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March 10, 2023

Dear Supervisors,

I am a corporate attorney, longtime resident of LA County (currently in the Third District), and the founder of Buffett's Brigade, a grassroots group of animal welfare advocates, named after the dog I rescued off of the Agoura pound's death row 15 years ago, after the current pound manager Denise Rosen refused to release him to rescue groups. Rosen claimed that [Buffett](#) had a bite history and was a threat to public safety. My vet verified that Buffett was abused and as a result, suffered permanent nerve damage in his back leg. His abusers were never investigated or charged. Buffett almost lost his life because he could not tell Rosen who had hurt him or why he bit them. If I did not enlist the help of an animal law attorney, the late Orly Degani, Buffett would have been one of the hundreds of thousands of dogs killed in LA County pounds as a "biter," with a fake rap sheet that falsely portrayed him as threat to public safety. Buffett lived the rest of his life with me and never bit anyone. He was a good boy who loved to go for walks and sit up on his hind legs to beg for treats despite his injuries.

This memo is in response to the Board of Supervisors' ("Board's") failure to date to hold LA County Animal Control Director Marcia Mayeda accountable for killing Bowie the scared puppy at the Baldwin Park pound (see, [LA Times BOS Investigates Death of Bowie 12-23-22](#) and [The Short Life and Tragic Death of Bowie](#)). Throughout her reign of over two decades, Mayeda has proven that she cannot be trusted to care for the animals in LA County's pounds, or to protect the public's safety with integrity. She has failed to operate true "shelters" and "animal care centers" because she routinely kills healthy and treatable animals like Bowie for "behavior" without documented objective criteria for animal behavior evaluations and assessments. When you allow Mayeda to investigate herself, you allow her to cover up the true facts and withhold material information from the Board and LA County constituents.

Mayeda is an expert at gaslighting and spinning facts. When Mayeda gets bad press, she successfully turns lemons into lemonade by making excuses and asking for more money for her overfunded budget of currently \$62 million. In January 2019, this Board authorized an extra \$5 million to Mayeda's budget for disaster preparedness after the November 2018 Woolsey Fire. Several animals burned to death due to the poor response of animal control, including most of the over 100 cats at an unlicensed kennel in Malibu (see, [Sacramento Bee 11-12-18](#)). Animal control failed to inspect this unlicensed facility despite complaints by local rescue groups in the months leading up to the fire. Undoubtedly, Mayeda will use Bowie's death to make further demands on LA County and its taxpaying public to funnel more money to her useless bureaucratic regime that this Board has allowed her to build over her two decade reign.

This memo will provide a brief history of my dealings with Mayeda, as well as recommendations for appropriate Board actions, to ensure that the impounded animals in LA County cages are treated with kindness as required by California's public policy and state laws, and that we the taxpayers have the transparency and accountability that we deserve from LA County leadership.

### **A. Background: Nguyen vs. LA County Lawsuit and Working with Mayeda on County Policies**

I was one of the plaintiffs who sued LA County and Director Mayeda in December 2007, along with a local animal rescuer Cathy Nguyen and the No Kill Advocacy Center, founded by my colleague Nathan Winograd ("the Nguyen Lawsuit"). Our lawsuit was based on claims that LA County was not following the state laws to protect animals impounded in California shelters under SB 1785 ("the Hayden Act"). The Nguyen lawsuit alleged that LA County failed to provide adequate housing, nutrition, and medical care to impounded animals. We

entered into the [10-20-08 Nguyen Stipulated Court Order](#) with the county that required compliance with state laws and provided a definition for an “irremediably suffering” animal, stating in pertinent part:

“An irremediably suffering animal is an animal with a medical condition who has a poor or grave prognosis for being able to live without severe, unremitting pain despite necessary veterinary care.”

During the process of auditing LA County pounds for compliance with our stipulated court order, I learned that it doesn’t matter what state laws dictate or what policies the Animal Control Department may implement under Mayeda’s leadership, they do not abide by the law or their own written policies. Between 2009 and 2012, I visited LA County pounds and saw a staff member in Carson tease a frightened cat by poking at it with a catch pole through its cage bars; my co-plaintiff Cathy Nguyen alleged that she had seen the same employee drag a dog on a catch pole and saw blood come out of the dog’s mouth from biting his tongue. I heard children scream and then run up to me in hysterics in Lancaster, saying that an animal control officer who had just passed me carrying a pit bull with a bandaged head threw her in a cage as she convulsed on the ground. My son, who was around 13 to 15 years old during these years, saw a staff member in Lancaster kick a puppy back into its cage as it tried to escape when she opened the door. He also found a badly decomposed cat under a rabbit cage in Downey, after smelling its rotting corpse and finding hair stuck on his shoe that was flying in the wind. All of these incidences were reported to Director Mayeda, who quickly minimized and dismissed these reports. She even had the nerve to tell me in mediation, something to the effect of “You think you heard the officer throw the dog [in Lancaster], but you didn’t see it happen, so you don’t know for sure that he did so,” and “Your son may have thought he saw the officer kick the puppy, but he probably just saw a fight break out between the dogs in the kennel.”

Mayeda shamelessly gaslights, projects, and manipulates facts and the truth in order to cover up the misdeeds that occur under her leadership. Here we are over a decade later dealing with her same smoke and mirrors that hides the truth from your taxpaying constituents as to how animals are really treated at LA County pounds. You supervise her, therefore it is up to you to demand transparency and accountability from her, instead of rubber-stamp approving her performance reports and budgets as you and your predecessors have done for over two decades. Enough. LA County is long overdue for new leadership to operate its current seven pounds and transform them into true “shelters” or “animal care centers.”

## **B. The Board’s Failure to Impose Accountability or Consequences on Director Mayeda**

This Board enabled Mayeda to escape accountability by failing to impose consequences on her for the false statements and cover-up of the truth in her [1-18-23 Report on Killing Bowie](#), the frightened puppy at the Baldwin Park pound. Mayeda falsely states in her report that, “**No rescue group approached the Department to indicate they were interested in adopting him**” (emphasis added). In fact, the LA Times article that sparked our community’s outrage confirms with emails that the Underdog Heroes rescue group contacted the pound and expressed interest in Bowie. Clearly Mayeda is villainizing her “Adoption Partner” rescue groups with this one sentence, the same rescue groups who are the whistleblowers who spoke to the media and demanded accountability for Bowie’s death. Mayeda’s failure to acknowledge Underdog Heroes’ rescue attempt to save Bowie’s life after their founder spoke to the media is no less retaliatory than Mayeda terminating Cathy Nguyen’s adoption rights for speaking to the media over 15 years ago about the deplorable conditions in LA County pounds, including Nguyen’s account that she found Zephyr the dog dead in her Carson kennel (See, [Section 1983 to the Rescue](#)).<sup>1</sup>

Mayeda is a master at divide and conquer; the potential effect of this one sentence is that rescue groups will blame each other for not stepping up sooner to save Bowie. A good leader fosters collaboration around a common goal (here, to save lives). However, Mayeda polarizes the rescue community against her staff and each other with her

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<sup>1</sup> Nguyen successfully obtained a temporary order that restored her adoption rights when the court ruled that it was likely that Nguyen would ultimately prevail with her strong evidence of retaliation. This order became permanent in the Nguyen Stipulated Court Order.

finger-pointing strategies, when in fact, her staff did not notify rescuers that Bowie was available. Anyone reading this report who did not know the facts outlined by the LA Times could easily assume that rescue groups failed to save Bowie's life because of Mayeda's false statement and cover-up: By the time Underdog Heroes inquired about Bowie, he was already dead. Mayeda not only betrays the truth in this one sentence, she betrays this Board, LA County taxpayers, and her "Adoption Partner" rescue groups by blame-shifting to the latter for her staff killing Bowie. Mayeda's statement that, "No rescue group approached the Department . . ." is no less deceitful and manipulative of the truth than telling me "You think you heard the officer throw the dog . . ." or "Your son may have thought he saw the officer kick the puppy . . ."

Let's be clear, unlike the several misstatements of Supervisors Hahn and Solis at the December 22, 2022 Board meeting, Bowie's death was not a "mistake" or an "error" [12-20-22 BOS Motion re Bowie Killed](#). Bowie was not irremediably suffering, as defined above therefore he was not "euthanized," he was killed with an overdose of poison injected into his little healthy body. Bowie's impound records clearly show he was intentionally killed for showing fear at the pound [Bowie's Impound Records](#). His death warrant was signed off by staff pursuant to routine operational processes at all LA County pounds for all healthy and treatable animals poisoned to death for "behavior." Bowie was not "irremediably suffering" pursuant to Animal Control's [Euthanasia Policy OPK 120](#) (updated January 5, 2023), where the definition from the Nguyen Stipulated Court Order is incorporated. Bowie was a healthy puppy who showed fear in the stressful pound environment after he was relinquished by his owners who could no longer care for him. His owners trusted Mayeda to find Bowie a new home. Rescue groups and community members could have removed him from the stressful pound to allay his fears had they known he was there. Instead, Mayeda betrayed the trust of Bowie's former owners, this Board, LA County taxpaying constituents, and her rescue group "partners," by killing him with an overdose of poison for being a scared puppy.

The Board is complicit in Mayeda's attempt to cover up the facts and villainize LA County rescue groups by accusing them of not showing "interest" in Bowie, when in fact, they could have saved Bowie's life, as well as the lives of the thousands of other animals killed annually for "behavior" in Mayeda's seven county pounds. Further evidence of Mayeda's refusal to work collaboratively with rescue groups is evidenced in the lawsuit [SPARC et al v. LA County](#)<sup>2</sup>, where Mayeda is alleged to fail to comply with state laws to allow rescue groups to adopt animals who are scheduled to die. To date, Mayeda's 1-18-23 report on Bowie's death has not been on the Board's agenda for a full and transparent disclosure to your constituents, and for an opportunity for the public to provide comments. The Board should have taken appropriate action on this report to impose consequences on Mayeda for her false statements and her blame-shifting to rescue groups. You could have demanded that Mayeda produce all emails and correspondence from rescue groups regarding the 21 animals killed at Baldwin Park with Bowie as reported by the LA Times. You should have requested from her all relevant information regarding the deaths of these animals to better understand her routine pound operations and inform the public about the facts that led to these animals' deaths, but instead you have withheld from public scrutiny Mayeda's report on Bowie's death for almost two months and let stand your false characterizations of Bowie's death as "an error."

The Board gave Mayeda 90 days to report back on how she will reduce killings in her seven pounds. Obviously Mayeda cannot be trusted to provide your constituents the truth and facts that we deserve, therefore I recommend that the Board hire Nathan Winograd, founder of the No Kill Advocacy Center, to conduct an independent audit of current LA County pound operations. Nathan can provide the Board within 90 days his recommendations on how LA County can stop killing healthy and treatable animals, comply with state laws for impounded animals while protecting public health and safety. Winograd was a legislative aide to the late Senator Tom Hayden, author of SB 1785 the Hayden Act. Winograd has successfully operated No Kill shelters by collaborating with rescue groups and local communities to save lives.

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<sup>2</sup> Note page 30 on behavior evaluations in the pounds: "Studies show that the methodology used by shelters to evaluate a dog's temperament are unreliable enough to be "[n]o better than flipping a coin." (Patronek, Journal of Veterinary Behavior (May-June 2019) and rescue groups " . . . have far greater resources to determine which dogs have appropriate temperaments for adoption." (Professor Taimie L. Bryant, Statement to NYS Legislature in Support of Oreo's Law (2009).

### C. Past Board Inaction to Implement Animal Control Reform

Like Buffett and Bowie, the animals who are currently in LA County pounds, or who have gone in and out of their doors, cannot tell us what happened to them. It's up to us to ask questions, be their voices, and demand accountability when their suffering and deaths are covered up by those who are supposed to be taking care of them. It's up to us to take action and impose appropriate consequences when they are hurt or killed. However, I am skeptical that you sincerely want true reform to save more lives at LA County pounds. Let me put my cynicism in perspective with a timeline of my experience with this Board:

1) On January 8, 2019, my colleagues and I appeared at the Board meeting to condemn animal control's failure to inspect an unlicensed kennel in Malibu, resulting in most of over 100 cats burning to death in the Woolsey fire as described in the Sacramento Bee article above. No one at animal control, including, Director Mayeda, was ever held accountable for this preventable atrocity. Then-Supervisor Sheila Kuehl informed the other supervisors that she would instruct her staff to meet with us and address our concerns, but they never responded to our multiple inquiries as to how they were addressing our concerns, other than to say that Mayeda would not make herself available to discuss the issues.

2) On January 7, 2020 I appeared at a Board meeting to demand accountability for animal control killing a tame cat named Mr. Pickles after mislabeling him as a feral and putting him in a cage that was in a building off limits to the public (see, [The Killing of Mr. Pickles](#)). Mr. Pickles was a former pet who was surrendered to the Downey pound on November 23, 2019. He wore an orange collar with a bell and let volunteers pet him, even put Mr. Potatohead glasses on him. After his killing was reported in the media, the county and its adoption partner SPCA-LA conducted an investigation that allegedly led to staff put on leave, and later terminated. The Board never investigated Mr. Pickle's death or the alleged retaliation of the whistleblowers who tried to save Mr. Pickles' life.

In the December 20, 2022 Board meeting, Supervisor Hahn misrepresented that the City of Los Angeles (the "City") was working towards No Kill and had a better "save rate" than LA County. For decades, the City has falsely claimed to adopt No Kill programs, but it has never truly implemented all aspects of No Kill that would save more lives, as outlined by the No Kill Advocacy Center: [Defining No Kill](#). No Kill programs are not based solely on live release rates, they are based on not killing healthy and treatable animals and protocols that prioritize saving lives, such as finding animals loving forever homes and returning lost pets to their owners. For almost a decade, the City was subject to a TNR injunction that did not allow LA Animal Services to perform trap\neuter\return programs for community cats ("TNR"), a vital element of any No Kill program to reduce free-roaming cat populations [City of LA Community Cat Program](#). Even after the City finally approved its Environmental Impact Report ("EIR") in December 2020 to terminate the injunction, the City still kills healthy and treatable animals and refuses to impound lost\stray and abandoned tame cats, just like LA County. Supervisor Hahn should do her homework and look behind the City's numbers and ask the right questions, just like the entire Board should thoroughly review Mayeda's reports, ask her the right questions, and impose consequences when she makes false statements and withholds the truth.

### D. Mayeda is Out of Touch with the Board and Its Constituents by Criticizing No Kill

I agree with Supervisor Hahn's statement in the December 22, 2022 Board meeting that Mayeda should be "aiming" for No Kill, but obviously, Hahn doesn't know that Mayeda is a fierce critic of the No Kill movement who makes false claims that equates No Kill with warehousing animals in limited admission shelters ([Mayeda No Kill Animal Warehousing](#)).<sup>3</sup> Up until the pandemic, Mayeda would lament that she had to operate open admission shelters and not turn away any animals, therefore she could not operate a limited admission shelter. Yet today, Mayeda has implemented "Socially Conscious Sheltering" and "Managed Intake" programs, and while she claims to only turn away healthy cats, she in fact turns away all stray\lost\and abandoned cats at all seven of

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<sup>3</sup> Mayeda states in this article that she receives weekly reports of dogs impounded over 20 days. If this is true, then why didn't Mayeda flag Bowie the scared puppy in her Baldwin Park pound for 24 days, and save his life?

her pounds. In my community of Agoura Hills, a lost pet cat is easy prey for wildlife predators such as coyotes, bobcats, and mountain lions, yet residents such as my friend Lauren Garner have been instructed by the Agoura pound staff to put found cats back where they were captured, even if the cat is microchipped. See these photos where desperate people [ABANDONED cats in their carriers](#) in front of the [Agoura Pound](#). I even read accounts in NextDoor that cats in carriers were abandoned in Chumash Park, less than a mile from the Agoura pound. Rescue groups are overburdened taking in the increase of animals abandoned in LA County, yet Mayeda blame-shifts to them for Bowie's death. If Supervisor Hahn is sincere about implementing true No Kill in LA due to Mayeda's failed policies with "Managed Intake" and "Socially Conscious Sheltering," then I am positive Mr. Winograd can provide the Board a go-forward plan to save lives. Winograd has said in the past that LA County Animal Control is "overfunded." Therefore, he may also save the county some of the current \$62 million budget allocated to Mayeda's useless animal control bureaucracy where most of the money is for salaries and benefits.

#### **E. No Requirement to Keep Accurate Records**

Prepandemic, only about 18% of Mayeda's budget was allocated to operate her seven pounds (including providing very limited veterinary services). However, the [FY 2022-23 Budget](#) is probably the best evidence to date of Mayeda's smoke and mirrors because it is incomprehensible, lumping together costs for pound operations with major case law enforcement and administrative functions. We can't tell if money is used to treat animals seized in raids, or if it's used for spay/neuter before an animal is adopted. Mayeda seems to triple dip on spay/neuter costs by referencing these services in three places of her budget (Housing, Medical Services, and Special Enforcement). Despite this glaring ambiguity in Mayeda's current budget, the Board approved \$62 million for animal control, even though it makes no sense on its face as to what are the true costs to operate pounds, carry out law enforcement, spay/neuter impounded animals, or provide their housing, vaccinations and adequate care. Nowhere do we see in Mayeda's budget the costs of the Fatal Plus poison to kill and euthanize animals, or the costs to dispose of their bodies.

Several provisions of the Hayden Act were suspended in 2012 due to state budget cuts leading to the state not able to fund the state mandates required for enforcement. One very important provision, [Food & Agricultural Code Section 32003](#), was repealed altogether. This provision required animal control agencies to keep accurate records. Now it is very easy for animal control agencies to hide the truth and facts from the public because they are no longer required to keep accurate records that show us how an animal was assessed or treated while in the pound. Therefore, animal control agencies can write policies that appear on their face to treat animals with kindness and only allow animals who are irremediably suffering, to be "euthanized," but in fact, they can arbitrarily label a tame cat like Mr. Pickles as "feral" or a scared puppy like Bowie as "aggressive," then kill animals for "Behavior" by labeling them as "unadoptable." Since the animals can't talk and since the pounds don't have to keep accurate records that clearly spell out their assessments that lead to the "unadoptable" label, the public is not able to verify if animal control agencies are truly carrying out their own written policies.

#### **F. Calls to Action**

In summary, I recommend that the Board take the following actions:

- 1) Appoint Nathan Winograd as an independent investigator to make recommendations to save lives in LA County's seven pounds;
- 2) Put Mayeda's January 18, 2023 report on Bowie's death on the next Board agenda to discipline Mayeda for her false claim that no rescue group showed interest to save Bowie;
- 3) Implement the former California Food and Agricultural Code Section 32003 as a county ordinance to require animal control to keep accurate records for all impounded animals, and show which animals were euthanized as "irremediably suffering" and which healthy and treatable animals were killed; also require them

to maintain records of all correspondence with potential adopters and rescue groups interested in adopting animals;

- 4) Require that animal control also keep records of animals turned away, including the finder's or owner's name, contact information, location where animal found, picture of animal, and to record their microchip number in the records;
- 5) Provide finders and owners attempting to leave animals at the pounds with the names and contact information for Adoption Partners who may be willing to take animals refused entry or impoundment;
- 6) Request finders to provides consent to share personal information with anyone looking for their animal that matches the animal's description, and if they decline to provide consent, inform the finder that the agency will contact the finder to return the animal if anyone comes forward looking for an animal that matches the description.

As I have informed former Supervisors Zev Yaroslavsky, Sheila Kuehl and other Supervisors, I am always available to further discuss these issues with anyone who truly wants to restore trust in LA County and implement programs that transform the current seven LA County pounds into true "shelters" and "animal care centers."

Regards,

Rebecca Arvizu