

October 3, 2021

To Whom It May Concern,

A group of Pets In Need staff would like to share this letter, written to the Board of Directors, outlining the death of 7 puppies during a negligent transport run from Selma, Madera, and surrounding areas. This letter was not written with the intention being insubordinate or dictating firings but to shed light on an event that was covered up by the Executive Director of Pets In Need. It is politely requested that this letter is read through to fully understand exactly what happened to the 7 puppies.

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August 9, 2021

To President Rob Kalman and the Pets In Need Board of Directors,

As you have been informed, on the afternoon of Monday, August 2nd, three Pets In Need staff members embarked on a rescue run to the Central Valley. The goal of this was to bring back 28 animals to the Palo Alto and Redwood City shelters, yet tragically seven puppies died enroute. We are writing to report in good faith the whole story from our experience and expertise, which shows a series of simple, obvious, and preventable mistakes led to the death of these puppies.

The transport team, along with medical, shelter, and kennel managers meet in a weekly “intake meeting” to plan how many animals each shelter can accommodate. The shelter operations managers contact partner shelters to get a rough estimate of which animals they will be intaking. The final decision on many animals is up to Maggie Evans, the behavior manager, as she evaluates the animal’s behavior and determines whether or not Pets In Need can meet that animal’s needs. After this, the rescue run is planned around the estimate of the number of animals being transported – for this run, 20 animals were approved.

Pets In Need uses two vans to transport animals from partner shelters to Palo Alto and Redwood City. Van A is smaller, accommodating approximately 15 crates in a wooden shelving unit with minimal air conditioning that is only effective in the front of the vehicle. Van B is much larger with a 25-crate capacity, including room for extra-large crates, and dedicated climate control in both the front and cargo areas of the vehicle. Van A has poor air circulation and does not cool the cargo area effectively, which is a critical shortcoming when traveling to and from the Central Valley, where temperatures routinely reach or exceed the mid-90’s. Driving time from the Central Valley back to the Bay Area can range anywhere from four to six hours depending on traffic, number of stops, etc. Animals must be kept comfortable, cool, and hydrated during

transport. The staff performing the rescue run still chose to utilize Van A while fully aware of its ventilation issues and took no measures to ensure the safety of the animals onboard the van that afternoon.

The decision regarding which van to take appears to have been made based on accommodating the number of human passengers going on the rescue run and their comfort, rather than the well-being of the transported animals. The following staff attended this rescue run: Patty Santana (Redwood City shelter operations manager), Maggie Evans (behavior manager), and Ingrid Hartmann (HR manager). It is highly unusual for a third person to attend a rescue run, let alone HR staff. With the extreme temperatures of the Central Valley and the large number of animals to be transported, the transport team should have taken the larger van on a rescue run of this nature. Instead, the Van A was chosen because it contains two rows of seats, unlike Van B, which can accommodate only the driver and one passenger. This was the first of many avoidable mistakes made throughout the day.

The seven animals that died were 10-week-old large breed puppies weighing between 10 and 15 lbs. When the transport team first encountered the puppies, they were covered in vomit and diarrhea after having been transported from a previous location. It was noted that the puppies did not look to be in good health, but the transport team decided to take them anyway without contacting the Palo Alto Medical Director. This violates the intake policy that all medical cases must be approved by the attending Medical Director/Veterinarian at the location where the animals are to be housed. The van was already close to maximum capacity, with all 14 secured crates full, some crates housing two to three animals and one small crate placed in a passenger seat. This left a single medium-sized crate (30" L x 18" W x 22.5" H) in which the transport team packed all seven puppies. Crates of this size have a maximum weight capacity of 40 lbs., but this crate held over 70 lbs. It provided no room for the puppies to lie down or even turn around without stepping on each other. This kennel was placed on the floor of the van, directly behind Ms. Hartmann's seat, not in a designated kennel space. The crate was shrouded in a towel to "protect the other animals from potential disease," completely blocking what little airflow that was able to reach the back of the van and leaving the puppies with minimal ventilation.

During the four-plus-hour drive, none of the 28 animals were ever given water or allowed time out of their kennels, which violates the Guidelines for Standards of Care in Animal Shelters. The staff noted that the seven puppies had vomited and experienced diarrhea, yet nothing was done about this during the trip. These seven puppies died from neglect during transport: they were stiff to the touch but still hot, indicating they suffered fatal hyperthermia, also known as heat stroke. All 21 of the surviving animals were dehydrated and exhibiting signs of heat stroke as well.

The Humane Society of the United States defines animal neglect as "situations ... in which the animal's caretaker or owner fails to provide food, water, shelter or veterinary care sufficient for survival." These seven puppies died horrible, painful, slow deaths. There was no air, no room to move, and no way to escape. They had to witness their siblings suffer and die before they themselves finally succumbed. And even worse, none of this had to happen and could easily

have been prevented by utilizing the van with adequate space and climate control required to keep animals comfortable, declining to overload the van with too many animals, refusing to take animals that were in visibly poor health and may be contagious, and providing water during the long drive.

In the aftermath, an Animal Control officer witnessed the bodies and opened a police report to investigate this incident. A Palo Alto Police officer was on site at the Palo Alto location and interviewed all parties involved. The active case will be documenting and processing the bodies of the seven puppies to determine an official cause of death, if possible. The response from Pets In Need's leadership is appalling. The Executive Director, Al Mollica, has made it clear that there will not be consequences for the neglect that took place during this run, and there will be no accountability or designating of responsibility. He is aware animals have died previously in transit and discussed this with staff individually, but he is telling staff in emails and large meetings that it has never happened before. He has openly stated that this cannot be blamed on anyone, that he is furious that the police have become involved, and it was not the place of Animal Control to get involved in the first place. Instead of Executive Director Mollica holding staff accountable for this completely preventable incident, he has been combative and dismissive of the entire event. He wants to deal with this tragedy internally, even though it involved a severe case of incompetence and neglect. The information he is dispensing to the rest of the staff is full of half-truths: he told the police officer the "new" Guidelines for Standards of Care in Animal Shelters would be implemented (it has been a Pets In Need protocol for years), he is only sharing minimal and incomplete information, and he is redirecting the conversation by suggesting worms or vaccine reactions as a cause of death instead of acknowledging the likely heat stroke all of the animals suffered through and seven died from. For the staff who witnessed this event, it is painful to have misinformation spread throughout the organization. The lack of effective leadership and clear accountability by the Executive Director creates the opportunity for something this abhorrent to happen again.

We respectfully request the following three actions: (1) that all safety protocols be updated by appropriately trained professionals; (2) the transport team members be held accountable; and (3) the Executive Director be held accountable for failing to uphold the standards of Pets in Need in response to this situation. We believe the Board of Directors can ensure this situation is treated with the respect and gravity it deserves.

As shelter workers, we strongly believe that it is our duty to advocate for those who do not have a voice. These seven puppies had no way to express their pain and suffering, but the transport team saw clear signs of distress through the vomiting, diarrhea, and overcrowding of the puppies into a small crate with no air flow. They died slowly surrounded by their equally agonized siblings. We care about Pets In Need and believe in the mission to save the lives of animals in need and shelter them until they reach their forever homes. This was a blatant disregard for sentient life and the antithesis of what Pets In Need or animal rescue and advocacy is about.

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Since writing this letter, the staff that supported this letter have experienced retaliation by threat of having promotions, raises, and overtime blocked, by increased upper management surveillance, and by being given the “silent treatment” by our executives. The staff stand strongly by this letter and the pursuit of justice for 7 young puppies that did not deserve to die in such an agonizing way. In addition to promising cooperation with the police, District Attorney, and any other investigative entity, we have conducted research and found the following California penal codes that were violated during this transport:

597. (a) Except as provided in subdivision (c) of this section or Section 599c, every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable pursuant to subdivision (d).

(b) Except as otherwise provided in subdivision (a) or (c), **every person who** overdrives, overloads, drives when overloaded, overworks, tortures, torments, **deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter,** or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, **subjects any animal to needless suffering,** or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or **fails to provide the animal with proper food, drink, or shelter or protection from the weather,** or who drives, rides, or otherwise uses the animal when unfit for labor, is, for each offense, **guilty of a crime punishable pursuant to subdivision (d).**

(d) A violation of subdivision (a), (b), or (c) is punishable as a felony by imprisonment pursuant to subdivision (h) of Section 1170, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment, or alternatively, as a misdemeanor by imprisonment in a county jail for not more than one year, or by a fine of not more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment.

597.1 (a) (1) Every owner, driver, or keeper of any animal who permits the animal to be in any building, enclosure, lane, street, square, or lot of any city, county, city and county, or judicial district without proper care and attention is guilty of a misdemeanor.

597a. Whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhuman manner, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor; and whenever any such person is taken into custody therefor by any officer, such officer must take charge of such vehicle and its contents, together with the horse or team attached to such vehicle, and deposit the same in some place of custody; and any necessary expense incurred for taking care of and keeping the same, is a lien thereon, to be paid before the same can be lawfully recovered; and if such expense, or any part thereof, remains unpaid, it may be recovered, by the person incurring the same, of the owner of such domestic animal, in an action therefor.

(Added by Stats. 1905, Ch. 519.)

597e. Any person who impounds, or causes to be impounded in any animal shelter, any domestic animal, shall supply it during confinement with a sufficient quantity of good and wholesome food and water, and in default thereof, is guilty of a misdemeanor. In case any domestic animal is at any time so impounded and continues to be without necessary food and water for more than 12 consecutive hours, it is lawful for any person, from time to time, as may be deemed necessary, to enter into and upon any animal shelter in which the animal is confined, and supply it with necessary food and water so long as it remains so confined. That person is not liable for the entry and may collect the reasonable cost of the food and water from the owner of the animal, and the animal is subject to enforcement of a money judgment for the reasonable cost of food and water.

(Amended by Stats. 2019, Ch. 7, Sec. 21. (AB 1553) Effective January 1, 2020.)

597f. (a) Every owner, driver, or possessor of any animal, who permits the animal to be in any building, enclosure, lane, street, square, or lot, of any city, city and county, or judicial district, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, officer of the humane society, or officer of an animal shelter or animal regulation department of a public agency, to take possession of the animal so abandoned or neglected and care for the animal until it is redeemed by the owner or claimant, and the cost of caring for the animal shall be a lien on the animal until the charges are paid. Every sick, disabled, infirm, or crippled animal, except a dog or cat, which shall be abandoned in any city, city and county, or judicial district, may, if after due search no owner can be found therefore, be humanely euthanized by the officer; and it shall be the duty of all peace officers, an officer of that society, or officer of an animal shelter or animal regulation department of a public agency to cause the animal to be humanely euthanized on information of that abandonment. The officer may likewise take charge of any animal, including a dog or cat, that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if the animal is not then in the custody of its owner, the officer shall give notice thereof to the owner, if known, and may provide suitable care for the animal until it is deemed to be in a suitable condition to be delivered to the owner, and any necessary expenses which may be incurred for taking care of and keeping the animal shall be a lien thereon, to be paid before the animal can be lawfully recovered.