



COUNTY OF VENTURA

BOARD OF SUPERVISORS

SUPERVISOR
Jeff Gorell
Second District

MEMBERS OF THE BOARD
JEFF GORELL, CHAIR
MATT LAVERE
KELLY LONG
JANICE S. PARVIN
VIANEY LOPEZ

September 22, 2026

County of Ventura Board of Supervisors

Subject: Sponsorship of, or Active Support for, State Legislation Establishing a Conditional Public-Agency Safe Harbor Following the Lawful Transfer of Potentially Dangerous or Vicious Dogs to Qualified Nonprofit Organizations

RECOMMENDATION

Recommendation of Supervisor Gorell and Supervisor LaVere to:

1. Approve County sponsorship of state legislation for the 2027 Regular Session, or active support for a substantially equivalent measure introduced by another sponsor, establishing a conditional post-transfer safe harbor for counties, cities, and other public animal-control agencies after lawfully transferring to a qualified nonprofit animal rescue or adoption organization a potentially dangerous or vicious dog for which euthanasia would otherwise be a lawful disposition;
2. Establish as minimum County policy that the safe harbor be personal and exclusive to the transferring public entity, including direct or vicarious claims asserted against it based on acts or omissions of its officers or employees acting within the scope of their duties, and that it not alter, reduce, or eliminate any liability otherwise applicable to the receiving organization, transporter, foster, adopter, owner, handler, or later custodian;
3. Require the legislation, after an effective transfer and satisfaction of statutory conditions, to preclude state-law claims for monetary damages against the transferring public entity and claims for contribution or indemnity against it for post-transfer injuries;
4. Specify that the legislation creates no right to transfer, establishes no new judicial procedure, does not limit the existing authority of a court or animal-control agency to order or pursue an otherwise lawful disposition for a potentially dangerous or vicious dog, and does not authorize a transfer prohibited by any operative court or administrative order, including a stay, or contrary to a final disposition order; and
5. Direct the County Executive Office, County Counsel, Ventura County Animal Services, and the County's state legislative advocates to prepare proposed statutory

language and standardized transfer and disclosure requirements, identify a prospective legislative author and stakeholder strategy.

BACKGROUND

California's municipal animal shelters have a responsibility to protect public safety while providing humane care and outcomes for animals in their custody.

Some of the most difficult decisions facing animal-control agencies involve dogs with behavioral concerns, bite histories, or other circumstances that may make traditional adoption inappropriate. In certain cases, humane euthanasia may ultimately be considered.

There are also circumstances in which a qualified nonprofit animal rescue or adoption organization is willing to accept such a dog, assume exclusive custody and control, and provide a secure alternative placement. These partnerships can save animals that may otherwise be euthanized. However, the possibility of substantial and long-term public-entity liability can discourage municipal agencies from considering transfers of potentially dangerous or vicious dogs. Even after a dog has left government custody and has been transferred to an independent organization, the transferring public entity may face litigation if the dog subsequently causes an injury at any point during the dog's lifetime.

Recent California litigation illustrates the potential magnitude of this exposure. In a Los Angeles case involving a dog being transported from a municipal animal shelter to a rescue organization, a jury awarded approximately \$5.4 million in damages to the individual hired by the rescue group to transport the dog to the rescue and apportioned 62.5 percent of the responsibility to the City of Los Angeles. In this case, the rescue organization was notified of the dog's history and the City was still found primarily liable by the jury. In recent years, similar multi-million dollar verdicts and settlements have been made against other shelter entities in other dog bite cases for alleged failure to warn.

Ventura County is also currently involved in litigation concerning injuries allegedly caused by a dog years after the animal was transferred by Ventura County Animal Services to an independent rescue organization. Because that litigation remains pending, this proposal does not take a position regarding the merits of the claims or defenses in that matter.

These cases highlight a broader policy question that warrants consideration by the California Legislature: At what point should a municipality's responsibility for an animal end after custody and control have been lawfully transferred to an independent and qualified organization?

LIMITED SCOPE OF PROPOSAL

The legislation proposed here is deliberately narrow. It would not create a right to transfer, establish a new judicial proceeding, alter the authority of a court or animal-control agency, or permit a transfer prohibited by any operative court or administrative order, including a stay, or contrary to a final disposition order. It would apply only after a public agency completes a transfer that is independently authorized under existing law.

It addresses one question: after a lawful transfer and satisfaction of every required safeguard, when should the responsibility of the former public custodian end?

THE POLICY PROBLEM

When euthanasia is otherwise a lawful disposition, a public agency should be able to consider a lawful transfer without retaining indefinite responsibility for decisions later made by an independent organization. The placement decision should turn on public safety, animal welfare, the receiving organization's demonstrated capacity, and an enforceable safety plan by the receiving organization.

A public entity that complies with every mandatory duty, fully discloses all reasonably known material safety information, and completes a documented transfer to a qualified independent organization should not remain liable for that organization's later decisions. Conversely, the safe harbor should not attach if the public entity conceals material information, violates a mandatory duty, or retains custody or control.

The absence of a clear post-transfer safe harbor creates uncertainty for public agencies and responsible rescue organizations and may discourage an otherwise lawful and appropriate transfer.

The Legislature should remove that uncertainty while preserving public-safety safeguards and accountability for every entity that later controls the dog.

PROPOSED STATE LEGISLATION

Ventura County should sponsor, or actively support, legislation establishing a conditional post-transfer safe harbor for counties, cities, and other public animal-control agencies after a lawful transfer to a qualified nonprofit animal rescue or adoption organization.

Conditional Post-Transfer Safe Harbor for Public Agencies

The safe harbor should attach only when an effective transfer occurs: the public entity and receiving organization execute a standardized transfer record; the public entity provides every required disclosure; an authorized representative of the receiving organization accepts exclusive legal and physical custody, control, and responsibility; and physical possession is delivered to the organization or to a transporter acting solely as the receiving organization's authorized agent and not under the public entity's direction or control. The transfer record should state the date and time of handoff.

After an effective transfer, the statute should confirm that the public entity is no longer the dog's owner, keeper, harbinger, custodian, or person exercising care or control and, solely by reason of its former ownership, custody, or the transfer, has no continuing duty to monitor, supervise, retrieve, place, or manage the dog. The safe harbor should preserve duties arising from the entity's later conduct or a separate governmental role.

The safe harbor should be conditioned upon safeguards including;

- An independently lawful transfer that is not prohibited by any operative court or administrative order, including a stay, and is not contrary to a final disposition order;
- A full written disclosure of all reasonably known bite incidents, behavioral concerns, evaluations, potentially dangerous or vicious dog determinations, court orders, and other information materially relevant to safety;
- Written acknowledgment identifying the records the receiving organization received and reviewed;
- Written acceptance of exclusive legal and physical custody, control, and responsibility for the dog;
- Objective recipient standards addressing nonprofit and legal good standing, relevant experience, trained personnel, secure housing and transport capacity, and risk-appropriate insurance or other proof of financial responsibility;
- A transfer record documenting the exact date, time, and place at which possession, custody, and control pass to the receiving organization or to a transporter acting solely as its authorized agent and not under the public entity's direction or control;
- A requirement that any later adoption or transfer carry forward all material disclosures, court-ordered restrictions, and a new written assumption of custody and control;
- Record-retention and serious-incident reporting requirements directed to the animal-control agency having jurisdiction where the dog is kept;
- Suspension or disqualification from future public-agency transfers for noncompliance, with notice and an opportunity to respond; and
- A rule that the safe harbor does not attach unless the public entity satisfies each statutory precondition and does not protect intentional misconduct, fraud, knowing concealment, material misrepresentation, retained custody or control, or failure to perform a mandatory statutory duty.

Potential Statutory Placement

Food and Agricultural Code section 31108's mandatory pre-euthanasia release provision for eligible stray dogs and Food and Agricultural Code Division 14, Chapter 9's disposition rules for potentially dangerous or vicious dogs present distinct legal frameworks. The legislation should not merge those frameworks or change when a transfer is authorized.

Because the proposal concerns claims against public entities, a targeted Government Code safe harbor may provide the clearest vehicle, with conforming amendments to other statutes only as needed. County Counsel and Legislative Counsel should determine the appropriate placement.

The protection should apply only when a transfer is independently authorized by applicable law. It should not create a transfer right, impair victim participation, authorize a transfer prohibited by any operative court or administrative order, including a stay, or contrary to a final disposition order, or apply retroactively to a cause of action that accrued before the legislation's effective date.

Protection Limited to the Transferring Public Entity

The safe harbor should be personal and exclusive to the transferring public entity. It should bar direct and vicarious state-law claims for monetary damages against the entity, including claims based on conduct of its officers or employees acting within the scope of their duties, without creating a separate immunity for those individuals or limiting criminal, regulatory, or injunctive enforcement.

To prevent indirect circumvention of the safe harbor, no contribution or indemnity claim should be maintained against the protected public entity for a post-transfer injury, subject to the statutory exceptions. The safe harbor should not create or expand liability for a receiving organization or later custodian beyond liability otherwise imposed by law.

EXISTING CALIFORNIA LAW

California Civil Code section 3342 generally provides that a dog's owner is liable for damages suffered by a person bitten by the dog while in a public place or lawfully in a private place, regardless of the dog's prior viciousness or the owner's knowledge of that viciousness.

Post-transfer claims may also be framed as negligence, negligent selection or transfer, or failure to warn rather than owner strict liability. For the safe harbor to have practical effect, it should address claims based on the transfer that seek damages for a post-transfer injury while preserving responsibility for the public entity's enumerated misconduct.

California law also demonstrates that the Legislature has recognized circumstances in which targeted protections from public-entity liability involving dogs serve an important public purpose. Government Code section 831.7.5 provides that a public entity owning or operating a dog park is not liable for injury or death of a person or pet resulting solely from the actions of a dog in the dog park.

The Legislature should adopt a more directly tailored rule for public animal-control agencies: a conditional safe harbor that applies only after an independently lawful and fully documented transfer is complete.

PUBLIC SAFETY AND LIMITED SCOPE

A conditional post-transfer safe harbor should not lower public-safety obligations. Its prerequisites should be specific, documented, and enforceable.

An animal-control agency would retain discretion, subject to governing law and any court order, to oppose or decline a proposed transfer when individualized evidence shows that the placement cannot adequately protect public health, safety, and welfare.

Public agencies would remain responsible for complying with all statutory transfer requirements and fully disclosing material safety information before invoking the safe harbor.

The safe harbor should not protect intentional misconduct, fraud, knowing concealment, material misrepresentation, retained custody or control, or failure to satisfy a mandatory statutory condition. Nor should it protect a receiving organization or later custodian from its own acts or omissions.

Once those obligations have been fulfilled and exclusive custody and control have passed, however, responsibility should follow custody and control.

A municipality should not remain indefinitely responsible for decisions made by an independent organization, months or years after the municipality has relinquished custody of the animal.

The objective is to establish a workable transfer framework: require complete disclosure, verify the receiving organization's capacity, document the exact handoff, impose enforceable safety conditions, and place ongoing responsibility with the entity that controls the dog after transfer.

CONCLUSION

Qualified nonprofit rescue organizations play an important role in California's animal-welfare system. When a transfer is independently lawful and every public-safety safeguard has been satisfied, a conditional safe harbor should prevent indefinite public-entity liability after custody and control have passed to an independent organization. The protection should apply only to the transferring public entity and should not reduce liability otherwise applicable to the receiving organization or any later custodian.

For these reasons, we recommend that the Board sponsor, or actively support, state legislation establishing a conditional post-transfer safe harbor that is personal and exclusive to the transferring public entity.

Cordially,



Jeff Gorell, Chair of the Board
Supervisor, Second District



Matt LaVere
Supervisor, First District