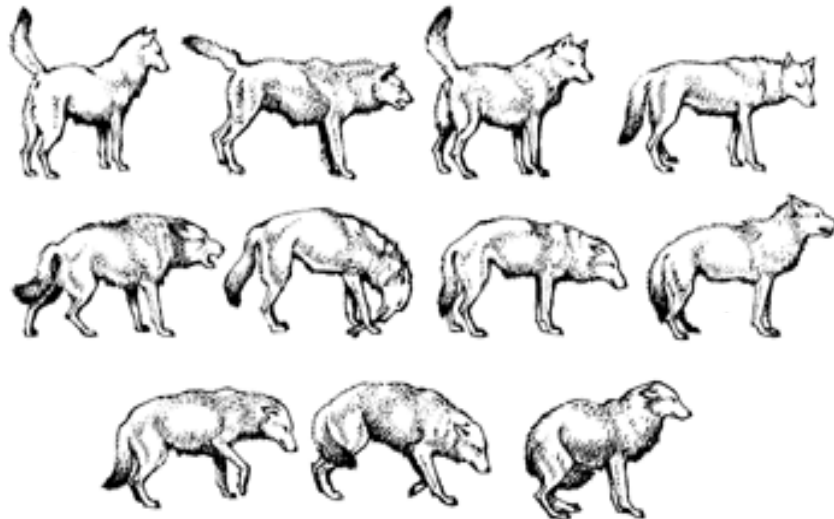


# OFFICE OF INSPECTOR GENERAL

*City of Albuquerque*



## INVESTIGATION *ANIMAL WELFARE DEPARTMENT*



505-768-ESA1 (505-768-3721)

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**INVESTIGATION REPORT  
ANIMAL WELFARE DEPARTMENT  
AGGRESSIVE DOGS  
CASE NO. 15-201**

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## OFFICE OF INSPECTOR GENERAL

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### EXECUTIVE SUMMARY

The Office of Inspector General (OIG) conducted an investigation into the Animal Welfare Department (AWD) and allegations that AWD is allowing behaviorally unsafe and potentially dangerous dogs to be adopted out and transferred out into the community. This investigation sought to determine:

1. Whether or not AWD allowed behaviorally unsafe and dangerous dogs to be released back into the community.
2. Whether the Director of AWD withheld information from the OIG concerning AWD's handling of behaviorally unsafe and dangerous dogs.

### Investigative Findings

1. Dogs with problematic behavior were being released into the public.
2. Documentation of information in AWD's Chameleon database is inconsistent.
3. The Director was not forthcoming with all information relating to behaviorally unsafe dogs and those that pose a threat to the public and staff.
4. There are no formal policies and procedures in place concerning the volunteers.
5. The written guidelines in place for volunteer project animals and volunteer holds are not consistently followed.
6. Rescues are currently not required to sign any sort of waiver or form, acknowledging that the animal they are receiving from AWD has had, or currently has, behavior issues or a bite history.

### Conclusion

An animal shelter has a responsibility to protect not only the animals in their care, but also members of public, shelter employees and volunteers. Dogs that exhibit aggressive or dangerous behavior should not be released out into the public, not just for liability reasons, but for ethical reasons as well.

The OIG wants to state that it was very evident to us that all of the employees displayed a genuine caring responsibility for the treatment of the animals at the shelters. Many employees we interviewed got emotional when discussing their issues and concerns during this

investigation. The OIG also recognizes that the AWD Director is also genuinely caring of the animals and has done many good things to help the AWD.

The lack of certain policies and procedures, as well as not following existing policies and procedures, led to many of the concerns stated in the investigation. By AWD enacting and enforcing new policies and procedures it is the OIG's hope that this will lead to less concerns when it comes to potentially aggressive and dangerous dogs.

The average person who goes into a shelter to adopt a pet likely does not have an extensive background and knowledge when it comes to canine behavior. This naiveté may lead to people getting bit or other animals and pets being attacked and/or killed.

Dog owners also have a big responsibility to ensure their dogs are not put in situations where they may become aggressive. They should follow the recommendations given by AWD employees, which should be on the animals' documentation. Recommendations should be in a standard format that is easily understandable by the adopter/owner.

Since the beginning of the investigation, AWD has begun making positive changes. They have created or changed policies and procedures. The OIG's hope is that once completed and approved, these policies and procedures will be followed.

The OIG would like to commend Risk Management for recognizing and promptly referring the initial complainant to the OIG.



# CITY OF ALBUQUERQUE

*Office of Inspector General*

P.O. BOX 1293, ALBUQUERQUE, NM 87103

September 3, 2015

Accountability in Government Oversight Committee  
City of Albuquerque  
Albuquerque, New Mexico

Investigation: Aggressive Dogs  
Animal Welfare Department  
15-201

**Final**

## INVESTIGATIVE REPORT

### **INTRODUCTION**

The Office of Inspector General (OIG) was initially contacted by an individual who first went to the Risk Management Department (Risk) with concerns about the Animal Welfare Department (AWD). Risk in turn referred the individual to the OIG. The complainant expressed concerns with AWD and their handling of what the complainant claimed were behaviorally unsafe, and even dangerous dogs. The complainant stated that there is a history of many of these types of dogs being adopted out and transferred into the community, and believes this poses a huge risk to public safety.

The OIG began a preliminary review into the matter. In the midst of the preliminary review, two of AWD's high ranking employees came forward with information supporting the initial complaint of behaviorally unsafe, aggressive and dangerous dogs being adopted and transferred out into the community. They indicated that the Director for AWD was not completely forthcoming with information concerning these types of dogs.

### **Methodology**

- Review of pertinent documents
- Review of pertinent emails
- Approximately 30 individuals were contacted for interviews and/or documentation

- Review of relevant City Ordinances, State Statutes and AWD policies and procedures

Our investigation was conducted in accordance with fraud investigation techniques, which include but are not limited to examination of records, documents, interviews with appropriate personnel, and other evidence-gathering procedures as necessary under the circumstances.

The following glossary of terms provides definitions for common terms that are used throughout the report.

## **Glossary of Terms**

### **Chameleon**

The database that AWD employees use to enter information and detailed notes about animals. Employees can document information related to an animal's behavioral or medical issues, including any information an owner may provide when they surrender an animal. Information related to any holds placed on an animal can also be entered in this database. Kennel staff can also enter detail and specific outcomes of an animal's behavioral assessment.

### **Dangerous Dog**

"A dog that has caused serious injury or was previously designated as a potentially dangerous dog and subsequently (1) causes injury to a person or animal that is less severe than a serious injury, (2) is observed by any person chasing or menacing a person or animal in an aggressive manner and without provocation or (3) is impounded at AACC [Albuquerque Animal Care Center] two or more times. Police dogs are not included in the definition." § 9-17-3 DEFINITIONS (Angel's Law)

### **Potentially Dangerous Dog**

"A dog capable of causing serious harm to humans or other animals and observed at large by any person or observed by any person on the property where the dog is kept under conditions leading any reasonable person to conclude that the owner has not taken adequate precautions to prevent the dog from being able to escape or young children from being able to enter. Police dogs are not included in the definition." § 9-17-3 DEFINITIONS (Angel's Law)

### **SAFER**

The Safety Assessment For Evaluating Rehoming (SAFER) is a seven (7) item aggression test that identifies the dog's comfort level with restraint and touch, reaction to new experiences including movement and sound stimuli, bite inhibition, behavior around food and toys, and arousal level toward other dogs.

## **BACKGROUND**

The AWD is an open-admissions animal shelter and accepts all animals, including dogs and cats. Animals are accepted for any reason -- strays picked up off the street, owner surrender, etc.

AWD is organized into the following six (6) divisions:

- Administration
- Customer Service
- Field Services
- Kennel Operations
- Lucky Paws Adoption Center
- Veterinary Services

### **Complaints and Allegations**

The complainant who initially contacted the OIG provided examples of thirteen dogs that had displayed various types of aggression, and also had bite histories; failed the SAFER assessment; and had even been deemed potentially dangerous or dangerous. The complainant provided the animal ID numbers and names, as well as a brief summary of the known history of each dog. From the information provided, the OIG determined that each of these dogs had been either adopted, transferred to rescue groups, or at the time, were available for adoption. According to the information provided at the time of the initial complaint, two of the thirteen dogs had been adopted out. The dogs were returned to the shelter due to aggression, and were made available to the public and adopted out again.

The OIG began a preliminary review and sent a memo to the AWD Director and Animal Program Analyst with some basic inquiries as to how the Department handles aggressive, and per the complainant, “behaviorally unsafe” dogs. The OIG asked if the Department had a written Standard Operating Procedure (SOP) regarding these types of dogs, including the course of action when one of these types of dogs bites someone.

AWD provided the OIG with Kennel Statistics for calendar year 2014. According to AWD, in 2014, AWD took in 11,894 dogs; 6,038 were adopted out and 1,794 were euthanized. AWD also provided copies of SOPs for SAFER Testing, Euthanasia and Temperament Assessment Evaluation Criteria, though the latter two did not address how behaviorally unsafe or dangerous dogs are handled.

The OIG met with the Director and Animal Program Analyst on February 10, 2015 to further discuss the OIG’s inquiries and the documents AWD provided. AWD’s Operations Manager was also present for this meeting, as well as AWD’s Behaviorist, who holds the following credentials: 1.) Certified Professional Dog Trainer – Knowledge Assessed (CPDT-KA); 2.) Certified Trick Dog Instructor (CTDI); 3.) Shelter and Rescue Work Certificate (SRW); and 4.) American Kennel Club Canine Good Citizen Evaluator (AKC CGC). During the meeting, dog behavior was discussed; the OIG was informed about SAFER testing and how it works, and was also told of various behavior modification programs AWD had put into place for the shelter dogs. The Director related how great improvements had been made at AWD over the past couple years with the implementation of these various programs, and gave the impression that there were no problems. When the meeting concluded, the OIG left feeling positive that management was moving in the right direction and had things under control.

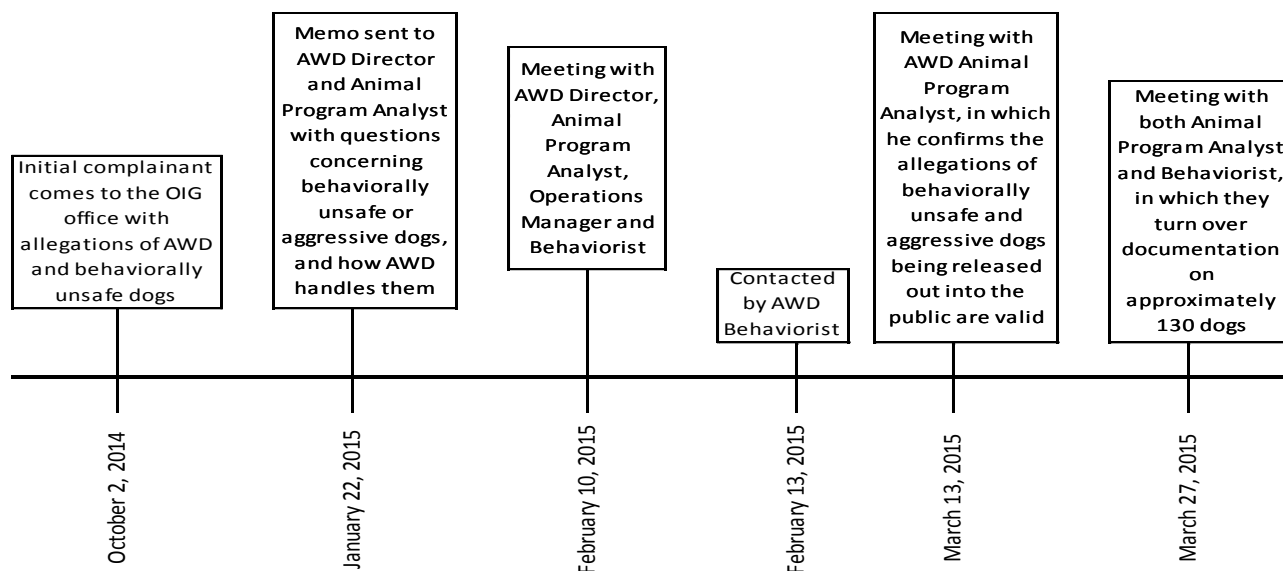
A few days after the meeting, the OIG was contacted by AWD's Behaviorist who requested to meet with the OIG alone, explaining that the OIG was not given an accurate picture of what was actually occurring at the shelters with regard to the type of dogs the OIG had been inquiring about. The information she provided echoed that of the initial complaint. She stated that there were many dogs in the shelter over the past year considered to be aggressive and dangerous, but yet had been made available for adoption, or were transferred elsewhere. Included in these adoptions/transfers were dogs that had a history of biting, some killing animals, and dogs that had failed their SAFER assessments or were coded as a "Special" because of their unpredictability. She expressed concerns that there had been many of these types of dogs that probably should have been euthanized, but instead were made available to the public.

About a month after AWD's Behaviorist had contacted the OIG, the Animal Program Analyst contacted the OIG with the same concerns. He also indicated that the OIG was provided very limited and selective information in response to the inquiries they submitted to AWD.

Both the Animal Program Analyst and Behaviorist indicated they did not feel right keeping quiet about this matter and decided they would provide the OIG with information on these SAFER fail dogs. They provided information on approximately 130 dogs they felt were some of the more problematic examples. The information provided included detailed results of these dogs' SAFER tests, as well as detailed notes that had been entered into AWD's database, which provided some history on each dog. In addition to the documents, they both provided signed, written statements expressing their concerns.

Below is a timeline of events relating to the allegations that were brought to the attention of the OIG.

**Timeline of Events Relating to Allegations Concerning AWD Releasing Behaviorally Unsafe and Aggressive Dogs out into the Public**





## **SAFER Assessments**

AWD uses a temperament assessment for dogs known as the Safety Assessment For Evaluating Rehoming (SAFER). The SAFER Assessment is a program of The American Society for the Prevention of Cruelty to Animals (ASPCA) and is used for assessing the probability of future aggression in dogs six months and older. There are seven (7) items in this aggression assessment. The SAFER assessments are also videotaped.

When a dog enters the shelter, it is usually allowed to settle in for a period of anywhere from 24 to 72 hours before it is given the SAFER assessment. The dog will then be tested and scored on each of the seven (7) items in the assessment, receiving a score between 1 and 5.

Table 1 below details each of the seven (7) assessment items and their purpose.

Assessment Item	Purpose
Item 1: Look	<ul style="list-style-type: none"><li>• Determine if the dog accepts mild head restraint and eye contact from the Assessor</li><li>• Determine whether the dog is dominant or submissive in social interactions with people when lightly restrained and receiving soft, yet direct eye contact</li></ul>
Item 2: Sensitivity	<ul style="list-style-type: none"><li>• Determine the dog's sensitivity to touch</li><li>• Determine and note any fearfulness towards new experiences</li></ul>
Item 3: Tag	<ul style="list-style-type: none"><li>• Determine the dog's response to movement and sound stimuli</li><li>• Identify dogs with potential dominance aggression or fear aggression</li></ul>
Item 4: Squeeze	<ul style="list-style-type: none"><li>• Determine the dog's sensitivity response, bite inhibition, acceptance of being held or touched in a mildly controlled and unpleasant manner</li><li>• Determine what the dog chooses to do when given warning that something mildly unpleasant will happen a second time</li></ul>
Item 5: Food Behavior	<ul style="list-style-type: none"><li>• Identify food aggression and any behaviors which could benefit from behavior modification to prevent future problems</li></ul>
Item 6: Toy and Rawhide Behavior	<ul style="list-style-type: none"><li>• Identify possible possession aggression and any behaviors which could benefit from behavior modification to prevent future problems</li></ul>
Item 7: Dog-to-Dog Behavior	<ul style="list-style-type: none"><li>• Identify dog-to-dog aggression or potentially challenging behaviors such as growling, hysterical barking and lunging</li><li>• Determine which dogs would benefit from behavior modification and "meet and greets" or need placement in a home without other dogs</li></ul>

Table 1

Table 2 below breaks down the scores on the SAFER guide and explains the probability of aggression associated with each score.

Score	Probability of Aggression
1s and 2s	Dogs are less likely to bite when handled in a mildly stressful or moderately awkward manner under ordinary living situations.
3s	Dogs may be safe and inhibit their bite. They could be made safer by putting them on a behavior modification program.
4s	Dogs may have serious fear or intolerance issues. These dogs should either receive behavior modification training and then be reassessed, or be adopted out only to experienced adopters ready to manage the dog's issues.
5s	Dogs that score 5s in any of the first four assessment items have the highest probability of being a serious danger to staff, volunteers, and visitors. These dogs may or may not respond well to behavior modification. They should be handled only by the shelter's most experienced staff until their disposition is determined.
**	Dogs that score 4 or 5 on the Dog-to-Dog Behavior item and 1s or 2s in all other assessment items should be watched carefully during other interactions with dogs in your facility.

Table 2

AWD considers the overall scores on the assessments. Per the SAFER policies and procedures that AWD had in place at the time the OIG began its investigation, dogs were coded as a “Pass”, a “Special”, or a “Fail”. Table 3 below is a guide to results, as explained in AWD’s SAFER policies and procedures.

Pass	<ul style="list-style-type: none"> <li>Allows the assessor to perform SAFER assessment without displaying any requirements for behavior modification;</li> <li>Exhibits no signs of aggression towards humans;</li> <li>Exhibits no signs of aggression toward other dogs;</li> <li>Does not exhibit possessive behavior with food or toys;</li> <li>Responds positively to human contact</li> </ul>
Special	<ul style="list-style-type: none"> <li>Fearful when approached/touched, but allows the contact (make note of no small children in adoptive home due to fast movement);</li> <li>Possessive but not aggressive of food and toys, but does not growl or try to bite (make note of no small children in adoptive home)</li> <li>Demonstrates dominance towards other dogs, but not aggression</li> </ul>
Fail	<ul style="list-style-type: none"> <li>Demonstrates aggression toward humans;</li> <li>Demonstrates aggression toward other dogs</li> </ul>

Table 3

(\*\* It should be noted that AWD has recently changed the coding for the SAFER assessments. Dogs are now coded as either “Good”, “Fair” or “Poor”.)

At the time this investigation began, AWD's SAFER policies and procedures also stated: "The following dogs will receive a result of fail regardless of exhibited behavior during the SAFER test: dogs that have killed, attacked or severely injured another animal prior to its arrival at AWD and dogs that have severely and aggressively bitten a human."

Although the SAFER assessment is a tool used to assess the probability of future aggression in dogs, it is not the only tool used by AWD to determine which dogs should be adopted; nor is it the sole criterion in making a decision regarding euthanasia of a dog. In addition to the SAFER assessment, the shelter takes other factors into consideration, such as the dog's history, including information provided by an owner when surrendering a dog; information provided by field officers; the dog's behavior while in the shelter; and medical information.

### **SAFER Certification**

AWD currently has nine (9) employees who have been trained and certified to conduct the SAFER assessments. Of these employees, six (6) are Senior Animal Handlers and three (3) are Kennel Supervisors. The SAFER certification is valid for one year and then Assessors must recertify.

### **Outside Behavior Specialist**

Towards the beginning of this investigation, the OIG spoke with an outside individual who also holds the Certified Professional Dog Trainer – Knowledge Assessed (CPDT-KA) credential and has served as a Behavior Specialist for approximately thirty (30) years. She indicated that when it comes to dogs and behavior, and assessing behavior, everything is based on science and time spent studying behavior. She talked about how there are varying degrees of dog bites and that you also have to assess the situation and what was the trigger that may have caused the dog to bite. Is this a situation that is likely to repeat itself, or was it an isolated incident?

This individual was familiar with the SAFER assessment and also acknowledged that there are additional factors that have to be taken into consideration. She mentioned that the shelter she most recently worked at, which is a private shelter, takes bites very seriously. She also pointed out that euthanizing is not taken lightly and can be emotional. However, there is a responsibility to the public. You cannot hold onto a dog just because you like the breed or have some connection to it; not when that dog poses safety concerns to people and to animals. She indicated that if a dog is not going to have a quality of life, due to health reasons and/or because it has to be locked up all the time because that dog is unsafe, then it is best to euthanize the dog.

The OIG asked about transferring dogs with behavior issues to rescues and sanctuaries. She stated this can be fine if there are acres upon acres for the dog to run free and live out the rest of its life without posing a threat to other animals or to people. However, she pointed out that this is simply not the case for most rescues and sanctuaries.

### **Dangerous Dog Ordinance**

The City ordinance, known as Angel's Law (§ 9-17-1, et seq., ROA 1994) addresses potentially dangerous dogs and dangerous dogs.

One requirement stated in the ordinance is that an owner of a dangerous dog shall at all times have an insurance policy with coverage of a minimum of \$100,000 pertaining to injury to any person or property caused by the dangerous dog. § 9-17-5 (B)(6). Angel's Law also stipulates that an "owner of a dangerous dog shall not loan, transfer, give, devise, board or otherwise convey ownership or custody and control of a dangerous dog to any other person in the city without notifying the recipient in writing that the dog is a dangerous dog and notifying AACC [now known as AWD] ten days prior to any change in the location of the property upon which the dangerous dog is or should be kept." § 9-17-5 (B)(7).

AWD Field Officers can deem a dog potentially dangerous or dangerous under Angel's Law. § 9-17-4 (A) & § 9-17-5 (A). They can also confiscate a dog if they have probable cause to believe that the dog is a potentially dangerous dog and may pose an immediate danger to public safety. § 9-17-4 (B)(1).

Additional information related to Angel's Law can be found in **Appendix A**

### **Euthanasia**

Euthanasia is a necessary part of shelter management, especially for an open admission shelter. One way it has been defined is "humane death." AWD euthanizes animals due to medical issues, and at times for serious behavioral issues. The Director informed the OIG that AWD does not euthanize for space or just because an animal may be older.

AWD has an SOP for euthanasia medical protocols. However, it does not include guidelines for choosing animals for euthanasia. Nor does it address how serious an animal's behavioral or medical issues should be before considering the animal for euthanasia.

One thing that is stated in the Euthanasia SOP is, "AWD staff, volunteers, officials and members of the public should never be allowed to question, berate, or harass employees selecting animals for euthanasia about the choices they make. If it is believed that the person choosing animals for euthanasia has violated AWD policy, the matter should be addressed with their supervisor and reported to the AWD Director." Some employees stated that this part of the SOP is not always followed. Employees indicated there have been some instances in which volunteers and even other staff members have given kennel workers a hard time for listing particular dogs on the euthanasia list. There have been instances when volunteers or staff members have disrupted the euthanization of a dog while it was in process.

Selecting animals for euthanasia is one of the most stressful tasks animal shelter employees face. When interviewing AWD employees, some became visibly emotional when discussing euthanasia. They expressed that while euthanasia is necessary, it is never easy. They do their best to mentally prepare themselves, and they strive to comfort the animals as much as they can and make the process as peaceful as possible. Many indicated it is important to keep in mind that they need to do what is best for the animal; and in cases where a dog may have serious behavior issues, it is important to keep safety in mind, and do what is best for the shelter, as well as what is best for the public.

A euthanasia list is usually created daily. Some employees stated it is Senior Animal Handlers and Kennel Supervisors who are allowed to list dogs for euthanasia. Others mentioned AWD

has a Population Management Team (PMT) that does a walkthrough of the kennels once or twice a week to evaluate the dogs and see which may need to be listed. The list is usually reviewed by the Operations Manager or sometimes another member of upper management. Often, there are dogs that are removed from the list. This could be due to a volunteer or staff member requesting a hold so that they can have some time to work with the dog; or a dog may be removed as live exit options are explored.

### **Interview with AWD Director**

The Director of AWD has held this position for the past 5 ½ years. Prior to becoming the Director, she served on the board of the Animal Humane Association, and indicated this is where she got some background in sheltering. She stated she does not hold any certifications, nor does she have any training in animal handling or animal behavior.

She addressed that there has been no pressure from City Administration or from the ASPCA for increased or live release rates. She indicated AWD would never send an animal out into the community that they did not think was safe, just for the sake of improving numbers. She added that AWD is also not trying to be “no kill.”

The Director does believe it is a liability to the City to release dogs into the community that have been deemed potentially dangerous/dangerous, or that have the potential to bite or attack another animal or human being. The Director stated however, that every dog has the potential to bite and there is no way to 100% predict what a dog will do. She commented that in fact, most bites occur in the home with the family dog, indicating it is just the setting and that dogs bite.

The Director feels that the 9 (nine) SAFER certified employees are doing a good job at assessing the dogs. However, she pointed out that the SAFER assessment is only a snapshot in time and that all other factors need to be taken into consideration as well. A list of SAFER “Fail” dogs is not a list of dangerous dogs.

In talking with the Director, however, the OIG was given the impression that if a dog was a “Pass” on its SAFER assessment, but has a negative history, the focus seemed to be more on the fact that the dog had “Passed” the SAFER assessment. This seemed to be the case with the dog called Mugsy Malone. Mugsy Malone bit a 3-year old girl in the face, unprovoked, causing lacerations and multiple punctures. This dog was deemed dangerous and a court hold was placed. During its stay in the shelter, Mugsy Malone bit a volunteer on the arm when the volunteer was trying to leash the dog to take it for a walk. The Director did not know what caused Mugsy Malone to bite the little girl. Concerning the incident with the volunteer, she speculated that the volunteer probably just leashed the dog wrong, and that is why it bit. However, she pointed out that Mugsy Malone passed the SAFER assessment three (3) times, and reiterated this a couple of times during the interview.

### **INVESTIGATIVE FINDINGS**

Information related to the review of documentation provided by the Animal Program Analyst and Behaviorist, along with examples of dogs with problematic behavior can be found in **Appendix B.**

1. DOGS THAT WERE KNOWN TO BE AGGRESSIVE, BEHAVIORALLY UNSAFE, OR EVEN DEEMED DANGEROUS WERE BEING ADOPTED OUT INTO THE PUBLIC AND TRANSFERRED TO RESCUE GROUPS.

The OIG found there were dogs with problematic behavior that were being released into the public. This included dogs that had bitten citizens, AWD staff or volunteers. Dogs that had attacked, bitten and even killed other animals were being released out into the public as well. Some of these dogs were made available for adoption. In some cases dogs were returned, but then re-adopted to someone else. Other dogs were transferred to other shelters or rescue groups.

Many of the employees interviewed agreed that AWD was adopting out and transferring dogs that should never have been released out into the public. AWD is in violation of the City's Personnel Rules and Regulations, which states:

**301.1 Duty to the Public**

“The City of Albuquerque is a public service institution. In carrying out their assigned duties and responsibilities, employees must always remember their first obligation is to the general public's safety and well-being. This obligation must be carried out within the framework of federal, state and local laws.”

2. DOCUMENTATION OF INFORMATION IN CHAMELEON IS INCONSISTENT.

When reading through the information provided for the dogs with behavioral issues, the OIG found there were inconsistencies with the documentation of notes in the Chameleon database. There was inconsistent documentation relating to dogs that were being worked with by volunteers. There was often inconsistency in notating SAFER assessments. From what the OIG understands, a dog should be given the SAFER assessment within 24 to 72 hours of arriving at a shelter. The results of that SAFER assessment should then be entered into Chameleon. In some cases, however, the OIG found that a dog would enter the shelter, but no documentation of the SAFER assessment followed; or there would be notes relating to a re-assessment, but there was no documentation relating to the initial assessment. The OIG also found that some notes documenting SAFER assessments were descriptive and thorough, while other notes were not. Some notes would give detail about the results of each of the seven (7) assessment items, as well as an overall score and details about the score. Other notes were much more basic and less descriptive.

By having notes that are complete and consistent, AWD employees can rely on information to help make determinations of what the future of a dog will be. Any employee should be able to review Chameleon notes and be able to have an understanding of a dog's history and of its current situation. By having as much information and background as possible about a dog, employees can share information with potential adopters, rescues and other shelters. And if there are dogs with behavioral issues, employees will be aware and can do what is necessary to help keep themselves, fellow employees, volunteers and members of the public safe, as well as other animals.



3. THE DIRECTOR WAS NOT FORTHCOMING WITH ALL INFORMATION RELATING TO BEHAVIORALLY UNSAFE DOGS AND THOSE THAT POSE A THREAT TO THE PUBLIC AND STAFF.

When the OIG began its preliminary review into the initial allegation received, a memo was sent to the Director requesting information about behaviorally unsafe dogs that had been in the shelter. In this memo, the OIG requested the following information: how many of these type of dogs were adopted out to the public; how many were returned, and if any were re-adopted out; how many were transferred to other shelters, rescue groups and fosters, and whether the dogs' history and behavior was disclosed to adopters, shelters and rescues.

In response to the memo, the OIG was provided with Kennel Statistics for calendar year 2014. The OIG was also provided copies of SOPs for SAFER Testing, Euthanasia and Temperament Assessment Evaluation Criteria, though the latter two did not address how behaviorally unsafe or dangerous dogs are handled.

According to signed statements from both the Animal Program Analyst and Behaviorist, they believe that the Director was not forthcoming with all information. Their signed statements explain that after receiving the OIG's request for information about aggressive and behaviorally unsafe dogs, they -- along with AWD's Operations Manager -- participated in several meetings with the Director to discuss exactly what it was that the OIG was requesting and how to best go about answering the OIG's questions. The Director informed them early on that the goal was to provide the OIG with enough information to satisfy the inquiries, but to keep the preliminary review from turning into a full-blown investigation.

It was decided that the initial approach in trying to address these questions was to start by looking at the dogs that were SAFER Fails and see which were adopted, transferred, returned, etc., as well as looking into the reason why each of these dogs was a SAFER Fail. The Behaviorist was tasked with this project, and in one email from the Behaviorist to the Director, the Behaviorist states:

"I want to make sure that I am doing this correctly before I go on any further ... On each dog, I am recording:

1. The reason why they were fails, including notes and also including any additional SAFERs that they had during the year from January 2014 – 1/22/2015.
2. Reason they came to us in the first place
3. Recording if they were returned and for what reason.
4. Any additional notes that may have been in the SAFER file or if they were PC's, etc.

Do you want me to add anything to this?"

The Director, who was out sick at the time, responded by stating "I think all the IG asked for was 1 and 3? I'm going back to bed so you and [the Animal Program Analyst] can work this out. Thanks."

The signed statements provided go on to explain that the Behaviorist created a spreadsheet with all information for the SAFER Fail dogs. The spreadsheet was near completion when it was

presented at one of the meetings with the Director, Animal Program Analyst and Operations Manager. In reviewing the spreadsheet, the Animal Program Analyst told the Director it looked “bad” to see dogs with patterns of biting people and killing other animals being adopted out or transferred. After reviewing the information on the spreadsheet, the Director asked the Behaviorist to stop gathering information for these dogs. The Director decided the spreadsheet would not be given to the OIG and that it would be better to provide just numbers. Any further information about the dogs should not be provided in a written report.

When the OIG asked the Director about this, she confirmed that she did want to avoid a full-blown investigation, given that AWD had already been through one. She also confirmed that prior to the initial meeting with the OIG back in February she had said that the list the Behaviorist was working on would not be provided to the OIG after all.

The Director did not believe that they were hiding any information with regard to AWD adopting out aggressive dogs. She stated there was no cover up, but the initial document prepared turned out to be misleading because it only listed the negative. She believes the information AWD provided to the OIG was truthful and accurate.

The OIG Ordinance States:

**§ 2-17-12 PENALTY; COOPERATION; RETALIATION PROHIBITED.**

(B) All city officials, employees and contractors shall provide the Inspector General full and unrestricted access to all city offices, employees, records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, electronic data, property, equipment and facilities and any other materials within their custody. At the Inspector General's request, an official, employee or contractor shall prepare reports and provide interviews. If an official, employee, vendor or contractor fails to produce the requested information, the Inspector General shall notify the Board and make written request to the Chief Administrative Officer for his assistance in causing a search to be made and germane exhibits to be taken from any book, paper or record excepting personal property. The Chief Administrative Officer shall require the officials, employees, vendors or contractors to produce the requested information.

The Director of the Department is not allowed to withhold information or documents, even when she believes such information may be incomplete. The OIG wants to fully understand the information available, and in such a situation, the Director or other City employee can explain to the OIG why the information may be incomplete or misleading. The OIG can then make the determination of what to do from there and whether to wait for additional information or documents.

4. **THERE ARE NO FORMAL POLICIES AND PROCEDURES IN PLACE CONCERNING THE VOLUNTEERS.**

The OIG found there is no formal SOP in place for the volunteers. AWD has many volunteers who work with the dogs in the shelter. Those wishing to volunteer at AWD must sign a Volunteer Agreement and Release of Liability form. They must also attend Volunteer



Orientation and an Animal Handling class, which is given by one of the AWD Project Managers who also serves as the Volunteer Coordinator. The Volunteer Agreement and Release of Liability form states that volunteers agree to be supervised by the Volunteer Program Coordinator or designee, and that volunteers will directly report to this person with any problems that may arise.

Many AWD employees, as well as some outside individuals, expressed concerns that the volunteers seem to have a great deal of power and influence -- especially a few select volunteers. Many expressed concerns that the volunteers seem to have the ear of the Director and that the thoughts AWD employees have about certain dogs are dismissed and decisions made by AWD employees are often overruled. Both the Volunteer Coordinator and Rescue Coordinator stated there have been instances in which volunteers have bypassed them completely and have gone straight to the Director regarding particular dogs.

In the case of the dog called Pappy (see **Appendix B**), one volunteer in particular was a strong advocate for this animal, and worked directly with the Director and Rescue in trying to find a live exit option. When the OIG spoke with the Rescue Coordinator, she stated she was not involved in any way with the transfer of this dog.

The nine (9) employees who are certified in conducting the SAFER assessment expressed frustration with volunteers who suggest that they are not conducting SAFER assessments correctly. Employees stated that volunteers question why particular dogs were coded as a “Fail” or “Special”, and state that the dog is fine and that they have not witnessed any of the same behaviors that the employees observed and noted during the SAFER assessment.

When the OIG asked the Director about the volunteers, she confirmed that volunteers have gone straight to her, bypassing the Volunteer Coordinator, the Rescue Coordinator and other staff. She stated volunteers go to her, as do some staffers, and express their concerns. However, she is not necessarily inclined to overrule staff. The Director stated she trusts and respects the AWD staff, and does not rely on volunteers’ opinions of animals more than those of the trained AWD employees. She does, however, listen to all information about the animals.

5. THE WRITTEN GUIDELINES IN PLACE FOR VOLUNTEER PROJECT ANIMALS AND VOLUNTEER HOLDS ARE NOT CONSISTENTLY FOLLOWED.

The OIG found that there was no formal Standard Operating Procedure in place for Volunteer Holds. The OIG received a copy of guidelines entitled “Volunteer Project Animal Protocol”. However, these guidelines are not signed or dated, nor are they in the same format as the other SOPs. According to the protocol, a volunteer can become the advocate for a dog in the AWD shelter in order to “help that project animal find a good home as quickly as possible, and to reduce the animal’s stress and stay in the shelter.” Volunteers can place holds on these project animals, and per some of the guidelines for the holds placed on Volunteer Project Animals:

- Project animals should be animals with adoption potential
- Holds will not be granted for animals with serious behavioral or medical issues
- Euthanasia will not be an option for project dogs as long as the animal is healthy and not developing serious behavioral issues
- Volunteer can place holds on a maximum of two project animals at any one time

- Holds will be in place for 30 days to allow time for socialization and promotion

Concerns were expressed to the OIG that despite what is stated in the guidelines, volunteer holds were being placed on dogs that had a history of behavioral issues -- including dogs that had histories of biting and killing other animals.

The OIG found this to be true in the case of the dog called Pappy. A volunteer hold was placed on Pappy on 12/20/2014, despite the fact that Pappy had attacked and killed a small poodle, unprovoked. A previous volunteer hold had also been placed on Pappy on 10/15/2014 after Pappy had failed the SAFER assessment due to animal aggression.

The OIG would like to emphasize per the Volunteer Project Animal Protocol, project animals should be those that have strong adoption potential.

The OIG interviewed the Volunteer Coordinator who stated there is not always consistency with the 30-day hold process. As part of this process volunteers are required to turn in weekly progress reports for their project animals. The Volunteer Coordinator stated progress reports are not always consistently turned in, and without receiving progress reports, there is the risk of losing track of the animals and going past the 30-day allowance for holds. The Volunteer Coordinator further explained that a hold does not automatically release from the system after 30 days; someone has to go into the system and remove the hold.

6. RESCUES ARE CURRENTLY NOT REQUIRED TO SIGN ANY SORT OF WAIVER OR FORM ACKNOWLEDGING THAT THE ANIMAL THEY ARE RECEIVING FROM AWD HAS HAD, OR CURRENTLY HAS, BEHAVIOR ISSUES OR A BITE HISTORY.

At the time of the initial meeting with AWD, the OIG found that when rescues and shelters agree to take animals from AWD, the rescue or shelter is not required to sign a waiver of any kind should an animal have any sort of behavioral issues or negative history. AWD transfers animals to other shelters and rescue groups on a regular basis. Animals are transferred not only within the State of New Mexico, but out of state as well. Rescues may make these animals available for adoption.

The Director admitted that when AWD transfers an animal to a rescue or another shelter, it has not been required for that rescue or shelter to sign a waiver or any sort of form acknowledging that the animal they are receiving has any sort of issue. AWD does have adopters sign a waiver if there is an issue with an animal, be it a serious behavior issue or medical.

### **POTENTIAL CAUSE FOR CONCERN**

The OIG learned that there have been instances in which a dog's breed listing has been changed. The OIG was provided with several examples of dogs that had their breed listing changed at some point in time during their stay at the shelter. All had their primary breed listed as Pit Bull, but at some point, the primary breed was changed in the documentation. Examples of breed listing changes include changing these Pit Bulls to such breeds as: Boxer, Labrador Retriever, German Shepherd, Australian Cattle Dog, Siberian Husky, and even Chow Chow. By changing the breeds, this gives an appearance that breed listings are being changed to increase

adoptability. There should be an SOP that defines under what circumstances a dog's breed listing will be changed. (See **Appendix C** for citizen complaint)

The OIG learned that there are many instances in which a dog's name is changed during its time in the shelter. Sometimes a name will be changed more than once. The Director stated this is usually done simply for marketing purposes, and is something that even the ASPCA suggests. Occasionally, however, there are other circumstances which warrant a name change. Such a circumstance is when a Court Hold is placed on a dog due to that dog's owner being deemed irresponsible. The shelter may change the dog's name in an attempt to protect it from being adopted by anyone associated with the irresponsible owner. If that is the case, there should be an SOP that defines under what circumstances a dog's name should be changed. By having SOP's in place, the public may be reassured about changes to breed listings and names. Otherwise, it may come across as looking suspicious.

### **RECOMMENDATIONS**

1. The OIG recommends that AWD develop an SOP that outlines how to handle aggressive, behaviorally unsafe and potentially dangerous dogs in the shelters. AWD should consider including a guideline in this SOP stating that a dog should not be adopted out so quickly if it has killed another animal.
2. The OIG requires that all information requested at any time in the future be provided by the department without hesitation or delay as mandated by the OIG ordinance. The OIG will determine if the information is pertinent, not the department.
3. The OIG recommends that AWD update its euthanasia policy to include guidelines for the decision making process (the how and why) to euthanize dogs. The OIG found several sources that AWD may want to consider looking at, that discuss creating animal shelter guidelines, including guidelines on selecting animals for euthanasia. Having written guidelines in place may help eliminate the conflict that sometimes arises due to certain dogs that are placed on the euthanasia list, removed from the euthanasia list and holds that are placed on certain dogs.
4. The OIG recommends that AWD develop an SOP for the Population Management Team (PMT). The SOP should include what employees should serve on the PMT. It should also include guidelines for when and how often PMT assessments will be done; parameters for deciding what animals are good candidates for rescues, sanctuaries and other shelters; as well as parameters for deciding what animals may need to be considered for euthanasia due to medical or behavioral issues.
5. The OIG recommends that AWD develop an SOP for changing a dog's breed listing. The breed listing change should only be in the event that there has been a legitimate reconsideration of what a dog's actual breed may be. AWD should notate how the determination was made and specifically, what the breed listing change is attributable to. The OIG also recommends that AWD develop an SOP outlining the circumstance(s) in which changing a dog's name is appropriate.
6. The OIG recommends that *all* AWD staff be consistent and thorough when notating information about a dog in the Chameleon database. All information should be noted in relation to any and

all SAFER assessments that a dog has. Detail about the results of each of the seven (7) assessment items should be notated, as well as the score on each item. The overall score should also be notated, as well as the reason for how a dog is coded (i.e. why a dog is coded as “Good” “Fair” or “Poor”). All additional information about a dog should be consistently documented in Chameleon as well. This includes all owner surrender information; if an animal is the project dog of a volunteer or staff member and all notes related to that dog’s progress; and documentation of any incidents that may occur with a dog while it is in the shelter.

7. The OIG recommends that AWD develop a form to help determine if employees and volunteers have a breed bias, be it negative or positive, toward particular breeds. This way the most appropriate individuals can conduct the assessments without bias.
8. The OIG recommends that a formal SOP for the volunteers be developed and adhered to. The SOP should include stronger guidelines which delineate the functions and description of what volunteers can and cannot do. This should include taking direction from the kennel manager and/or designated staff. A copy of this SOP should then be signed by each volunteer.
9. The OIG recommends that an official and formal SOP for Volunteer Holds be developed and adhered to. AWD should also consider updating the system so that any holds on animals will automatically release after the 30 day time period.
10. The OIG recommends that AWD make it a requirement that rescues and shelters sign a waiver form when pulling an animal from AWD that has behavior issues and/or a history of biting, attacking or killing. All information about an animal should be provided upfront to potential adopters, rescues and shelters. Should any adopter, rescue or shelter request additional information about an animal, AWD should provide that information, even if the adoption or transfer of the animal has been completed.
11. The OIG recommends that AWD require owners surrendering their dogs to complete an “Owner Relinquishment Questionnaire.” The information provided by owners could be valuable in helping to make appropriate decisions about an animal in addition to SAFER assessments and staff observations. AWD personnel should also be trained to advise the owners that the questionnaire is not a make or break for their dog, and that by answering all questions honestly, it will aid in the animal’s assessment.
12. The OIG recommends that a standard report be created for every animal. The standard report should have a detailed history, including medical information, and that it is readily available to every adopter, potential adopter, rescue or other institution.
13. The OIG recommends that it be a requirement that AWD inform all interested adopters that *all* information for an animal is available for their review before they decide to adopt an animal. This includes all information from all SAFER assessments, all information related to behavioral and medical issues, all owner surrender information provided, all information from the Field Division -- including whether a dog has been deemed potentially dangerous or dangerous, and all notes in the Chameleon database.
14. The OIG recommends that each staff member have a copy of the SOP manual, and that a master copy (that is kept current) be kept in a central location. Staff should read the entire document, and then have a one-on-one review with their supervisor of the sections that relate to their job.

In addition, all supervisors should be required to complete minimum training requirements themselves. This will help to ensure that the training that supervisors provide to staff members is consistent with the SOPs.

AWD's SOPs should be reviewed at least once a year by all staff, department supervisors and the Director.

## **CONCLUSION**

An animal shelter has a responsibility to protect not only the animals in their care, but also members of public, shelter employees and volunteers. Dogs that exhibit aggressive or dangerous behavior should not be released out into the public, not just for liability reasons, but for ethical reasons as well.

The OIG wants to state that it was very evident to us that all of the employees displayed a genuine caring responsibility for the treatment of the animals at the shelters. Many employees we interviewed got emotional when discussing their issues and concerns during this investigation. The OIG also recognizes that the AWD Director is also genuinely caring of the animals and has done many good things to help the AWD.

The lack of certain policies and procedures, as well as not following existing policies and procedures, led to many of the concerns stated in the investigation. By AWD enacting and enforcing new policies and procedures it is the OIG's hope that this will lead to less concerns when it comes to potentially aggressive and dangerous dogs.

The average person who goes into a shelter to adopt a pet likely does not have an extensive background and knowledge when it comes to canine behavior. This naiveté can possibly lead to people getting bit or other animals and pets being attacked and/or killed.

Dog owners also have a big responsibility to ensure their dogs are not put in situations where they may become aggressive. They should follow the recommendations given by AWD employees, which should be on the animals' documentation. Recommendations should be in a standard format that is easily understandable by the adopter/owner.

Since the beginning of the investigation AWD has begun making positive changes. They have created or changed policies and procedures. The OIG's hope is that once completed and approved, these policies and procedures will be followed.

# **APPENDIX**

## **APPENDIX A**

It is important to note that Angel's Law applies only within Albuquerque City Limits. It is the OIG's understanding that should a dangerous dog be transferred to another jurisdiction by any sort of means, the dangerous dog designation and requirements no longer apply. It is also unclear whether the dangerous dog designation only applies if a dog is in the possession of a private individual, or if the designation would still apply if the dog is in a shelter or at a rescue.

It should also be noted that per Angel's Law, the Mayor has the authority to increase the minimum insurance coverage amount from time to time by regulation. During the course of this investigation, it has been proposed that the minimum insurance amount be increased.

According to a City Administration review analysis, the \$100,000 insurance pertaining to injury to any person or property caused by the dangerous dog may not be sufficient and should be reviewed.

## **APPENDIX B**

The OIG was provided a list of 127 dogs from the past year that had failed the SAFER assessment. Documentation for these dogs was also provided, to include detailed notes pulled from Chameleon and specifics of the dogs' SAFER assessments. A few of the dogs were the same as those mentioned in the initial complaint. A few other dogs were brought to the attention of the OIG. These dogs were not on the list of SAFER fails, but were referenced in the allegations and during the course of the investigation. Out of all the dogs, there were those that seemed to be more well known and were mentioned by numerous individuals during the course of the investigation.

In reviewing all the documents, the OIG determined there were approximately a third of the dogs out of those brought to our attention in the allegations that seemed to be some of the more troublesome dogs. The OIG realizes that the SAFER assessment is not the end all, be all for a dog, and that various other factors must be taken into consideration. Although a majority of the dogs on the list provided were those that were SAFER Fails, in reviewing the documents, it seems some of the dogs were able to successfully come around with some work and behavior modification.

Below are dogs that caused the most concern to the OIG.

◆ **Pappy (A1527709):** Name was changed from Scrappy to Pappy

- 3/30/2014 was a SAFER "Fail" for animal aggression
- July 2014 was placed on euthanasia list due to aggression and unpredictability, but removed at the request of the Director to explore live exit options

- 10/15/2014 reassessed on SAFER and was a “Fail” for animal aggression
- 10/15/2014 placed on Volunteer Hold
- 10/30/2014 Director placed Staff Hold
- 11/2/2014 adopted
- 12/7/2014 returned for attacking and killing a small poodle unprovoked, and biting the poodle’s owner in the process
- December 2014 placed on euthanasia list due to aggression and unpredictability, but removed at the request of Director to explore live exit options
- 12/20/2014 placed on Volunteer Hold
- 12/23/2014 transferred to rescue

(\*\* In talking with various employees and individuals throughout the course of the investigation, Pappy seemed to be the most controversial out of all the dogs. And during the OIG’s interview with the Director, she acknowledged that she would have done things different with regard to Pappy.)

◆ **Oden (A1679461):** Name was changed from Bobby to Oden.

- 8/30/2013 found as a stray
- 9/3/2013 passed the SAFER assessment
- 4/12/2014 adopted and returned on same date for snapping at grandson and for being jumpy and mouthy with other family members
- 4/13/2014 was a SAFER “Fail” for snapping and trying to bite assessor 3 times, animal aggression and food and toy aggression
- 4/22/2014 adopted
- 8/11/2014 returned to AWD
- 8/14/2014 reassessed on SAFER and was a “Fail” for toy aggression, being mouthy, resource guarding and animal aggression
- 8/15/2014 euthanized due to aggression



◆ **Taz (A1693198):**

- 4/25/2014 Chameleon notes state that Taz was a “Pass” on what the OIG could only assume was the SAFER assessment. However, there was no detail and scores noted for each of the seven (7) assessment items. Nor was there an overall score notated. The only notations were “Pass: Outgoing playful, no kids very hyper and strong, good with food, good with touch, good with other dog.”
- 6/3/2014 Chameleon notes state that it took three (3) staff members to get this dog out of his cage. All three (3) staff members sustained injuries in one form or another during the process. This dog was overly reactive and was biting and chewing on the fence and pushing at the gate with all teeth showing, and was difficult to leash. This dog aggressively grabbed one staffer by the hand at the gate, leaving a small abrasion. He attacked another staffer by the leg, grabbing the staffer’s pants and tried to yank him into the kennel. On the way past other dogs, Taz was attacking their cages aggressively
- 6/6/2014 it was noted that this dog was having a hard time in the kennel with his happy tail never healing and being overstimulated. As a result, he was moved to a pen outside, where it was noted that the padlock must always be locked on the pen
- 8/2/2014 adopted

◆ **Mamba (A1695043):**

- 5/9/2014 owner surrendered due to being very aggressive with other dogs and killing a puppy. Owner also moving
- 5/16/2014 assessed as a SAFER “Fail” due to charging the helper dog, growling and attempting to bite
- 5/27/2014 adopted
- 5/30/2014 returned by adopter who stated that this dog had to be crated while they are away, but broke out of her crate
- 6/11/2014 adopted
- 9/16/2014 returned
- 9/27/2014 reassessed on the SAFER and was a “Fail” due to animal aggression and food possessiveness. It was also noted that on 9/27/2014 this dog attacked another dog in the intake office
- 9/28/2014 euthanized due to behavior



◆ **Grover (A1640475):**

- 3/27/2012 dog deemed dangerous for attacking and biting a 60-year-old man on the arm. This dog had two prior bite incidents in Rio Rancho, NM in 2010-2011; one with similar circumstances of the dog running off its property and attacking a man at the mailbox
- 9/10/2012 picked up as a stray
- 9/19/2012 hold placed for possible rescue
- 9/24/2012 rescue came to pull dog. However, upon learning of the dog's history and that the dog had been deemed dangerous, the rescue decided against pulling the dog
- 9/26/2012 was given temperament test and seemed to do well, though it was noted that he had high prey drive
- 10/1/2012 made available for adoption
- 10/13/2012 adopted
- 10/14/2012 returned due to landlord not allowing large breed dogs
- 10/14/2012 transferred to rescue

◆ **Angel (A1685153):**

- 5/17/2014 owner surrendered for fatally attacking two (2) dogs, including the family dog, and wounding a third
- 5/17/2014 assessed on SAFER and was a "Fail" due to animal aggression. Chameleon notes indicate that the Rescue Coordinator had been in contact with various bulldog rescues to inquire about possibly transferring this dog
- 5/30/2014 transferred to rescue

◆ **Tanuki (A1692914):**

- 4/13/2014 assessed on SAFER and was a "Pass"
- 4/14/2014 adopted
- 6/14/2014 returned for killing the neighbor's cat, escaping, and being aggressive towards the baby
- 7/12/2014 reassessed on SAFER and was a "Fail" due to animal aggression

- 7/12/2014 adopted
- 7/25/2014 returned for escaping and for attacking family dog and cat
- 8/6/2014 transferred to rescue

◆ **Scrappy (A1683961):**

- 11/4/2013 assessed as a SAFER “Fail”
- 12/06/2013 reassessed as a SAFER “Fail” for snapping, trying to bite and unpredictability
- 12/13/2013 transferred to rescue
- 1/3/2014 returned from rescue for snapping and unpredictability
- 1/4/2014 reassessed as a SAFER “Fail” for snapping, trying to bite and unpredictability
- 1/4/2014 adopted

Examples of dogs that should have been an automatic SAFER “Fail” as stated by AWD’s policies and procedures which states:

“The following dogs will receive a result of fail regardless of exhibited behavior during the SAFER test: dogs that have killed, attacked or severely injured another animal prior to its arrival at AWD and dogs that have severely and aggressively bitten a human.”

◆ **Mia (A1704901):**

- 9/21/2014 was owner surrendered due to attacking and killing another dog
- 9/23/2014 assessed on the SAFER and was coded as a *Special* adopt only, with it being noted that due to killing another dog, Mia must be an only dog
- 9/26/2014 adopted

◆ **Miracle (A1699341) and Prada (A1699342):**

- 7/6/2014 dogs were deemed dangerous for killing a neighbor’s cat
- 9/3/2014 both dogs broke through a fence and Prada killed a neighbor’s small dog
- 9/3/2014 owner surrendered the dogs

- 9/5/2014 both dogs were given SAFER assessment in which both dogs did ok, but were both listed as *Special* adopt due to killing a cat and small dog
- 9/5/2014 Director placed rescue hold on both dogs
- 9/21/2014 both dogs were transferred to rescue

◆ **Mugsy Malone (A1617373):**

- 5/19/2014 while at large in the neighborhood, bit a 3-year-old girl in the face. Per the field notes, the bite was unprovoked
- 6/24/2014 dog was given a SAFER assessment in which the dog was a “Pass”
- 7/1/2014 dog bit a volunteer who was attempting to remove the dog from its kennel
- 8/20/2014 another SAFER assessment was administered in which the dog was coded as a “Special”, but only due to jumpiness during play
- 9/22/2014 was transferred to an animal sanctuary in New Mexico

The OIG asked the Director why Mugsy Malone would be a “Pass” when according to AWD’s SAFER policies and procedures, it states that a dog who has severely and aggressively bitten a human will receive a result of “Fail” regardless of exhibited behavior during the SAFER test. She explained that Mugsy Malone would be deemed *unadoptable* under AWD’s criteria; but even though Mugsy Malone bit someone, he technically would not have been a “Fail” under the SAFER test. She stated if you are just administering the SAFER assessment, you administer the assessment and the dog gets a score. However, that does not mean that the dog is going to be adopted out. She mentioned that AWD has been working on updating protocols, and now their criteria is a little clearer so they now would not test a dog like Mugsy Malone.

**Example of breed and name change**

◆ **Rocco (A1710675):**

- 12/23/2014 entered the shelter as a stray. At the time, Rocco’s name was Freckles and he was listed as an American Pit Bull Terrier. Per the Chameleon notes, this dog also was a bite case for biting a human. This dog had gone into the victim’s yard and bit the victim on the leg. The owner of the dog was contacted and indicated that he would be in to reclaim the dog; however, the owner never followed through with the reclaim
- 1/9/2015 given SAFER assessment and was coded as a “*Special – Fearful*”. Name changed from Freckles to Rocco
- 1/20/2015 adopted

- 1/27/2015 returned due to being destructive when left alone. Dog would break out of his kennel (possible separation anxiety noted)
- 2/6/2015 given SAFER assessment and was coded as a “Pass” and “No kids under 6 due to activity levels”
- 3/25/2015 Rocco’s breed was changed from American Pit Bull Terrier to Australian Cattle Dog
- 4/19/2015 was taken to an offsite event and was adopted
- 5/23/2015 returned and had a 2<sup>nd</sup> bite case. According to Chameleon notes, the dog got loose from the yard and bit a neighborhood child while the owner was at work
- 5/26/2015 Rocco was euthanized per the PMT and concurrence by the AWD Operations Manager

## **APPENDIX C**

### **Citizens who contacted the OIG with AWD complaints**

#### **Citizen 1**

Concerns had also been expressed that rescues were not always aware that the dog they were pulling had behavior issues or a negative history. The owner of one rescue was quite upset, stating she was unaware of the true and complete background of a dog she pulled from the AWD Eastside Shelter. This particular dog was one of the more controversial dogs, and the general consensus amongst everybody the OIG spoke with, was that this particular dog should never have been released out into the public. The owner of the rescue stated she learned of the dog’s true and complete history at the time the allegations related to this investigation gained media attention.

The owner of the rescue indicated she was not in communication at all with the Rescue Coordinator with regard to this particular dog, commenting that she did not even know who the Rescue Coordinator for AWD was. Rather, an AWD volunteer reached out to her, asking if the rescue would be willing to take this particular dog. She stated she asked for full information and that the volunteer disclosed what he was told about the dog. She agreed to take the dog and stated she requested all notes, information and documents related to this dog, but was denied. She stated she even went to the East Side shelter to talk with the Director, but the Director was away from the shelter at the time. The owner of the rescue talked with the AWD Operations Manager instead, but AWD would not release the dog’s information, because she had already taken the dog, and therefore, anything that AWD had no longer applied. The owner of the rescue claimed she even requested a waiver for the dog, but was not provided that either because she had already accepted the dog into her rescue and therefore, liability no longer fell on AWD.

The owner stated her rescue is very particular and careful about what they bring in and what they adopt out. Her stance is that she needs to know everything that has happened with a dog. She believes in full disclosure and wants people to know what they are getting into. She expressed she cannot give people full disclosure about a dog if she is not given full disclosure herself. She admitted that her rescue did end up adopting out this particular dog and that as far as she knows, everything has been going fine thus far. However, she indicated that had she known the full history of this dog -- including temperament tests, she likely would not have agreed to take it. She also believes that if an animal is not safe to put out to the public, then the animal needs to be let go (euthanized).

She stated her rescue does not pull as many dogs from AWD as it used to. She mentioned other problematic dogs she and the Director have not seen eye to eye on in the past, and indicated that she and the Director have had enough heated conversations over dogs that should not be released out into the public, that they do not deal much with each other anymore. She stated the Director is very much aware of the rescue's position on what should be released and what should not, and finds AWD's policies troublesome.

During the OIG's interview with the Director, she stated she is all for disclosing all information that AWD has to adopters, rescues and other shelters and commented it would be negligent and dishonest not to. When other shelters are interested in pulling a dog from AWD, the Director stated "we give them everything we have", to include photos, notes in the computer, owner surrender information and results of the SAFER assessment. She was not sure if it was protocol that the information is given right away or if a shelter has to ask for the information. She stated most of the rescues AWD deals with want every shred of information to start with, but indicated that information would be provided to them even after they have already pulled an animal.

## Citizen 2

A citizen also came forward to the OIG with concerns about a dog she had adopted from the East Side shelter at the very end of 2014. She explained that she adopted a dog that was listed as a Boxer mix on his kennel card. The citizen stated she knows quite a bit about dogs, and in looking at this particular dog, she felt he looked more like a Pit Bull mix. She saw that maybe there was a small part of the dog that was Boxer, but felt as though the primary breed seemed to be Pit Bull.

The animal ID numbers for the AWD shelter dogs are never changed, and it was found that this dog was initially listed as a Pit Bull mix when it came into the shelter as a stray back in 2011. The dog returned to the shelter as a stray on September 8, 2014 and its primary breed was listed as Pit Bull. However, on September 12, 2014 the primary breed was changed to Boxer.

The OIG inquired about this and some AWD employees confirmed that there are instances in which the breed of a dog is changed. The changes to breed are not always attributable to a legitimate reconsideration of what a dog's actual breed may be. Rather, the OIG was told by AWD employees that the purpose of changing breed is usually for marketing considerations as well; to help make a dog more adoptable and help get it out of the shelter. For example, this may happen with a potential adopter who lives somewhere that does not allow certain breeds of dogs. So the opportunities for a dog that is a particular breed can be possibly expanded, if the dog is not identified as its actual breed.

The above-mentioned citizen explained that she does not have any sort of breed bias, so she did not mind if the dog she adopted was indeed a Pit Bull mix as opposed to a Boxer mix. However, she became concerned with behaviors the dog displayed not long after the adoption. She stated that the dog was a SAFER “Pass”, but remembers that there was a note on his kennel card stating “No kids under 13.” She was told this was because of the dog’s high energy and size, so there was the possibility that a younger child may be knocked down. She stated her daughter was 11 years old and pretty tall for her age, so they went ahead with the adoption.

The citizen stated the dog was high energy and had bad manners, and as she tried to train the dog, there was a struggle with dominance. She explained the first night she had him, she and the dog were sitting on the couch watching television. She was petting the dog, and everything was fine, but then from out of nowhere the dog bared teeth at her. She stated it was a red flag for her, but then thought that maybe she just had touched him in a spot that was sensitive.

A few days later she stated her roommate’s boyfriend was visiting. The dog barked a lot at the roommate’s boyfriend, but the second major red flag came when the dog jumped up to where he was eye level with the roommate’s boyfriend, and then snapped in the boyfriend’s face.

The citizen stated the final major red flag occurred approximately a week after she adopted the dog. She explained that she was away one evening for a meeting, and that her roommate and daughter were at home. They were eating dinner in the living room when the dog went to pull food off the daughter’s plate. The daughter put her hand out and told the dog “No”, and it was then that the dog bit the daughter’s forearm. When the roommate went to grab the dog by the collar and pull him off the daughter, the dog then turned and re-directed, biting the roommate. The citizen stated the dog did not break skin, but she no longer felt comfortable keeping him.

She returned the dog to the shelter the very next day and explained to two of the employees up front everything that had taken place. She remembers the employees commenting to each other that this dog was a project dog of one particular volunteer. They further commented that this was the 3<sup>rd</sup> project dog of this volunteer that had been returned for biting.

The citizen stated she did end up adopting another dog from the shelter and that the new dog is completely different and has been absolutely wonderful.

REVIEWED BY:

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Acting IG

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IG Investigator

APPROVED:

APPROVED FOR PUBLICATION:

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Peter J. Pacheco, CFE, CIGI  
Acting IG, Office of Inspector General

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Chairperson, Accountability in Government  
Government Oversight

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# CITY OF ALBUQUERQUE

## ANIMAL WELFARE DEPARTMENT



Richard J. Berry, Mayor

Barbara Bruin, Director

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### **Response to Investigative Report Findings**

- Dogs with problematic behavior were being released into the public.

The AWD is always striving to improve our behavioral assessment of dogs, but it is not an exact science and there is no crystal ball so errors are possible. However, there are procedures in place that make certain dogs that have shown to be a threat to other animals or people are not placed up for adoption. In 2014 AWD adopted out 6,038 dogs. 132 (2%) of those are noted in the claim included in this report as having problematic behavior. Of the 132 dogs listed in the claim it was found that 29 had been sent to a rescue shelter, 7 had been euthanized, 5 were duplicates, and 1 had was listed as “pass” for the SAFER assessment. That left 92 dogs that were claimed to be adopted out with behavioral issues. We have followed up with written correspondence to each of those owners. To date we have received 51 responses and not a single aggressive behavioral issue has been identified.

- Documentation of information in AWD’s Chameleon database is inconsistent.

The AWD strives towards all data entry into its database to be relevant and consistent. Data entry errors do occur but all staff are committed to getting information entered in a clear, consistent manner and supervisors are responsible for quality control.

- The Director was not forthcoming with all information relating to behaviorally unsafe dogs and those that pose a threat to the public and staff.

The Director did not withhold relevant information from the OIG. The data initially collected in the document that the OIG feels should have been provided was irrelevant to their inquiry, as it was not a list of aggressive dogs and would have been misleading. That said, the Director would have promptly provided it if the OIG had requested it after meeting with Carolyn Hidalgo on February 13, three days after our meeting with the OIG. No conversation was initiated by the OIG to clarify the data with the Director. Had that occurred, the Director could have then clarified the misunderstandings regarding the SAFER assessment that have fueled this investigation. For example, SAFER is not pass/fail, and is one of many tools the shelter uses to assess canine behavior.

- There are no formal policies and procedures in place concerning the volunteers.

The volunteers who assist the animals at AWD do have guidelines and procedures that govern what (and how) they are allowed to assist AWD animals, staff and public. This policy has been formalized in a standard operating procedure and signed by volunteers and staff at our shelters. A copy of it is provided as Attachment A.

followed.

A written standard operating procedure has been developed and signed by volunteers and staff. A copy of it is provided as Attachment A.

- Rescues are currently not required to sign any sort of waiver or form, acknowledging that the animal they are receiving from AWD has had, behavior issues or a bite history.

AWD has always fully disclosed all information to rescue groups concerning the behavior of any animal they were accepting. The group cited in appendix C as “citizen 1” is the sole representative of an independent pit bull rescue group that AWD released animals to in the past. They, like all groups, are provided with any information we have relating to an animal’s behavior. We are in the process of developing a standard transfer agreement document that will be used in all rescue transactions.

**CRITERIA FOR DETERMINING THE ADOPTABILITY OF ANIMALS**  
**HOUSED**  
**AT THE CITY OF ALBUQUERQUE ANIMAL WELFARE DEPARTMENT**  
**AND**  
**GUIDELINES FOR EUTHANASIA DECISIONS**

When an animal enters the Animal Welfare Department (AWD) shelters the adoptability of the animal needs to be determined. AWD understands that some animals may be a threat to public safety and should not be adopted by the public or transferred to other agencies. A Population Management Team (PMT) will determine if an animal is adoptable or unadoptable. The PMT is defined by the most current operation policies and procedures for AWD "Guidelines for the Population Management Team."

The following definitions and criteria will be used to determine the adoptability of shelter animals and whether they are placed with an available status by the Animal Welfare Department.

**ADOPTABLE** - Animals that are behaviorally and medically healthy and that pose no imminent risk to animals or people based on information currently available.

**UNADOPTABLE** - Animals that are a risk to the public or other animals, as defined below, based on information currently available.

- Animals that have been deemed Dangerous by City Animal Welfare Department, Bernalillo County Animal Control or any other Animal Control agency
- Animals that have killed the same species of animal.
- Dogs that have shown high prey drive by attacking or killing multiple animals.
- Animals that have bitten a person or animal to a degree that it causes lacerations, multiple punctures (more than single puncture bite wound), or deep muscle tears (level 3B on the Dr. Sophia Yin Canine Bite Level scale)
- Bite case animal with a history of past bites or attacks on people and/or animals
- Animals that have medical issues including severe illness, contagious disease, severe injury, or conditions not able to be treated in the shelter situation

Upon intake or during processing any animal found to fall into one or more of the unadoptable categories will be considered high risk to the general public or other animals and not be available for adoption. Unadoptable animals will not be placed into the shelter's general population; will not be made available for adoption or transfer; cannot have a hold placed on them by anyone; and should be euthanized after intake in a timely manner. Euthanasia cannot occur until any holding period such as stray days, protective custody days or Court holds expire. Standard intake procedures such as photographs and vaccinations will be performed whenever possible. These animals will be placed away from public view or in a low traffic area if viewing by the public is required (stray animals).

## **GUIDELINES FOR EUTHANASIA OF ANIMALS CONSIDERED ADOPTABLE**

If an animal does not fall into the unadoptable category, they will be made available for adoption. Behavior assessments will be performed on these dogs in a timely manner as outlined in the SAFER SOP. AWD understands that some animals that are not considered unsafe or high risk to the public can still be poor candidates for adoption and ultimately may be euthanized. Items considered during euthanasia decisions for these animals will include, but are not limited to:

### **Primary Considerations**

- History as reported by previous owner(s) or the general public
- History as reported by AWD staff, volunteers and fosters
- SAFER behavior assessment results
- Behaviors exhibited while in the shelter system
- Medical conditions or concerns that, by themselves, are not immediate euthanasia candidates

### **Secondary Considerations**

- Length of current and previous stays
- Overall adoptability
- Any holds in place by staff or volunteers who *are actively and constructively working with the animal.*
- Potential harm to persons and/or damage to property

## **GUIDELINES FOR DOG TREATMENT AND CARE AFTER BEHAVIOR ASSESSMENTS**

Animals that have performed *good or fair* on their SAFER assessment will be able to participate in any of the AWD programs such as, but not limited to;

- Off-site events
- Foster programs
- Rescue programs
- Media events
- Off-site play days(1)

Animals that have performed *poorly* on their SAFER assessment will not be:

- Taken to off-site events
- Showcased as media pets

Animals that have performed *poorly* on their behavior assessment will only be allowed in the following programs with approval given by Kennel Supervisors, Program Managers, Kennel Manager, Operations Manager, Chief Vet or the Department Director.

- Pre-sterilized or made ready to go (RTG)
  - Foster programs
-

- Rescue programs
- Off-site play days

Animals that have performed *poorly* on their behavior assessment will only be allowed in the following programs with approval given by Senior Animal Handlers, Kennel Supervisors, Program Managers, Kennel Manager, Operations Manager or the Department Director.

- Shy dog programs
- Pitt bull Ambassador programs
- Playgroups

Animals that have performed *poorly* on their behavior assessment will only be allowed in the following programs with approval given by Senior Animal Handlers, Kennel Supervisors, Program Managers, Kennel Manager, Operations Manager, Sr. Veterinarian or the Department Director in conjunction with the Adoption Center Manager.

- Transfer to Lucky Paws adoption center

Dogs who participate in Off-site play days or “Doggy Day Outs” serve as ambassadors for the animals remaining in the shelter; therefore the animal must be a good candidate to represent our shelter. A Doggy Day Out occurs when a dog leaves the area enclosed by the AWD secure shelter fence - this includes the parking lot areas at the eastside and westside shelter or the surrounding grounds. Volunteers must request approval from a Program Manager, a Kennel Supervisor, a Kennel Manager, the Operations Director, or the Department Director to take a dog to a Doggy Day Out. Volunteers who take dogs on Doggy Day Outs will sign and complete the appropriate forms so that AWD knows when the volunteer and dog left the shelter and how we can contact the person by cell phone if necessary.

### **GUIDELINES FOR VOLUNTEER AND STAFF HOLDS**

Holds can be placed by staff or volunteers on any animal, despite any SAFER results, but only after it has been determined to be adoptable. Animals that are determined to be adoptable can still be poor candidates for adoption and ultimately may be euthanized. A staff or volunteer hold will prevent euthanasia, but only as outlined in this document.

A volunteer or staff member can be an advocate for an animal in the Albuquerque Animal Welfare Department to help the animal find a good home or rescue as quickly as possible and to reduce the animal’s stress and stay in the shelter. As an advocate for that animal, the volunteer or staff member accepts certain duties and responsibilities.

- Volunteer & Staff Hold requests will be submitted by email for approval
  - Volunteer Hold requests are submitted to the Volunteer Coordinator or designee
  - Staff Hold requests are submitted to a Kennel Supervisor
- Holds will not be placed on animals considered unadoptable or designated “No Adopt” or animals with serious medical issues
- Holds cannot be placed on dogs by staff or volunteers until the dogs receives a SAFER assessment and the dog receives a medical evaluation
- Volunteers and staff can place holds on a maximum of two animals at any one time
- Holds will be in effect for no more than 21 days to allow time for socialization and promotion

- The staff or volunteer with the hold in place is responsible for carefully monitoring the behavior of the animal and to be aware of, and report, any behavioral declines
- A volunteer or staff member must submit status reports and progress notes to the Volunteer Coordinator or Kennel Supervisors for inclusion in the animal's file on a weekly basis as well as when behavioral changes are noted.
  - Volunteer comments will be used to update the animal's profile in Chameleon
  - Holds will be removed if more than one weekly report is missed
- Euthanasia will not be an option for a dog or cat with a volunteer or staff hold as long as the animal is healthy and not developing serious behavioral issues and providing all hold criteria is being met
- Holds can be revoked at any time by the PMT by a majority vote.

**Volunteer and staff responsibilities for animals with holds:**

- Learn as much as possible about the animal's behavior and personality
- Work with the animal on a regular and consistent basis to increase adoptability
- Teach dogs basic manners such as sit and loose-leash walking
- Be on the lookout for signs of shelter stress affecting the animal
- Promote a project dog or cat to potential adopters

**Accepted:**

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**Date**

**Recommended:**

  
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**Barbara Bruin, Director  
Animal Welfare Department**

\_\_\_\_\_  
**Date**

**Approved:**

\_\_\_\_\_

**Michael J. Riordan  
Chief Operations Officer**

\_\_\_\_\_  
**Date**