

September 15, 2016

Dear City Attorney Parkin,

This is a second complaint pertaining to the incident reported in the letter of complaint submitted to your office on September 6, 2016 regarding the illegal killing of a dog called THOR by Long Beach Animal Care services.

We acknowledge that your office has responded to the original complaint; however, we are submitting this as an additional complaint, as it brings up a new issue with regard to the illegal euthanasia of Thor. The submission of this second complaint does not imply agreement with your Office's findings with regard to the first complaint.

In this complaint, we report our finding that in killing Thor, LBACS violated the Hayden Act on two counts: 1) Thor was improperly sedated prior to being euthanized. 2) LBACS used a sedative on Thor that is not considered humane when used alone and should only be used in conjunction with an anesthetic, according to the Humane Society of the United States. Furthermore, LBACS manager Ted Stevens made false statements reported in the Press-Telegram to the effect that Thor was killed "hours earlier" than the 1:05 pm time in the records. However, LBACS medical records which show Thor was sedated at 1:02 pm directly contradict this statement. This statement is an additional instance of Mr. Stevens' false statements made to cover up the illegal killing of Thor.

IMPROPER SEDATION OF CANINE PRIOR TO EUTHANASIA

1. Additional examination of Thor's (ID# A572043) medical records obtained from Long Beach Animal Care Services show that Thor was given three 25-mg tablets of acepromazine prior to being euthanized. The tablets were administered orally (Exh. 1).
2. Acepromazine is a tranquilizer used prior to anesthesia and surgery as an aid in controlling animals. Animals experiencing the effects of acepromazine are conscious but subdued. Acepromazine is not an anesthetic and does not make an animal insensitive to pain.

3. It takes 30-40 minutes for orally-administered acepromazine to take effect.
4. According to THOR's medical records, an LBACS veterinary technician gave the oral administration of acepromazine at 1:02 pm (Exh. 1).
5. According to THOR's euthanasia record, THOR was euthanized at 1:05 pm (Exh. 2).
6. Because adequate time had not elapsed between the oral administration of the sedative acepromazine, THOR was not properly sedated at the time he was euthanized. This indicates that LBACS either 1) does not properly train and/or supervise its employees who euthanize animals or 2) decided to fast-track THOR's euthanasia to ensure that he was killed as soon as possible and plausibly deny knowledge of RESCUE's offer to take him. Both of these scenarios are equally unacceptable.
7. Not providing adequate time for the sedative to take effect is in violation of Hayden Act Section 4 and California Civil Code Section 1834, which obligate animal shelters to treat animals humanely by stating:

A depository of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly. Any depository that fails to perform these duties may be liable for civil damages as provided by law.

USE OF A SEDATIVE PROVIDING INADEQUATE PAIN RELIEF

8. According to the Humane Society of the United States Euthanasia Reference Manual [1], acepromazine is considered only "conditionally acceptable" as a pre-euthanasia sedative because of its "failure to provide sufficient pain relief." The HSUS recommends it be used "only in conjunction with a drug with true anesthetic properties."
9. There is no evidence in THOR's medical record that he received any pre-euthanasia medication other than the orally-administered acepromazine.
10. As mentioned above, the acepromazine was not administered sufficiently in advance to have the calming effect it is intended to provide.

11. Therefore, THOR was euthanized using a sedative that 1) did not have time to act as a calmant and 2) does not provide relief from pain.

12. In euthanizing THOR, LBACS engaged in inhumane treatment of an animal by improperly sedating an animal prior to euthanasia using a sedative that does not have anesthetic properties. This is in violation of Section 4 of the Hayden Act and California Civil Code Section 1834, which obligate animal shelters to treat animals humanely by stating that:

A depository of living animals shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly. Any depository that fails to perform these duties may be liable for civil damages as provided by law.

FALSE STATEMENTS BY LBACS MANAGER TO THE PRESS

13. On September 6, 2016, LBACS manager Ted Stevens (STEVENS) made the following statements in a column by Tim Grobaty in the Long Beach Press Telegram:

'ACS director Ted Stevens, though, says Thor was put to sleep hours earlier than the 1:05 pm official time. "Staff began euthanizing the animals around 10 a.m. and they were finished by noon. They do that, then they come back later and enter them in the log" [2].

14. STEVENS' claim that THOR was killed prior to the 1:05 pm time entered in the official euthanasia record for THOR is not supported by the fact that the medical record for THOR notes that the dog received three 25-mg tablets of acepromazine at precisely 1:02 pm.

15. Examination of medical records at LBACS reveals that a number of employees record the exact times at which a treatment or assessment is made and that such records are proper and are as required by California law.

16. We believe that STEVENS' statement to the Press was made in an attempt to cover up the illegal killing of THOR by falsely representing that THOR was killed prior to RESCUE's request for THOR. This is in addition to the false statements discussed in the complaint submitted on September 6.

17. It is, in any case, illegal for animal shelters to maintain inaccurate records of the animals they hold in custody: "All public pounds and private shelters shall keep accurate records on

each animal taken up, medically treated, or impounded” (Food and Agr. Code Section 32003; Hayden Act Section 18).

CORRECTIVE ACTION

We therefore renew the corrective actions requested in our September 6 complaint and incorporate them into this letter, and make the following additional requests for corrective action:

1. An immediate investigation into how euthanasias are handled at LBACS, including:
 - a. How LBACS staff involved in the euthanasia of animals are trained.
 - b. The adequacy and humaneness of sedatives currently used in the euthanasia of animals at LBACS.
 - c. The adequacy and humaneness of procedures used in euthanizing animals at LBACS
2. Immediate implementation of humane methods of sedation and euthanasia consistent with those set by animal welfare organizations such as the Humane Society of the United States.
3. An investigation into THOR’s killing to determine the causes of his inhumane killing with appropriate disciplinary action taken with respect to any wrongdoing committed by involved parties.
4. This request for corrective action reiterates the request for corrective action #10 in the September 6 complaint. In view of the actions of Mr. Stevens reported in the first complaint, and the addition of these statements, we ask that Mr. Stevens' statements be investigated and that appropriate disciplinary action be imposed.

We look forward to hearing your response in a timely manner, in any case, not longer than a month from the date of this letter.

Best regards,



Patricia Turner, Ph.D.

Tracy Smith

Tracy Smith

With CONCERNED LONG BEACH CITIZENS

Kristie Mamelli

Kristie Mamelli, Long Beach

Basty Gladys Garcia

Basty Gladys Garcia, Long Beach

Alison Dice

Alison Dice, Lakewood

R J Harmon
ROBERT LEE HARMON

Robert Harmon, Long Beach

Joan Harmon

Joan Harmon, Long Beach

References

[1] Humane Society of the United States (2013). Euthanasia Reference Manual. <https://www.animalsheltering.org/sites/default/files/content/euthanasia-reference-manual.pdf>. Accessed 9/13/16.

[2] Grobaty, T. (2016). A Long Beach Dog Named Thor is Euthanized and a Rescue Group Wants Answers. <http://www.presstelegram.com/social-affairs/20160906/a-long-beach-dog-named-thor-is-euthanized-and-a-rescue-group-wants-answers>. Accessed 9/13/16.

EXHIBIT 1

A572043 73.10LBS DOG BROWN / BLACK 4Y M BELG MALINOIS

07/18/16

7/1/2016

EXAM EAR 73.10LBS Treated by: LEC

BAR-H, mm pink, crt < 2 sec, BCS 3/9
EENT corneas clear, no nas/oc discharge, ears mild discharge, teeth white
PLNS small, soft
H/L eupneic, lungs clear, no murmurs
ABD soft, nonpainful on palpation
M/S ambulatory x 4
NEURO appropriate
INT healthy skin and coat
UG intact male
A: otitis resolved, thin
P: weigh, feed bid, monitor weight q 48hrs
LK DVM
WEIGH

7/4/2016

EXAM OTHER 79.90LBS Treated by: OS

Recheck weight 79.9LBS .

7/6/2016

EXAM OTHER 73.70LBS Treated by: YM

07/06/16 10:27 Ymorales, new weight

7/14/2016

EXAM OTHER 73.70LBS Treated by: YM

07/14/16 13:02 Ymorales, given 75mg acepromazine
3.00 ACE 25MG 1.00 TIMES/DAY FOR 1.00 DAYS

IF YOU OR YOUR VETERINARIAN HAVE ANY QUESTIONS ABOUT THE MEDICAL TREATMENT YOUR ANIMAL HAS RECEIVED AT LONG BEACH ANIMAL CARE SERVICES PLEASE CALL US AT (562) 570-7387.

C:\Program Files\Chameleon Software\Chameleon\Crystal\medhist.rpt

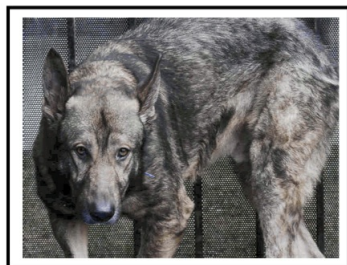
EXHIBIT 2

Kennel No:
K623

Animal No:
A572043

Long Beach Animal Care Services

Kennel Card



Name:

***THOR**

Color:

BROWN & BLACK

Breed:

BELG MALINOIS

Weight:

80.00 6/24/16

Sex:

MALE

Age:

4 YEARS

Collar Color:

Collar Type:

Tag:

Status:

UNAVAIL

Special Note:

Intake Date:

06/02/2016

Evaluation Date:

06/08/2016

Intake Type:

STRAY / FIELD

Intake By:

WH

Crossing:

1000 BLK E 70TH

Outcome Info

Outcome Type:	Subtype:	Weight:	Dose:	Date:	Time:
EUTH	BEH MANAGE	80.00	8.00	07/14/2016	1:05 pm