

*T.M. Flores, JD*

## **OPTIONS + RESOLUTIONS**

INVESTIGATIONS / TRAINING / COMPLIANCE / HR

PROMPT RESPONSES FOR BETTER OUTCOMES.

### **SMALL ANIMAL TRANSFER REPORT**

#### **Executive Summary**

**November 29, 2023**

#### **Introduction**

This report presents the findings of the investigation into the small animal transfer incident that occurred on August 7, 2023.

On August 31, the Humane Society of Southern Arizona (HSSA) Board of Directors became aware of a transfer of over 300 small animals, originally from the San Diego Humane Society (SDHS), from HSSA to a purported rescue group in Maricopa County.

The Board later became aware of serious concerns regarding the small animals and their fate through the efforts of HSSA staff and community members, as well as escalating allegations against HSSA, its CEO, Steve Farley, and the COO, Christian Gonzalez.

On September 26, the Board resolved to hire an independent outside party to investigate the allegations and concerns. This investigator was retained on that same date.

#### **Scope**

This investigation was commissioned as an internal workplace investigation into HSSA's decision to accept a July 2023 request from SDHS to assist with the adoptive placement of a large number of small animals. The scope of this investigation also focused on determining the timeline and sources of relevant decisions, and to uncover the details of HSSA staff knowledge, and actions related to it.

To clarify, this was an employer-driven workplace investigation intended to follow the facts in an effort to determine the fate of the small animals. This was not a criminal investigation, which involves trained and certified members of law

enforcement and those conducted by licensed, private investigators. Employer-driven investigations are established by organizational policy and procedure related to the employer/employee relationship.

## **Investigation Process**

The investigation intake began immediately after September 26, and continued through November 11, 2023. Over 63 hours of interviews and documents review were completed before the report was first sent to the full Board for its consideration on November 22. On November 28 the investigator discussed the report and answered the Board's questions during its monthly meeting and while in Executive Session.

There were 17 interviews conducted. Those interviewed included the CEO and COO of both HSSA and SDHS, as well as staff, volunteers, community members, and Colten Jones. Some individuals were interviewed multiple times based on information received from other sources. Members of the public were encouraged to reach out with any information that would help the investigation. Interviews were conducted by Zoom, telephone, email, and via text messaging.

## **Timeline Summary**

- On or about July 10, 2023, a request was made by SDHS to HSSA for the transfer of a large number of small pets including rats, rabbits and guinea pigs.
- HSSA's COO confirmed HSSA would accept the transfer, noting he had reached out to "rescues," and noting a "rescue" had agreed to accept the animals.
- HSSA's former CEO knew of the transfer no later than July 26 in correspondence that occurred between him and the SDHS CEO.
- The exact number of animals received by HSSA on Aug. 7, 2023, shifted from time to time, but SDHS verified the number sent was 323. HSSA did not count the animals upon their arrival in Tucson.
- On or about August 28, HSSA's COO names Trevor Jones and the Chiricahua Livestock and Animal Rescue as the rescue that received the small animals as part of the transfer.
- On August 31, HSSA's former CEO informed the HSSA Board of the transfer, indicating the animals were safe and that there was nothing for the Board to worry about.
- On September 1 & 2, HSSA picked up 62 remaining animals from Apache Junction and processed their intake into the HSSA system.

- Over the next few weeks, the Board began receiving communications from concerned employees and citizens, and it requested all relevant information from HSSA management.
- Due to the growing concerns expressed in the public and by employees, the Board directed the commencement of an investigation into the small animal transfer during its Sept. 26 board meeting.
- On Sept. 29, the Board is made aware of Colten Jones and the Fertile Turtle. An emergency board meeting is called during which the CEO and COO were questioned and thereafter suspended.
- After a preliminary report to the Board by the investigator on Oct. 4, the former CEO's employment was terminated and the former COO's resignation was accepted.
- On Sept. 29, the first of a series of text messages were sent to Colten Jones requesting information on whether the animals were safe. On October 1, he shared a handful of photos in his next text message, showing guinea pigs and rabbits being held by different individuals, based on their clothes and other indicators, but no written verification was provided that supported they were the animals that were transferred to him, or that they were adopted.
- Colten Jones denies animals were turned into animal feed. A text message uncovered by a KVOA reporter discredits this claim.
- The investigation continued for several weeks and concluded on Nov. 11<sup>th</sup>.

### **Investigation Conclusions**

- Documents and testimony supported Gonzalez was the sole organizer of the small animal transfer and made the specific decision to transfer the animals to Colten Jones.
- Farley was aware of the transfer well before it happened and voiced his support for it. Farley did not know beforehand that the animals would be sent to Colten Jones.
- SDHS reasonably believed Gonzalez would tap into HSSA's network, using various community resources and groups, to adopt out the small animals. SDHS had no meaningful reason to believe the small animals would be transferred to only one rescue, much less to Colten Jones.
- Although there was some doubt regarding the total number of animals involved in the transfer, SDHS has confirmed that the number was 323 – this is the most

accurate number available, as HSSA did not count the animals upon their arrival in Tucson, and there is no reason to doubt the SDHS records and information.

- While no definitive evidence was found that Gonzalez or HSSA knew Colten Jones intended to freeze the small animals for sale at a reptile show, the text message discovered by KVOA investigative reporter Chorus Nylander creates a reasonable belief Jones may have used some of the animals for those purposes.

## **Summary**

This incident was the result of a failure of leadership to conduct due diligence in exploring and understanding the magnitude of accepting such an unusually large animal transfer from a sister rescue organization. It also suffered from a lack of communication, assumptions on what was being asked of the team, and the absence of the CEO in directly managing such an undertaking. Furthermore, policies were either side-stepped or ignored, and proper research into what rescues HSSA works with was not done.

It is also worth noting that the environment and culture at HSSA, as established by the former CEO, fostered a sense of “get it done” in how directives were carried out, with the former COO having a history of doing just that and assuming that was the directive in this instance.

Finally, employees feared for their jobs, having been told that if they didn’t bring intake numbers up cuts might be possible. This working environment can lead to taking short cuts and not following protocols.

Based on this investigation, the following recommendations are presented to the Board to build an infrastructure that will ensure this and other incidents are avoided in the future.

## **Recommendations to the Board**

The Board recommendations provided by the investigator include:

1. **Update and Improve HSSA Policies and Practice:** Comprehensive review and redrafting of policy around animal transfer to qualified rescues, including defining minimum acceptable standards for qualification as a rescue; data collection; prohibition on sharing outside of the organization; communication channels; and decision-making checks and balances.
2. **Set New Standard for Comprehensive Staff Literacy:** All staff training on appropriate shelter practices and standards to create baseline

- understanding of shelter practices as supported by national standards and licensing requirements to foster literacy and reinforce culture and practice.
3. **Improve Control Over Data:** Address database security, even in the new system that is in the process of implementation and retrain all staff on their obligations as staff members to keep internal information confidential, keep accurate information in the database, and to follow all HSSA policies for accessing confidential and proprietary information.
  4. **Informed Recruitment for Next CEO:** Board consideration of staff requests to be included in the recruitment process for both the new CEO and the new Programs Director, from the beginning, and to require prior animal shelter experience as a minimum qualification. An optimal choice would be one member of the medical staff and one member of the shelter staff from both intake and adoptions.
  5. **Change HSSA Policy for Staff Concerns Reporting:** Redraft HSSA employee policy manual to include an allowance and protection for staff to go directly to the Board when concerns arise related to the CEO or the welfare of the organization.
  6. **Improve Board Literacy:** Board training on HSSA updated/improved policies around intake, adoptions, transfers and partner organizations, for their own literacy and for informed performance management of the CEO.
  7. **Improve Board Oversight:** Board development of a template for the CEO report to the Board during each Board meeting, where minimum standards for information and updates are established and practiced on a regular and ongoing basis.