

MEMORANDUM

TO: Harris County Commissioners Court

FROM: Office of Vince Ryan, Harris County Attorney

DATE: August 19, 2011

RE: Interim Report on County Attorney Review of Harris County Public Health Department Animal Control Shelter

The County Attorney's Office has conducted a two track review of the allegations initially raised in the Fox26 investigative reports regarding Harris County Animal Control euthanasia procedures and the care of animals within its custody.

On one track, the County Attorney's Public Law Practice Group is working with the Harris County Public Health Department to assist it in taking corrective actions at the animal control shelter. The attached table catalogs the corrective actions taken, which the County Attorney's Office believes are appropriate to ensure future compliance with state law. The Department has also supplied additional information on its website: <http://www.hcphe.org/vphresponse.htm>

The Office of the County Attorney has been advised that the Harris County Public Health Department will continue to work with community groups on increasing the numbers of animals that are placed for adoption.

On the other track, a team led by Assistant County Attorney Linda Geffin chief of the Special Prosecutions Unit has begun an independent review to determine whether the animal control shelter's practices and procedures with respect to the care of animals have been in compliance with applicable law. This review will include interviews with witnesses, other interested parties, and employees of the Harris County Public Health Department. The Office of the County Attorney will issue a report to Commissioners Court concerning its findings at the conclusion of this review.

Animal Euthanasia Issues Addressed By Harris County Public Health Department Animal Control Shelter (VPH)

Issues	Legal Authority & Dates	Corrective actions include:	Department Comments
Euthanasia not in view of waiting animals	<p>July 2009 TAC Title 25, Part 1, Ch 169, Sub-Ch D, Rule 169.84(b)(4)</p>	<ul style="list-style-type: none"> • VPH supplemented the euthanasia room door with an additional visual barrier to prevent those outside the room from being able to see animals being euthanized. • VPH performed immediate retraining covering the Texas Administrative Code euthanasia rule 169, including emphasizing the importance of compliance and live animals not seeing other euthanized animals. • VPH initiated random daily euthanasia compliance checks conducted by shelter veterinarians and/or management team. • VPH will ensure that future euthanasia certification and re-certification training program materials will <i>emphasize</i> updates to Texas Administrative Code, including specific test questions. 	<p><i>VPH has made efforts so that euthanasia is not performed in front of waiting animals. However, the current shelter layout requires euthanasia to be performed in the animal receiving/holding areas. This makes it difficult to comply with accepted shelter medicine best practices.</i></p> <p><i>As a result of requests by VPH for shelter upgrade and expansion, Commissioners Court ordered two feasibility studies to determine shelter facility needs. Consequently, Harris County purchased land behind the shelter for the purpose of future expansion. The most recent feasibility study was completed in 2008 but Commissioners Court was unable to consider further prior to the 2009 county-wide hiring freeze.</i></p>
Carcasses not in view of waiting animals	<p>July 2009 TAC Title 25, Part 1, Ch 169, Sub-Ch D, Rule 169.84(b)(4)</p>	<ul style="list-style-type: none"> • VPH installed a visual barrier to divide the small euthanasia room into two sections/areas – one for administering the euthanasia drug and one as a holding area for unconscious animals until death can be verified. • VPH performed immediate retraining covering the Texas Administrative Code euthanasia rule 169, including emphasizing the importance of compliance and carcasses being separated from live animals. • VPH initiated random daily euthanasia compliance checks conducted by shelter veterinarians and/or management team. • VPH will ensure that future euthanasia certification and re-certification training program materials will <i>emphasize</i> updates to Texas Administrative Code, including specific test questions. 	<p><i>VPH has made efforts so that carcasses are separated from animals waiting for euthanasia. However, the shelter only has one small room designated for euthanasia. Thus current shelter design makes it difficult to comply with accepted shelter medicine best practices.</i></p> <p><i>As stated above, the most recent feasibility study was completed in 2008 but Commissioners Court was unable to consider prior to the 2009 county-wide hiring freeze.</i></p>
New needle used for each animal	<p>July 2009 Rule 169.84(b)(3)</p>	<ul style="list-style-type: none"> • VPH performed immediate retraining covering the Texas Administrative Code euthanasia rule 169, including emphasizing the importance of compliance and using new needles on each animal. 	<p><i>There is an ample supply of needles available for euthanasia. VPH has found no evidence of needles being reused.</i></p>
Use of Intracardiac injections	<p>Rule 169.84(b)(9)</p>	<ul style="list-style-type: none"> • VPH performed immediate retraining covering the Texas Administrative Code euthanasia rule 169, including emphasizing the importance of compliance and using Intra-Cardiac injections appropriately. 	<p><i>Intra-Cardiac injections are legally allowed on unconscious animals. On the rare occasion that VPH uses Intracardiac injections, the animal is already unconscious.</i></p>

Correct Dosages by weight	<p>July 2009 Rule 169.84(b)(6) (removed 2004 requirement to weigh each animal)</p>	<ul style="list-style-type: none"> • VPH performed immediate retraining covering the Texas Administrative Code euthanasia rule 169, including emphasizing the importance of compliance and using correct doses for each animal. 	<p><i>A scale has been available for VPH staff as needed. Space constraints prohibit placement of large sized scale in the small euthanasia room. Given the fact that staff have years of experience in estimating the weight of animals and that it is not required by law to weigh every animal, not every animal is weighed.</i></p>
Monitor animal for vital signs to verify death	<p>May 2004 Rule 169.84(e)</p>	<ul style="list-style-type: none"> • VPH instituted a new training program for verifying death in February 2010. • VPH has also performed immediate retraining covering the Texas Administrative Code euthanasia rule 169, including emphasizing the importance of compliance and appropriate verification of death. 	<p><i>Background noise makes it difficult to hear clearly with a stethoscope as the small euthanasia room is located next to a busy receiving area/unloading dock for animals that are brought into the shelter. TX Admin Code allows for other means of determining death and VPH uses these other legally acceptable means to confirm death (e.g., lack of corneal/pupillary reflex, lack of respiration, etc.).</i></p> <p><i>It should be noted that the "freezer incidents" occurred in January 2010, just prior to the hiring of Dr. Johnson (shelter veterinarian). Immediately after hire, Dr. Johnson instituted the new training program for verifying death.</i></p>
Quiet isolated place while dying from <i>intraperitoneal injection</i>	<p>May 2004 Rule 169.84(b)(8) (28 TexReg 11224)</p>	<ul style="list-style-type: none"> • In order to provide for a quiet isolated place to euthanize cats (which is when intraperitoneal injection is utilized), VPH has been using a small multi-purpose room to supplement the euthanasia room. • VPH performed immediate retraining covering the Texas Administrative Code euthanasia rule 169, including emphasizing the importance of compliance and providing a quiet isolated place for death from intraperitoneal injection. 	<p><i>Euthanasia using intraperitoneal injection is primarily used for cats.</i></p> <p><i>The use of the multi-purpose room to provide a quiet isolated place to euthanize cats is less than optimal, but given the current shelter design, it allows for compliance with the law.</i></p>
Animals given medical treatment during required 3-day hold		<ul style="list-style-type: none"> • VPH re-emphasized the importance of giving appropriate medical treatment as determined by triage system in place and the documentation of the treatment given. 	<p><i>VPH has a triage system in place in which intake personnel assess incoming animals to determine if there is need for examination by a veterinarian. If there is such need, the animal is then examined by the veterinarian to determine appropriate medical treatment that is necessary. Based on this assessment, animals receive basic first aid, antibiotics and other medications as determined by the veterinarian.</i></p>



From outside the room

From inside the room



Left side of Curtain separating Carcass area



Right side Curtain separating Carcass area