animal control officers. From the job task analysis a basic

course of instruction with sample lesson plans will be developed and provided to the DCJS academies to teach.

The Task Force recommended the addition of three (3) full-time equivalent (FTE) positions, and adequate funding, to provide for the employment of one law enforcement officer, one animal control officer, and one veterinarian to teach the basic and continuing education courses throughout the Commonwealth. These instructors and training programs would enable animal control officers to comply with their training requirements, provide the expertise needed and uniformity of instruction throughout the state. Having a cadre of instructors move about the Commonwealth would relieve the criminal justice academies of the need to periodically prepare for the training and will provide instructors that are experienced and familiar with animal control issues.

VDACS recommends that DCJS instructors teach the course at the various academies as needed. The academies can evaluate whether a specified cadre would be more effective.

2. Frequency of Inspection

The Task Force recommended that VDACS personnel inspect, twice annually, each pound and shelter to ensure the humane treatment and housing of the animals. If deficiencies were found, follow-up inspections would be scheduled as needed to ensure compliance with the law. The Department agrees there are benefits to be gained by semiannual inspections that would provide more timely information and probable correction. VDACS is moving toward redeployment and training of existing staff to accomplish semiannual inspections.

3. Enforcement Authority

To ensure that animal pounds and shelters comply with the Comprehensive Animal Laws and provide the care and humane disposition of stray and unwanted animals, the Department has relied on education to obtain cooperation and voluntary compliance with state laws and regulations. Noted improvements have been made across the Commonwealth using this approach.

The Task Force recommended that the Department be given statutory authority to impose civil penalties. VDACS recognizes the Task Force's efforts to encourage localities to comply with the laws and regulations concerning animal pounds and shelters. However, based on the frequency of problems cited by the Task Force, we are not convinced that assessing civil penalties against the localities is necessary at this time. VDACS recommends that the issue of enforcement authority be revisited after 24 months to determine what effect, if any, the new training requirements and the increased rate of inspection will have had on the rate of compliance. If compliance continues to be a problem, then VDACS should explore all viable alternatives for gaining compliance including, but not limited to, imposing civil penalties.

APPENDIX

HOUSE JOINT RESOLUTION NO. 763

Requesting the Department of Agriculture and Consumer Services to study ways to improve animal care and treatment at pounds and animal shelters.

Agreed to by the House of Delegates, February 3, 1999

Agreed to by the Senate, February 23, 1999

WHEREAS, every county and city in Virginia must maintain or cause to be maintained a pound in accordance with regulatory guidelines issued by the Department of Agriculture and Consumer Services; and

WHEREAS, the purpose of such pounds and animal shelters is to provide for the care and disposition of stray and unwanted animals; and

WHEREAS, inhumane treatment at pounds and shelters with respect to euthanasia and confinement has been confirmed in numerous jurisdictions throughout the Commonwealth; and

WHEREAS, inspection of pounds and shelters by the Department indicates multiple and chronic problems with attaining compliance with animal welfare laws and the Department's regulatory guidelines; and

WHEREAS, the authority of the Department and other law-enforcement officials to ensure compliance with legal requirements concerning the operation of pounds and shelters is very limited; and

WHEREAS, when different levels of government are involved, ensuring compliance with laws and regulations is more easily accomplished with a cooperative approach; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Department of Agriculture and Consumer Services be requested to study ways to improve animal care and treatment at pounds and shelters. The study shall include, but not be limited to, consideration of whether the following should be increased: (i) requirements for the training and continuing education of pound and shelter personnel, (ii) the frequency of Department inspections of pounds and shelters, and (iii) the Department's enforcement authority with respect to pounds and shelters. The Department shall establish a Task Force to assist in its work. The Task Force shall include representatives of the State Veterinarian Office, the Virginia Association of Counties, the Virginia Municipal League, the Virginia Federation of Humane Societies, the Virginia Animal Control Officers Association, Save Our Shelters, the Department of Criminal Justice Services, and the Virginia Veterinary Medical Association.

All agencies of the Commonwealth shall provide assistance to the Department for this study, upon request.

The Department shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.