

EXECUTIVE SUMMARY

of

INVESTIGATION REPORT

For

KITCHENER WATERLOO HUMANE SOCIETY

Mandate

I was retained by the Kitchener Waterloo Humane Society (“KWHS”) to undertake an independent investigation into a complaint concerning the euthanasia of a dog named Hank and issues raised on social media concerning the euthanasia of a dog named Bert. Both dogs were euthanized in August, 2018. In particular, I was requested to:

- a) Examine documents, interview witnesses and take such other steps as deemed appropriate and make findings of fact concerning the interaction between the KWHS and each of Hank and Bert and the steps that led to the decisions to euthanize;
- b) Determine whether, in making the decisions to euthanize, the KWHS followed its euthanasia policy; and
- c) If, and only if there are sufficient facts to do so, provide an opinion as to whether the euthanasia of either Hank or Bert was a reasonable or unreasonable step to take in all of the facts as found.

Process

I was given copies of the KWHS files relating to the two dogs. I was also at liberty to interview witnesses without restriction, as I deemed appropriate. I interviewed nine (9) KWHS employees and two (2) volunteers, as well as the couple who adopted Hank from KWHS March 10, 2016 and surrendered him back to the KWHS on June 21, 2018.

Euthanasia Policy

KWHS’ euthanasia policy is entitled: “*Shelter Operations Policy Statement: No Healthy Adoptable Animal is Euthanized*”. The policy states that KWHS is:

“...dedicated to ensuring no healthy adoptable animal is euthanized thereby increasing the live release rates of pets in its care. This initiative can only be achieved by collective partnership of all departments, organizations and public within the community. It is our mandate to exhaust all efforts before euthanasia is considered. Every animal’s life deserves a conversation.

Euthanasia may be considered as a last resort for unhealthy and untreatable animals i.e.,

- 1. Have a behavioural or temperamental characteristic that poses a health or safety risk or otherwise makes the animal unsuitable for placement as a pet, and are not likely to become “healthy” or “treatable” even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community or,*
- 2. Are suffering from disease, injury, or congenital or hereditary condition that adversely affects the animal’s health or is likely to adversely affect the animal’s health or quality of life in the future, and are not likely to become “healthy” or treatable” even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community.*

The policy identifies the following strategies to meet its mandate:

- fully functioning rescue partnerships*
- dedicated volunteer assistance*
- vibrant foster care program*
- community pet owner retention*
- comprehensive adoption programs – market! market! Market!*
- public relations/community involvement-media support*
- medical & behavior prevention and rehabilitation*
- hard working, compassionate shelter leadership and staff.*

Policy and Procedure Surrounding Dog Surrenders and Adoptions

In the course of my review of these dogs’ files and the policies and practices of KWHS I learned that dogs who are brought to the shelter either as strays or surrendered by their owners undergo assessments to determine pertinent background information (in the case of a surrender) as well as an assessment of the their behaviours known as a “SAFER”. KWHS uses the Safety Assessment for Evaluating Rehoming (“SAFER”) a seven-item progression assessment tool certified by the American Society for Prevention of Cruelty to Animals (“ASPCA”). The tool is used by animal welfare shelters to assess canine aggression and determine which dogs will benefit from some form of behavior modification and to help determine adoptability. KWHS uses the SAFER assessment to identify parameters for dogs in terms of adoptability. The SAFER is performed to ensure

that suitable homes are found for dogs. The assessment is performed as part of KWHS's overall mandate to ensure dogs it places in the community do not present a risk to the public. SAFERs were conducted on both Hank and Bert and behavior modification programs prepared to address the issues identified by the SAFER assessments. Parameters were also identified for both dogs which restricted potential placement based on their behaviours and temperaments. (For example, no other pets in the home or children under 16 years of age)

Similarly, when placing a dog in the community, assessments are done of potential adopters to ensure that the home is suitable and where particular behaviours or temperaments are identified, the parameters are met by the adopters.

KWHS primary goal is to ensure public safety. The assessments of the dogs and of individual adopters play a role in ensuring dogs are not placed into the community where it is unsafe to do so.

Rescue Organizations

I learned that when it is determined that a dog is not adoptable (not safe for public placement) then KWHS will work to place the dog with a rescue agency. I was advised that KWHS only works with reputable registered rescue organizations. Reputable denotes organizations that use positive reinforcements and do not utilize certain techniques such as choke or prong collars.

Hank

Hank was a Mastiff/Mix Brindle stray dog born February 26, 2014. Hank came into the care of KWHS on or about February 26, 2016. On March 10, 2016 Hank was adopted. Those new owners, however returned Hank to the KWHS two years later surrendering him on June 21, 2018.

Upon surrender, the owners completed and signed an "Incoming Dog Profile" form providing many details concerning Hank. That form included a question set out in bold type: **"If this animal should not be considered an adoption candidate due to behavior or medical reasons, would you like to be informed prior to euthanasia? Yes No (Please circle one).** The owner is then prompted to initial the answer. The form reviewed by the Investigator had "No" circled, showed initials where the owner is prompted to do so, and included a handwritten note: "I Do Not agree to him euthanasia!!"

An allegation surfaced during the investigation that the Incoming Dog Profile for Hank was altered after it was initialed: that the "No" was not circled when the form was submitted.

After considering of all the evidence I heard and read, I find that KWHS staff did not alter the notification section of the form by circling the word "NO" and [I] find that "NO" had already been circled when it was provided to KWHS on June 21, 2018."

Upon surrender and a SAFER assessment Hank was identified as a white dog with the following noted on his Behavior Modification Program noted: **“CAUTION: Hank is quite head shy and nervous of touch on his back end. Please go slowly. He is a little funny with other dogs so try to avoid them”**. (White dogs are those that exhibit more challenging behaviors and temperament (resource guarding, jumping up and mouthing; unruly dogs).

I relied upon evidence of numerous incidents reported by volunteers and staff members regarding Hank’s erratic behavior. I also accepted evidence of unsuccessful efforts of the KWHS to place Hank with a Rescue Organization.

Bert

Bert was a black/tan German Shepherd born March 2, 2016. He was a stray brought to KWHS March 1, 2018. A SAFER assessment was performed on March 10. Bert was identified as a white dog. His Behaviour Modification Plan stated: **CAUTION – does not like to go back in kennel. Is Mouthy and can be fearful of men.**

I relied upon evidence of difficult interactions between Bert and staff, in particular getting Bert back into his kennel.

On July 25, 2018 Bert was adopted from the KWHS by a couple reported to have dog training experience. On August 10 the adopters returned Bert to the KWHS. The adopters reported they could no longer deal with him. I accepted evidence that rescue agencies approached could not take Bert.

In making the Decisions to Euthanize the KWHS followed its Euthanasia Policy

I find that KWHS did follow its Euthanasia Policy in its handling of Hank and Bert. I find that there were conversations amongst a cross section of staff including those who interacted with the dogs daily. These were not arbitrary decisions or decisions made by any one person. When Hank’s behaviours became increasingly unpredictable direction was given to determine if there was an underlying medical reason to explain it.

The policy states that euthanasia may be considered as a last resort for unhealthy or untreatable animals. An untreatable animal is defined by the policy as an animal that has “behavioural or temperamental characteristic that poses a health or safety risk or otherwise makes the animal unsuitable for placement as a pet”. I find that Hank and Bert consistent with the policy, either posed a health and safety risk or were otherwise not suitable for placement as a pet. But the policy requires more, even where an animal may be unhealthy or untreatable KWHS must be satisfied that it would not be likely that the animal would become “healthy” or “treatable” even if provided the care typically provided to pets by reasonable and caring pet owners/guardians in the community.” I find that KWHS reviewed the circumstances of Hank and Bert carefully and came to the conclusion that these dogs had reached a point where from an adoptability perspective

were incapable of becoming treatable or healthy using a standard of “the care typically provided to pets by reasonable and caring pet owners/guardians in the community”. In the case of Bert, where the adopters had clear dog training experience, he was returned within 15 days because they could not provide a home that could deal with his behaviours.

The Euthanasia of Both Dogs were Reasonable Steps to Take

Hank was seen as a risk to be put back in the public and given his behaviours the staff I spoke with agreed that euthanasia was the right decision where no rescue agency had been found to take him. There was less of a consensus about Bert who did not have the same unpredictable and aggressive behavior as Hank.

Having said that, many staff spoke about the stress experienced by animals in the shelter system and particularly the negative impact of confinement in small spaces with larger dogs and how that can change a dog’s behavior. I was told that ideally dogs will come in and are adopted within 1 to 2 months. I was told that the longer a dog stays in a shelter environment the danger of an increase in aggressive behaviour and the more difficult it becomes to modify that behaviour so that they can be placed for adoption.

The decision to euthanize is not made hastily. These decisions are hard on staff who work with the animals and develop attachments to them.

In my view much of the controversy over these decisions was sparked by commentary on social media that there were suitable adopters/rescues for Hank and Bert at the time the decision to euthanize was made. I find that this is simply false.

In the period June 21 to August 22 no one came forward and completed an adoption survey or checklist for Hank. During the period March 2 to August 27, 2018 while various people met Bert and expressed interest, only one family followed through.

Bert was returned within fifteen days of his adoption. Likely due to the circumstances of his abrupt return an Incoming Dog Profile was not completed. Staff acknowledged that this was an oversight and it ought to have been done. Staff also identified that a SAFER assessment was not performed and ought to have been. Staff pointed out, however, specific information had in fact been communicated regarding Bert’s behaviours which included the following:

- a. he had destroyed their house;
- b. he was possessive of the male adopter and would not allow the adopter couple to be close;
- c. he nipped and mouthed the female adopter;
- d. he was aggressive and would not allow visitors with kids enter their house;
- e. the owners were desperate to return Bert as they could no longer deal with him.

This was the experience of owners who had dog training experience.

I was told by staff with the information provided by the prior owner it would not have been appropriate to put Bert back up for adoption. But for the 15 days that Bert was with the adopter couple, he had been in the shelter for over 5 ½ months. Within fifteen days of adoption Bert was returned and information provided of hostile and aggressive behavior.

KWHS has established criteria for the rescue partners they work with. They must be reputable and registered. I find that reasonable efforts were made to place Hank and Bert with rescue agencies but none could take them.

I heard throughout the interviews that KWHS had a lack of resources to properly address the behaviours of Hank and Bert from a behaviour modification perspective. I was told repeatedly that the lack of resources is not a reference to space and that a dog would not be euthanized simply for a lack of space. KWHS does not have a dedicated dog trainer. I cannot speak to whether this is normal within the SPCA system and am not going to comment. KWHS did have a dog trainer, as a volunteer for a couple months in the spring and summer to work with the dogs.

While I have identified certain irregularities (failure to complete an Incoming Dog Profile or SAFER assessment for Bert when he was returned) and factors surrounding changes in personnel and the timing of certain staff vacations, I do not find that they resulted in any failure in the decision-making process. I want to note that the Euthanasia Policy identifies as a strategy a vibrant foster program. The information I received during the investigation was that there were no foster homes for dogs and that the program is in a rebuilding phase. I cannot comment on whether that would have made a difference in this instance. I also understand that in the past it was not a practice of KWHS to reach out to other OSPCA shelters in these instances as many do not have canine behaviouralists on staff and have fewer resources for these issues and would not have accepted dogs like Hank or Bert.

Given all the facts as found in this report the decision to euthanize Hank and Bert was a reasonable step and consistent with KWHS policy.

Recommendations

In my opinion Hank's owners misunderstood the function of KWHS. In addition, and notwithstanding the language in the Incoming Dog Profile or the Surrender and Release Form, they seem to have been genuinely surprised that it was possible that Hank would be euthanized.

In the circumstances KWHS may want to consider changing the Incoming Dog Profile given the findings in this report. I recommend consideration of the following:

- A form which is more clearly readable with more space in between different subject headings/topics;

- A date and signing line at the end of the document for both staff and the owner;
- There should be a clear separation and demarcation of any content relating to euthanasia;
- The euthanasia section should be initialed by the owner and set out that the owner understands: they are relinquishing ownership of the dog; all decisions pertaining to the dog will now be made by KWHS; the possibility that a decision may be made to euthanize and if that decision is made do they want to be notified.”

Dated: November 5, 2018

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