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SENT VIA MAIL & EMAIL

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Front Street Animal Shelter
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Director Phillip Zimmerman
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**Re: Notice to the City of Sacramento, Animal Care Services, and Front Street
Animal Shelter Re Animal Welfare Violations; Demand for Immediate
Corrective Action**

To Whom It May Concern:

Please be advised that our office, Ryther Law Group, LLP, has been retained by Elk Grove Cat Rescue and NorCal Bully Breed Rescue. Having been formally notified of our representation, we ask that you direct all correspondence related to this matter and/or our clients to our office.

Our firm, Ryther Law Group, LLP, is an animal rights law firm and focuses solely on cases that advance the rights of animals. Our sister nonprofit, Expand Animal Rights Now (“EARN”), offers pro bono and low bono services to protect and advance the rights of animals. In addition to our representation of our clients, we too have a compelling interest in protecting animals in the state of California.

As a result of your actions and inactions, our clients have had to expend resources that could otherwise be used on other animal welfare matters.

This letter serves as formal notice of the City of Sacramento’s repeated violations of state laws concerning animal welfare, and we demand immediate corrective action.

The City’s own Performance Audit of the Animal Care Services Division (April 14, 2025) placed Sacramento on clear notice of systemic operational failures and legal risk. The audit identified deficiencies requiring immediate corrective action, including failures related to intake management, lack of documented and consistently applied Standard Operating Procedures (SOPs), oversight gaps, transparency failures, and inadequate veterinary and spay/neuter capacity.

Critically, the audit discusses the City’s reliance on “managed intake” and “community sheltering” strategies and warns that these approaches can conflict with California law, increase abandonment, and expose the City to legal liability. The audit further flags emerging legal risk from similar practices challenged in other California jurisdictions.

Despite these findings and recommendations, Front Street has failed to implement required SOPs in a timely and effective manner. This failure has directly contributed to a cascade of foreseeable and preventable harms, including but not limited to mismanaged foster programs, inconsistent and unlawful intake practices, mass euthanasia of adoptable and treatable animals, and incomplete disease prevention and control protocols.

The audit expressly recommended the development and implementation of clear, standardized, and law-compliant operating procedures. Front Street’s ongoing failure to do so has caused a myriad of serious problems, including:

- Mismanaged foster and foster-to-adopt programs, resulting in prolonged legal custody of animals, lack of timely sterilization and vaccination, and loss of accountability;
- Incomplete, inconsistent, or poorly enforced disease prevention and biosecurity protocols, leading to unprecedented disease outbreaks within the shelter population;
- Reactive “shutdown” responses to disease outbreaks that include turning animals away in violation of law, rather than lawful intake with proper isolation and treatment;
- Mass euthanasia of animals with treatable conditions, driven by operational failure rather than medical necessity; and,

- Lack of transparency, recordkeeping, and public reporting, impeding oversight and accountability.

The Audit confirmed and our clients have gathered evidence that the City of Sacramento has engaged in the following unlawful practices:

1. Unlawful Refusal and Deflection of Stray Animals:

California law imposes mandatory intake duties on local public agencies. Civil Code section 1816(a) provides: “A public agency or shelter with whom an abandoned animal is deposited in the manner described in Section 1815 is bound to take charge of it, as provided in Section 597.1 of the Penal Code.” In turn, Penal Code section 597.1 states that animal control officers (and other authorized officers) shall take possession of stray and abandoned animals. Food & Agric. Code section 31754 further explains that owner-relinquished animals are to be treated the same as strays.

The City of Sacramento has engaged in the unlawful refusal or deflection of stray animals—particularly cats and kittens—through so-called “managed intake,” “capacity of care,” appointment-only intake, “community sheltering,” “return-to-field,” and similar schemes that function to reduce intake numbers while shifting legal responsibility and risk into the community.

By way of example only, some of the many cats for whom Elk Grove Cat Rescue has cared—and who were turned away by Front Street—are included below.





The law is not discretionary. Industry trends, vendor or academic “best practices,” staffing constraints, or facility limitations do not excuse noncompliance with mandatory statutory and municipal duties.

In other words, Front Street has no lawful authority to refuse or deflect stray animals, including cats and kittens, based on capacity of care, appointment availability, or managed intake policies. State law and Sacramento municipal ordinances (particularly § 9.44.070) impose mandatory duties—using the term “shall”—requiring animal control officers to take up, impound, and provide care for stray and abandoned animals.

Sacramento’s practice of instructing the public to leave animals in the field, post them online, or wait indefinitely for an appointment effectively abandons domesticated animals to their fate, shifts legal responsibility to residents, and undermines public health, safety, and animal welfare. Reducing intake numbers by pushing animals out of sight and out of mind does not solve overpopulation; it merely displaces it into the community.

Again, turning animals away because of conditions created by the City’s own operational failures is not lawful. Capacity constraints caused by failure to plan, staff, fund, or implement required procedures cannot be used to justify refusal of mandatory animal control and sheltering duties.

2. Violation of the Spay and Neuter Laws:

According to California law, dogs and cats are to be spayed or neutered before being released for adoption by public animal control agencies or shelters, humane societies, SPCAs, and rescue groups, subject only to narrow veterinarian-certified health exceptions that require a sterilization deposit and written agreement. (See Food & Agric. Code §§ 30503, 30520 (dogs) and §§ 31751.3, 31760 (cats).) Where animals are offered for adoption through pet store display space or similar

retail venues, Health & Safety Code section 122354.5 restricts displays to sterilized animals, including rabbits.

Our clients have evidence that your foster to adopt program has violated state spay neuter requirements.

3. Violation of the Hayden Act by Euthanizing Healthy, Adoptable Animals:

Food and Agricultural Code section 31108(b)(1) provides:

Except as provided in Section 17006, **a stray dog that is impounded pursuant to this division shall, before the euthanasia of that animal, be released to a nonprofit**, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue, or adoption organization if requested by the organization before the scheduled euthanasia of that animal. The public or private shelter may enter into cooperative agreements with an animal rescue or adoption organization. In addition to a required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released.

The above, commonly referred to as the Hayden Act, requires shelters to release animals to 501(c)(3) organizations.

This duty is non-discretionary; “shall” is mandatory. The narrow statutory exception relevant to release is where the animal is “irremediably suffering from a serious illness or severe injury.” (Food & Agric. Code § 17006.)

Policies that condition rescue release on “partner” status, impose multi-week approval delays, or otherwise create non-statutory barriers that defeat timely release are unlawful. (See, for instance, *Santa Paula Animal Rescue Center, Inc. et al. v. County of Los Angeles* (2023) 313 Cal. Rptr. 3d 566, reh’g denied (Oct. 16, 2023), review denied (Dec. 13, 2023).)

Further, Penal Code 599d states:

(a) **It is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home.** Adoptable animals include only those animals eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal’s health in the future.

(b) **It is the policy of the state that no treatable animal should be euthanized.** A treatable animal shall include any animal that is not adoptable but that could become adoptable with reasonable efforts. This subdivision, by itself, shall not be the basis of liability for damages regarding euthanasia.

(Emphasis added.)

We are aware of numerous instances where the City euthanized adoptable or treatable animals, as well as incidents of euthanizing dogs despite rescue interest, in violation of the Hayden Act.

It is worth noting too that public agencies and their employees may not retaliate against volunteers, rescuers, fosters, or members of the public for engaging in constitutionally protected speech or petitioning activity about shelter conditions or legal compliance. Threats or actions that suspend volunteer access, adoption/rescue privileges, or impose bans as punishment for speaking out can chill protected activity and may be actionable as First Amendment retaliation under 42 U.S.C. § 1983.

We have been advised of retaliation against volunteers having occurred for speaking honestly about their concerns. This is unacceptable.

4. Neglect and Grossly Negligent Conduct (including violations of Civil Code §§ 1834 and 1846):

California Civil Code section 1834 provides: “A depositary of living animals **shall provide the animals with necessary and prompt veterinary care, nutrition, and shelter, and treat them kindly**. Any depositary that fails to perform these duties may be liable for civil damages as provided by law.” (Emphasis added.)

Further, Civil Code section 1846 states in part:

(a) A gratuitous depositary **must use, at least, slight care** for the preservation of the thing deposited.

(b) A gratuitous depositary of a living animal shall provide the animal with **necessary and prompt veterinary care, adequate nutrition and water, and shelter, and shall treat it humanely** and, if the animal has any identification, make reasonable attempts to notify the owner of the animal’s location. Any gratuitous depositary that does not have sufficient resources or desire to provide that care shall promptly turn the animal over to an appropriate care facility. ...

(Emphasis added.)

And California Penal Code section 597 expressly provides that:

(a) Except as provided in subdivision (c) of this section or Section 599c, a 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), a person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills an animal, or causes

or procures an 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 an animal, either as owner or otherwise, **subjects an animal to needless suffering, or inflicts unnecessary cruelty upon the animal**, or in any manner abuses an 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). ...

(Emphasis added.)

By way of example only, in addition the failures noted in the aforementioned audit, our clients have obtained substantial evidence of inhumane shelter conditions and lack of prompt veterinary care being provided.

Indeed, the conduct is so egregious that it may in fact be criminal.

Demand for Corrective Action

Before seeking judicial intervention, we are first bringing this matter to you and ask that you take action to protect animals in your jurisdiction. As such, effective immediately, we demand the City of Sacramento and Front Street Animal Shelter cease and desist the following practices:

1. Refusing, turning away, delaying, or deflecting intake of stray animals, including cats and kittens;
2. Using managed intake, capacity-of-care, or similar policies to evade mandatory state and municipal duties;
3. Turning animals away in response to disease outbreaks caused or exacerbated by incomplete or unimplemented disease prevention protocols;
4. Euthanizing adoptable or treatable animals due to operational failures rather than medical necessity; and,
5. Operating foster, foster-to-adopt, or field-based programs without timely sterilization, vaccination, medical care, and documented follow-up.

We believe obtaining an agreement to the above relatively simple protocols would show good faith on behalf of the City.

Preservation of Evidence

You are hereby on notice that we demand you take action to preserve all evidence potentially relevant to the above matters, and to prevent the intentional or accidental deletion or spoliation of any evidence; including, but not limited to:

- Intake logs, appointment/turn-away records, stray-hold calculations, and disposition outcomes;
- Internal communications regarding reduced/managed intake, turn-aways, rescue access, euthanasia criteria, and shelter conditions;
- Euthanasia logs, supporting determinations, and behavioral/medical assessments;
- Medical/veterinary records, treatment logs, vaccination logs, and medication administration records;
- Rescue communications, transfer requests, denials, and reasons;
- Volunteer, foster, and rescue partner files and communications, including bans/suspensions, trespass notices, partner-status decisions, do-not-release flags, complaint files, and internal discussions referencing critics or whistleblowers;
- Capacity reports, kennel counts, population management policies, and emergency overflow procedures;
- Photographs, videos, and surveillance footage related to animal housing, treatment areas, and intake/holding spaces.

There is evidence that we believe you have or hold which is pertinent to the case and is thus deemed to be under your control. And therefore, the litigation hold for all evidence and electronically stored information (“ESI”) shall apply to you. You are required to maintain and preserve any and all evidence and/or ESI on all computers, tablets, flash drives, CD Rom discs, handheld devices, smartphones, and/or any other media, whether digital or non-digital. Even more specifically, the ESI to be preserved includes, but is not limited to, all “Writings” as defined by California Evidence Code section 250, which states:

“Writing” means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

We hereby request that this demand to preserve all evidence take place immediately, and that all individuals and/or entities who may have access to evidence and/or ESI be further informed to this request, of which you are now officially on notice. Failure to comply with this request could result in seeking sanctions, costs, attorney’s fees, and/or adverse inference jury instruction(s), as well as any other remedies that may be available under the law.

Further, **within ten (10) calendar days of receipt of this notice**, we demand that the City provide written confirmation and documentation demonstrating:

- Immediate acceptance of all stray animals presented for impound;
- Announce prominently on your website, social media, and via 311 that you will accept all stray animals immediately and going forward;
- Implementation and publication of lawful, standardized SOPs governing intake, disease prevention, foster programs, and euthanasia decision-making;

- A concrete plan and timeline to address spay/neuter backlogs and veterinary capacity; and,
- Accurate public reporting and recordkeeping sufficient to permit meaningful oversight and compliance verification.

Absent swift corrective measures, our clients intend to pursue all available legal remedies, including injunctive relief via a writ of mandate, civil penalties, punitive damages for gross negligence (Civil Code section 3340), and recovery of attorneys' fees and costs pursuant to Code of Civil Procedure section 1021.5. Please be advised that nothing in this letter constitutes a waiver of any rights or remedies.

We and our clients seek expeditious resolution and invite immediate dialogue to address these critical issues before we resort to litigation. We anticipate your prompt attention to this matter. Otherwise, we will be taking prompt legal action.

Please contact our office as soon as possible to discuss corrective actions. We can be reached via email at jill@rytherlawgroup.com and sarah@rytherlawgroup.com for the fastest receipt and processing.

Cordially,



Jill L. Ryther, Esq.
Founding and Managing Partner, RLG, LLP
Founder and CEO, EARN



Sarah A. Thompson, Esq., LLM, Animal Law
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cc: Clients