

## Communication from Public

**Name:** Phyllis M. Daugherty, Animal Issues Movement

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**Council File No:** 18-0130

**Comments for Public Posting:** ANIMAL ISSUES MOVEMENT 420 N. Bonnie Brae Street Los Angeles, CA 90026-4925 AnimalIssu@aol.com (213) 413-ADOPT (cell) June 20, 2019 Mayor Eric Garcetti Los Angeles City Council Mike Feuer, City Attorney CF 18-0130 - OPPOSITION TO LOS ANGELES ANIMAL SERVICES MAKING FINDERS OF PETS LEGAL AGENTS OF THE CITY TO KEEP PERSONAL PROPERTY WITHOUT PERMISSION OF OWNER -VIOLATION OF FOURTH AMENDMENT- "ALLOWING COMMUNITY MEMBERS TO CARE FOR FOUND DOGS AND CATS UNDER CERTAIN GUIDELINES" Animal Issues Movement, a CA 501(c)3 not-for-profit animal welfare organization continues its opposition on behalf of pet owners in the Los Angeles to the intent of the L.A. Department of Animal Services to VIOLATE THE FOURTH AMENDMENT by depriving owners the opportunity to easily claim lost property in the custody of a government agency and instead entering into contracts authorizing strangers who find lost animals to retain possession of this personal property without a legal holding period by the agency, as required by State law for transfer of ownership. The City may be aiding and abetting the theft of an animal, where the finder knows the identity of the owner. The City does NOT have the staffing to check on all finders, nor does it have the authority to enter the property in order to resolve conflicts between an owner and finder or forcefully confiscate the animal against the will of the "finder." There is no guarantee that the animal will be kept in a safe manner, have veterinary care and an adequate, healthy diet--all of which are assured in a shelter. There is also no way to assure that an animal will not be injured, mauled or killed by contact with other animals--again, this can be controlled at the shelter by keeping the found animal confined alone until retrieved by the owner or legally made available for adoption. The staff is also provided with an opportunity to observe the health and behavior of the animal and make professional notes and observations to share with potential adopters. These are all part of what the taxpayers are funding---the GM nor the City Council should not intentionally interfere with public health and safety. We believe this is a clear violation of the Fourth Amendment, because the Department of Animal Services and the City are entering into an

agreement to deprive pet owners of the opportunity for which they pay \$45 million per year--which is to be able to have their pet, if found, kept safely at a shelter where it can be visibly located and retrieved. In this proposed ordinance, the City enters in to a contractual relationship with a stranger who has found the pet to encourage them to keep it and "adopt" ( purchase) it from the City after 30 days, although the City has not complied with State law. The State requires that the government agency hold the animal in its possession for the legal "hold" period in order to have the legal ownership right which enables transfer of title. The City is also assuming legal liability for the behavior of both the "finder" and the pet, as a result of making this stranger an "agent" of the City. Any breach of agreement, confrontation or physical altercation in regard to transfer of the pet is the responsibility of the City. This liability becomes a burden on taxpayers in the event of an action which results in the City being financially liable. Under State law, the City CANNOT transfer ownership after 30 days to an item/pet, which it has not made available for the owner to claim during a legal "hold" period at the shelter. SINCE L.A. ANIMAL SERVICES IS REFUSING TO IDENTIFY DOGS/CATS BY APPARENT BREED, OWNERS OF LOST PETS WILL OFTEN NOT BE ABLE TO TELL IF A PET DESCRIBED IN SOMEONE'S HOME IS THEIRS. PHOTOS DO NOT ALWAYS PROVIDE AN ACCURATE PORTRAYAL OF THE ANIMAL. THERE IS NO PENALTY ESTABLISHED IN THIS NEW ORDINANCE TO MANDATE COMPLIANCE BY THE FINDER FOR NOT PROVIDING ANY OF THE REQUESTED INFORMATION OR MAKING THE ANIMAL AVAILABLE TO THE OWNER IN A SAFE MANNER. This will discriminate against low-income pet owners who often do not have the sophistication nor a home computer to search for their pet, and they are the owners most likely to look at the shelters for a lost pet.. This deprivation of property will be a costly mistake by the City and will result in many lawsuits for injuries--both civil and potentially criminal due to the City's obligation for public and animals safety/health under law. We urge the City Council to reject this proposal and demand that L.A. Animal Services does the job for which it is paid. Sincerely, .PHYLLIS M. DAUGHERTY Phyllis M. Daugherty, Director