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EDWARD A. BOKS
GENERAL MANAGER

March 24, 2008

Honorable Jack Weiss, Chair
Public Safety Committee
Los Angeles City Council
c/o City Clerk
City Hall Room 395

Attention: John White

RE: Council File 08-0395

Dear Honorable Members:

On February 19, 2008, by motion the City Council requested that the Department of Animal Services report to the Public Safety Committee with a plan to correct security deficiencies involving personal information in files stored at Department facilities. In response to this motion, the Department has finalized a report on the neglectful past practices of the Department that led to the recent unsatisfactory handling of records, and provides specifics on the solutions in progress so that records are properly handled henceforth.

This report uses the facts and timetables of the situation, the results of a survey of all supervisors whose divisions generate records, and existing documentation about records retention matters to provide background, details on the incidents, and the Department's action plan for the future.

BACKGROUND AND CONTEXT

- Records storage by field divisions has been historically handled as a local task without adherence to the City Clerk's Records Retention or Destruction Processes**

In discussions with the office of the City Clerk, we have confirmed that central service divisions such as Accounting, Administration, Licensing, and Personnel, have from time to time boxed, cataloged, and transferred records. A major effort was undertaken several years ago when the

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CD's 6, 11

Department relocated administrative offices from Spring Street to Figueroa Plaza. Most recently, about six months ago, several boxes of older records that had been secured within the administrative offices were appropriately transferred to the City Clerk for destruction.

For more than a decade, no records generated by the field staff of the Department of Animal Services have been indexed and transferred for storage or destruction (as applicable) to the City Clerk as is the practice in the City. Based on consultation with the City Clerk and a survey of supervisory personnel in the field, it appears that at no time remembered by staff have medical, adoption, investigation, accounting, bite report, administrative hearing or other operational records generated in the animal care centers been boxed, cataloged, and transferred to the City Clerk.

Information, and direct quotes, come from the surveys of Senior Animal Control Officers or other staff who variously supervised field enforcement, the administrative hearing program, shelter operations (including financial transactions and pet owner information), accounting or personnel records, and training.

The content of these surveys, such as the quote below, show that records generated by the various functions occurring at the animal care centers were understood to be important by division supervisors, even though efforts were not made to comply with City procedures relative to long-term storage or destruction. In these surveys, supervising staff uniformly acknowledge at least some responsibility for security in connection with records generated in shelters or in the operations of their divisions.

As Center Manager it is my responsibility to make sure each division, (kennels, clerical, field and medical) maintain and store records in accordance with Department policy. As Field Supervisor I was responsible for field records, cases and investigations.

Every January we make room for the new cases for the current year. The previous year's case[s] are boxed, labeled and kept in the immediate storage room.

So long as there was sufficient storage room for the prior years' boxes, the impetus was not present for the supervisors to follow through on moving the boxes out.

In the past, sending records to another location for retention or destruction was a low priority until the storage room(s) became full or some other event (moving the shelter, earthquake, fire, flood, etc.) necessitated it.

According to oral reports from staff, many years ago there were cases in which older records damaged or judged to be beyond the assumed retention period may have been thrown into the trash, rather than properly destroyed to protect the contents.

That is not to say that direction was not given to staff to comply with official City record retention policies. A 1997 memo from then General Manager Gary Olsen directed staff to process old records, and provided an attachment from the City Clerk with detailed instructions. That memo also designated an administrative staff person in the Department to assist field staff. As mentioned, it does not appear to have resulted in any compliance with the City Records Retention procedures, beyond efforts to box and index older records at the old East Valley Animal Care Center.

When I was at the old East Valley, many years ago, I indexed, labeled and followed the directions I was given by [admin staff], to have records retention taken care of and the after boxing, and doing all of this, the form, per instructions by admin. was given to [staff], to have the records, we were told, picked up and then I was transferred[.]

The Department Manual, last revised in 2000, addresses the importance of record handling without providing specific procedures for retention of records.

In January 2007, new efforts were made to communicate necessary information to field staff about records retention schedules and requirements. Accounting staff was assigned to provide all procedural information and details of retention schedules to animal care center managers and clerical supervisors. Additional support was provided in getting boxes and labels. Later in the year, at the South Los Angeles Animal Care Center, this boxing and cataloging was completed at the initiative of the previous and current Center Managers.

SLA [South LA] has currently properly labeled and packaged 105 record retention boxes. These include investigative reports, kennel records, daily remittance reports, animal relinquishment reports, animal impound cards, bank deposit slips, driver daily reports and call blotters. They cover the period from July 96 – 2005. They are secured in the lacked[sic] feed room area. We are in the process of completing the needed form, Form Gen.60, for submission to the City Clerks Office.

Animal Services is a Department which has undergone tumultuous changeover in both management and administration over nearly two decades. Even up to about a year ago, continuous changes in organization, tasks, and staffing in all of the support divisions meant a lack of consistency in monitoring to determine how the animal care center supervisors were doing with records retention. Records are ultimately the responsibility of the divisions that generate them—the fundamental tasks of handling and securing those records cannot be delegated up. Perceptions of the role of central administrative staff may make a poorly defined but convenient scapegoat, for some supervisors, to rationalize their own lack of follow through, however, supervisors have a duty to know or find out how to accomplish their responsibilities.

RECORDS ABANDONED AT TWO CLOSED ANIMAL CARE CENTERS

- ❑ Key staff allowed boxed old records to remain at vacated facilities instead of being moved to new locations for security, defending the decisions by asserting that responsibility for ensuring proper retention or disposal could be handed off to another division with no follow through.**

The new East Valley Animal Care Center on Vanowen Street was occupied on May 21, 2007, with the old facility on Sherman Way substantially vacated on the same day and all animals moved. The Animal Services staff of the Animal Facilities Bond Program (supervised by a Senior Management Analyst II) were specifically tasked to oversee the preparations leading up to the move and the move itself. The other key staff member in the move planning and executing was the Center Manager for East Valley at that time. This work included direction on how to box and label everything that needed to be moved from the old location to the new one.

Meetings were held regularly leading up to the move and both lead staff members were physically involved on the move day. Various staff of East Valley and central services, such as the Department's Information Technology staff and the staff who processed the modular furniture order, were involved in accomplishing the relocation project. Everyone had well-defined responsibilities. The General Services Department contract movers were employed to move all the identified boxes, supplies, equipment, and furniture.

This was the first full relocation to an entirely new campus for an animal care center built under the Prop F bond, and there were several problems:

- Fifty animals were euthanized at the end of the move day, seemingly when time ran out. (A separate investigation has been undertaken.)
- Significant furniture, supplies, equipment, and trash were left at the old facility.
- Over 2000 rounds of live ammunition were left in a non-locked cabinet (responsible employee counseled).
- Boxes of papers, some of it old brochures and flyers, some of it described as "old records," were left stacked in a garage area.
- A Conex storage container used for items such as emergency supplies or pipe corral pieces was left.

The specific reason the boxes of actual records stored in the garage-like area were not pulled out from the other boxes of old handouts, marked for the move, and re-located, does not seem justified (not enough room).

...there was no area that allowed for the movement of the old records to the new facility at that time. Administration indicated that they were going to look into the movement of the East Valley Connex [sic] container to the new facility. This would allow for storage for these documents.

This assertion fails to note that the Conex had existing uses, but more importantly does not even acknowledge the most immediate solution of getting the records organized and labeled and processed for retention in accordance with the City Clerk's procedures. Despite the re-distribution of the information about Records Retention procedures only a few months before, evidently it was not accepted as a responsibility even by those directly involved. Later, those supervising and responsible staff members would, again, instead attempt to fix responsibility on the Department's administrative group.

The old East Valley facility was gated and locked and precautions were taken to block vehicle access, all by the General Services Department. In the months immediately after the move, several visits were made to the old facility, some of them in connection with assessing the repairs needed if the old facility could be leased back to a non-profit animal rescue organization. Those visits involved various levels of staff, including the Assistant General Manager twice. In that period, staff expressed plans for bringing staff members or student workers and trucks to sort materials for salvage, trash, or follow-up. Some reclaiming of items, such as the ammunition, did occur in the immediate period.

Several months later (October 2007), as trespassing and graffiti were noted at the old site, staff which had been in leadership roles during the original move were still commenting in a relatively casual way on the materials which never had been removed from the site.

There is an empty trash bin (roll-off kind) that was left for us to use. Does the Dept. want to make one last effort to clean up the place? What is to be come of the old files still in the garage? Who has the responsibility to secure the gates? Just thought I would let you know.

The types of "old files" and the potential sensitivity of the contents was not reported in this casual e-mail. Nevertheless, in response, the General Manager expressly directed the key staff members previously in charge of the move to get any remaining records out of the old site immediately.

Just a week or two later, on November 5, 2007, the new West LA Animal Care Center on Pico Boulevard was occupied, with the old facility on Missouri Avenue substantially vacated on the same day and all animals moved. Again, Animal Services liaison staff to the Animal Facilities Bond Program (supervised by the same Senior Management Analyst II who received instruction from the General Manager about securing the East Valley records) had been tasked to oversee the preparations leading up to the move and the move itself. The other key staff member in the move planning and executing was the acting Center Manager for West LA at that time. The preparation work included direction on boxing and marking everything that needed to be moved from the old location to the new one.

Meetings were held regularly leading up to the move and both lead staff members were physically involved on the move day. As with East Valley, various staff provided assistance and the General Services Department contract movers were employed to move all the identified boxes, supplies, equipment, and furniture. Again, inexplicably, old records were not marked to be moved. The Conex used for emergency or other supplies for West LA was moved and its previous use continued.

At the former West LA location, as at the former East Valley, the old records were stored within the compound that was gated and locked, and not susceptible unless persons were trespassing by violating the gates and fences, knew where the boxes were stored, and sorted through non-sensitive records and papers to delve into boxes with sensitive records.

No justification has been provided by any of the key staff involved as to why records at West LA were left after the move, particularly since staff knew management expected old records to be relocated and safeguarded. In responding to recent questions, the key staff members who were immediately involved in either or both moves stated that they expected some other group (Administration) to step in and do the work of moving the records, based on their recollections of conversations.

The topic of record retention was on the agenda for all meetings concerning the relocation of staff and operations from one facility to another. In general, it was my understanding that the Department's Administrative Services would work with the shelter staff to facilitate the relocation or destruction of records.

And from another key supervisor:

...it was my understanding that administration was going to facilitate the pickup and destruction of these records.

This explanation does not account for the failure of staff, including those supervising the moves, to insure that all maintained records were moved with everything else, and then later dealt with in terms of City Records policies. Despite the great pains taken to move "everything," some supervisor or other responsible persons made a decision not to move the old records. Compounding the error of leaving the records, the supervisors failed to verify what was happening to the records for which they were actually responsible, or to correct the problem of having left the records when no other processing was taking place. This was a two-part failure: leaving the records, then doing nothing about having left them.

No report or information came to the executive level about the fact that a decision was made to leave boxes at the old West LA site when staff moved in November. This may seem baffling given the timing and circumstances, but it actually highlights the problematic working attitudes of many Department staff. To paraphrase, the sentiment is that "those are old records we do not

need anymore, someone else will take care of them, or they will be disposed of by somebody else.”

As Center Manager I was unclear as to what exactly to do with the records, but did know that we had to do something with them.

In the case of supervisors whose divisions generate records, admission of responsibility has not manifested as an acceptance of accountability to act. The expressed understanding of supervisors has been that they must box and store and track records they generate, but they do not regard the long-term handling of those records under City rules to be their responsibility. Instead, they conclude that some central authority will take on that responsibility, leaving them without duty even to verify, monitor, or follow-up with that central authority. That weakness allowed supervisors to leave behind old records at old East Valley and old West LA animal care centers.

STEPPING FORWARD TO ESTABLISH RECORD RETENTION PROTOCOLS

- After completing the immediate task of transferring records from the two old sites to a secure location, the Department has embarked on a program of training and establishing straightforward procedures in conformance with City policy to help all supervisors succeed in protecting records in storage and processing them as appropriate.**

The week prior to a news report on KNBC, local Channel 4, a mid-level manager reported hearing gossip among staff about a Council office asking about the conditions of old records stored at old East Valley. On about February 8, 2008, that manager took initiative to move East Valley's old records to a secured warehouse at the North Central Animal Care Center, which also houses decades of Administrative Hearing records and records of North Central and other shelters which have never been processed for retention or destruction. At this time, the nature of the reports was exposed: humane investigations and other documents with personal information were among the old records, not only kennel cards and adoption receipts. After the KNBC report was viewed on February 19, 2008, management learned that old West LA records also had been left. They were moved to the North Central storage on or about February 20, 2008.

In viewing the report, KNBC representatives either trespassed though locked gates on clearly marked City property to root through the boxes, or were let in by City employees who knew where the records were stored. If the latter is the case, those employees could have taken responsibility to act either directly or by personally reporting the nature of the records at both locations to the General Manager or other City officials, instead of attempting to create a political storm. An employee or supervisor who knew the records retention rules well enough to attempt to create a political embarrassment to the City would have known the rules well enough to start processing the records.

No employee or volunteer records were identified as part of the old records left in storage, unless an employee or volunteer was involved in an investigation or personally adopted an animal.

While the susceptible records were immediately secured, attention was concurrently given to identifying the failings which led to abandoned boxes of records so that we could establish permanent corrective action.

Because certain recent events have brought a focus to records retention and destruction, I believe it would be prudent to ensure that these matters are attended to on a timely basis regularly.

The City Clerk was contacted about providing targeted records retention training to all appropriate staff at Animal Services facilities (clerical supervisors, animal care center managers, and field enforcement supervisors). They are scheduling this training for this Spring 2008, but in the meantime three Senior Animal Services officers (an animal care center manager, a law enforcement group supervisor, and a training officer) have taken the City Clerk's training. This team will be providing internal training to staff so that supervisors can assess the volume of records for which they are responsible, determine a scope of work and timetable to label and process records that do not need to remain stored at the animal care center, and then proceed with processing. The training is scheduled for March 27, 2008.

Within two weeks of this in-house training, supervisors will be asked to send forward to their managers specific plans that relate to their record-generating area. Many supervisors are already setting up their performance plans for records, even before the training.

In my current assignment, my plan is therefore to ensure the proper storage of materials until they can legally be sent to the City Clerk for destruction (I believe that there is sufficient storage capacity at the West Valley facility to maintain them until the need no longer exists). This is an on-going task that will continue on a monthly basis. By April 1st, I will review the current records to determine whether any can be sent to the City Clerk for destruction, and then ensure that those records are sent in compliance with the law. Then, the procedures for destruction of records will be conducted annually in January of each new year.

Managers will monitor actual performance against the tasks, goals, and timetables submitted by each supervisor. Sorting, re-boxing when needed, indexing, labelling and cataloging the several hundred boxes in the North Central warehouse will be the most formidable challenge. The Department expects to move all records that qualify for long-term retention or destruction to the City Clerk by July 1, 2008.

At this time, outside the infiltration by KNBC's Channel 4 reporter and camera operator, the Department has no information suggesting that the records left at the old East Valley or West LA

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facilities within the fenced premises were violated nor that any records are missing. We have and will continue to solicit any information about mis-use of any records.

Importantly, as a result of this unfortunate situation, we have an opportunity to bring focus to the need for accountability and follow-through by staff at all levels of responsibility. Resolving the internal weaknesses that led to this problem allows us to raise the standard for supervisors' performance with the help of appropriate training and support.

Thank you for this opportunity to report on this important matter.

Very truly yours,



EDWARD A. BOKS
General Manager

Attachments - a selection of e-mails and documents confirming some key dates in this report and describing the staff survey

cc: Sue Stengel, Council District 5
Daniel Tarica, Council District 2
Christopher Olsen, Council District 3
Board of Animal Services Commissioners
Jim Bickhart, Office of the Mayor
Annemarie Sauer, CLA

DATE: May 12, 1997

TO: Shelter Supervisors
Hearing Examiners
Personnel Officer
Administrative Services Officer

FROM: GARY S. OLSEN, General Manager
Department of Animal Regulation

SUBJECT: **RECORDS RETENTION**



In accordance with the attached memo from J. Michael Carey, City Clerk, you are directed to review, revise and make amendments to your current records retention schedules to ensure records are retained **only** for the legally required **minimum time periods**.

Page three (3) of the attachments provides a brief summary of records retention time periods as prescribed in Division 12 of the Administrative Code. If records you are currently maintaining meet this criteria, the Department can request authorization to destroy those records from the City Council.

Wayne Garcia is assigned as the records retention coordinator for the Department. Should you have records which require destruction, please contact Wayne by telephone at (213) 893-8416 or by fax at (213) 893-8406. Wayne will ensure that the proper documentation and procedures are followed in requesting approval for destruction.

GSO:wg
c:\wayne\citycouncil\recordsretention

Attachments: (3)

From: Ed Boks
To: Linda Barth; Linda Gordon; Wendell Bowers
CC: Helen Brakemeier
Date: 10/29/2007 2:40 PM
Subject: Re: OLD EAST VALLEY

We need to get any records/files in there out ASAP.

Ed Boks
General Manager
LA Animal Services
211 N. Figueroa, Suite 500
LA CA 90012
Phone: 213.482.9558
Fax: 213.482.9511
www.laanimalservices.com

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>>> Wendell Bowers 10/29/2007 11:44 AM >>>

As I was on my way to the East Valley center this morning I drove pass the old EV building. The gates are wide open and there was a cherry picker parked in the lot. The graffiti had been removed but no one was on the property at this time. There is an empty trash bin (roll-off kind) that was left for us to use. Does the Dept. want to make one last effort to clean up the place? What is to become of the old files still in the garage? Who has the responsibility to secure the gates? Just thought I would let you know.

Capt. Wendell Bowers
East Valley/Wildlife Coordinator
East Valley Center
818 756-9323

From: Helen Brakemeier
To: Barth, Linda
CC: Bowers, Wendell
Date: 2/19/2008 5:10 PM
Subject: Re: WLA Records

I spoke with Pat Kellogg who is having her staff move all of the records into a secured storage room at the old WLA facility. Tomorrow the files will be moved to either the new facility or to the NC warehouse to be stored until they can be destroyed. I've asked that the ACTs contact me this evening to verify that it has been completed.

>>> Linda Barth 2/19/2008 1:58 PM >>>

Apparently there are boxes of records still at the old WLA location, too, unless Fred got the message and brought them over?

Here is the ultimate game of catch. Jesse and Lou are both "out." Those boxes need to be moved. I guess Pat and Fred will need to participate. Stacy can also work with them to start the process of counting and labelling and making up a list. I guess Navarette needs to be involved unless Jesse is back tomorrow?

Capt. and Lts. must understand that they must prioritize this work at all locations.

From: Linda Barth
To: Auston, Beatrice; Core, Russ; Martinez, Virginia; Pool, Ross; Van De...
CC: Forland, John; Malabuyoc, Glen
Date: 3/3/2008 8:41 AM
Subject: Survey relative to Records Retention
Attachments: records survey.doc

For each of your areas, can you please complete the attached survey and get it back to me by Friday?

In regard to Question 1, please just give your current assignments since I know that those have been consistent for several years. None of you need to answer Question 6. Glen, if you can do for Ross okay, if not, we will wait for this input.

Thank you.

1.	Give your current assignment, and your last two assignments, with years indicated.
2.	Briefly explain your understanding of what records you are/were responsible for in your current and last two assignments.
3.	If you have indexed, labeled, and taken boxes of records to the City Clerk for retention or disposal, please indicate the approximate time frame and type of records.
4.	Indicate your work group (field, medical, financial, other) and approximately how many boxes of records generated by your work group are stored at your current location. Generally, what are the contents of the records? How are they currently secured?

5. Describe your plan for reviewing, boxing, labeling, and as appropriate sending records for retention or disposal. Include the date by which you expect to be complete. Be realistic depending on the number of boxes which may be backlogged at your location, or in storage at the North Central warehouse.

6. *(Only if requested in the cover memo)* Regarding records not transferred from old shelters to the new Prop F facilities, please describe the omission of these items during and after the move and who was responsible for handling them.

7. Other Comments.

From: Christopher Carroll
To: ACT Supervisors; Field Supervisors; Guillermo Perea; Helen Brakemeier...
CC: Ed Boks; Linda Barth; Ross Pool
Date: 2/28/2008 11:27 AM
Subject: Mandatory Records Retention Training

March 18th at 9:00 am and 1:00 pm there will be a **Mandatory Records Retention Training Class** for all supervisors (Center Managers, Field Supervisors, Senior Clerk Typists, Animal Care Technician Supervisors, Veterinarians as well as the Directors and Chief Veterinarian) at North Central. It is also recommended that a designated records person from each shelter also attend. E-mail reply by Tuesday, March 11th letting me know which session you will be attending and any other people. If you have any questions, contact Capt. Figueroa or me.

Chris Carroll, ACO II
Animal Services Training Division
North Central Animal Center
3201 Lacy St.
Los Angeles, CA 90031
213-485-7875

From: Christopher Carroll
To: ACT Supervisors; Field Supervisors; Guillermo Perea; Helen Brakemeier...
CC: Ed Boks; Linda Barth; Ross Pool
Date: 3/13/2008 1:58 PM
Subject: Records Retention training, Mar 18
Attachments: recordsschedule0308.xls

Here is a list of those currently signed up for the training. I have not heard from a number of individuals. This training has been made **mandatory** by Linda Barth and Ed Boks. Let me know when you will attend by Monday, March 17th, if you have not signed up for a slot. (Field Supervisors have automatically been placed in the afternoon due to your morning meeting.)

Chris Carroll, ACO II
Animal Services Training Division
North Central Animal Center
3201 Lacy St.
Los Angeles, CA 90031
213-485-7875

Records Retention Training

9:00	13:00
1 Boykins, Julie CT	Angeles, Val ASRI
2 Brakemeier, Helen DSO	Boswell, Troy SACOI
3 Colon, Fred ACTS	Botta, Susan SACOI
4 Colon, Shawn ACTS	Bowers, Wendell DFO
5 Coloso, Priscilla SCT	Carr, Christine ACTS
6 Corea, Leslie ACTS	Castillo, Jesse SACOI
7 Davila, Sofia SCT	Dedeaux, Louis CM
8 Jones, Renee SCT	Feldman, Steven DVM
9 Kerns, Mike CT	Kellogg, Pat ACTS
10 Knipsheer, Karen CM	Kramer, Keith SACOII
11 Lopez, Martha ACTS	Lee, Teresa DVM
12 Lopez, Javier ACTS	Navarrete, Armando ACO
13 Moore, Hal ACTS	Selder, Jan CM
14 Moriarty, Nancy CM	Tranzow, William SACOI
15 Ott, Pat ACTS	
16 Pantoja, Danny CM	
17 Patricia Ott ACTS	
18 Perea, Guillermo ACOII	
19 Perez, Sheryl ACTS	
20 Poblano, Ernesto ACO	
21 Quijote, Rowena SCT	
22 Rao, Subhakar DVM	
23 Rios, Sergio ACTS	
24 Roberts, Staci SCT	
25 Spease, Matt ACTS	
26 Steverson, Virginian SCT	
27 Ushman, Marie ACO	
28	
29	
30	

From: Christopher Carroll
To: Linda Barth
Date: 3/19/2008 1:12 PM
Subject: Re: Records Retention Training

After taking the City training, the 3 us of decided we needed a little more time to be able to answer all questions. The training was rescheduled for March 27th.

Chris Carroll, ACO II
Animal Services Training Division
North Central Animal Center
3201 Lacy St.
Los Angeles, CA 90031
213-485-7875

>>> Linda Barth 3/18/2008 2:31 PM >>>

How did the sessions go? Can you send me a copy of the sign-up sheets so that I have a record of those who attended?

Thank you very much.