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Report of Investigation

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Executive Summary

The Office of the Inspector General (OIG) for the City of Albuquerque (CABQ), NM, conducted an investigation into the Animal Welfare Department (AWD), based on the receipt of multiple complaints from current AWD employees. The employees were from different functional areas, but collectively shared similar concerns regarding what they believed was a disregard for public safety, how dogs with serious behavioral issues were being handled, a lack of communication flow from the leadership level and a lack of understanding by the Director and Associate Director of sheltering “best practices” promulgated by the professional organizations.

The approach to this investigation was to interview each complainant, then review previous investigative reports published by the OIG and the Administration appointed “Tiger Team,” as well as pertinent laws, policies and procedures at the City and State level and relevant media reports. The investigation culminated with a meeting between OIG, the Director and Associate Director, which allowed them to provide their perspective and information they believed relevant and important to the investigation.

The investigation disclosed there were significant differences in perception between AWD employees and leadership with regard to adhering to policies, ordinances and laws on the handling of dogs, the function of the Department and the effectiveness of leadership. This was especially true in the how the Department prioritizes public safety in balance with “live exits” of dogs considered aggressive and even dangerous. Additionally, the investigation disclosed apparent dysfunction, low morale and ineffective leadership, based on the collective information provided by employees interviewed. While there have been improvements in the processes, policies and adherence to law, it has taken a significant amount of time to make the improvements since the initial investigations were conducted in the last few years, and there continues to be opportunities to improve in each of the areas described above.

Finally, the report concludes with the OIG emphasizing important observations made during the investigative process, such as the failure to adhere to statutes and best practices, which can place increased risk on the safety of the public and the City’s exposure to lawsuits.

Introduction:

The Office of Inspector General (OIG) received multiple complaints and concerns regarding the Animal Welfare Department (AWD) and its current leadership. Specifically, the following main issues were presented:

- Several individuals expressed concern that the current Director and recently hired Associate Director, showed a disregard for public safety
- They expressed concern with recurring issues regarding the way dogs with serious behavioral issues were being handled, and were concerned with how this could potentially affect the public image of AWD and the City of Albuquerque (City)
- It was also expressed that often times there was a lack of communication between the Director and AWD staff, and that the Director and the Associate Director lacked understanding of sheltering “best practices” as put forth by professional industry standards

These same concerns were brought to the attention of City Administration. In October 2016, City Administration formed a “Tiger Team” to review similar complaints. The Tiger Team interviewed AWD employees and conducted an evaluation of AWD’s new policies and procedures regarding the “Population Management Team” (PMT), as well as the adoptability of animals. These were policies that were created as a result of investigations from the previous year. In February of 2017, the Tiger Team released a report of their findings. During the course of this investigation, AWD’s policies and adoptability guidelines and criteria were updated to reflect the changes to the City ordinance which took effect June 6, 2016.

Background:

In 2015 The OIG conducted an investigation into allegations that the AWD was allowing behaviorally unsafe and potentially dangerous dogs to be adopted out and transferred out into the community. Findings of the investigation concluded that dogs with serious behavior issues 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 into the public as well. Some of these dogs were made available for adoption. Other dogs were transferred to other shelters or rescue groups. Reports by both the City of Albuquerque’s Tiger Team and by a private investigative firm contained findings that echoed those in the OIG report.

In October 2015, Paul Caster was hired as Deputy Director. Caster was a former volunteer with AWD and had also served as Volunteer Coordinator. Almost immediately, Caster stepped into the role of Acting Director, as then Director, Barbara Bruin, voluntarily stepped down from that position and into a new role of Senior Program Manager. This change in roles took place following an incident involving a dog that was supposed to be euthanized but was not, and ended up biting a shelter animal handler while Bruin was walking the dog. In July 2016, Bruin resigned from AWD altogether. In February 2017, Deb Brinkley was hired as the Associate Director for AWD.

As part of the 2015 investigative report, the OIG recommended that AWD develop Standard Operating Procedures (SOP) outlining how to handle aggressive, behaviorally unsafe and

potentially dangerous dogs in the shelters, and that AWD also consider including a guideline in the SOP stating that a dog should not be adopted out so quickly if it has killed another animal. The OIG also recommended that AWD develop an SOP for the PMT, as well as update its euthanasia policy to include guidelines for the decision making process (“how” and “why”) to euthanize dogs.

Scope and Methodology

The OIG investigation focused on the allegations asserted by current employees of AWD as outlined in the introduction and elsewhere. The methodology consisted of reviewing relevant documents and interviewing witnesses that could provide information regarding the allegations. The following activities were conducted as part of the investigative process:

- Reviewed pertinent documents
- Reviewed the 2017 Tiger Team Report
- Interviewed staff within the different functions of AWD
- Reviewed relevant City Ordinances, State Statutes and AWD policies and procedures
- Reviewed previous investigative reports relating to AWD
- Reviewed media reports related to issues involving AWD

Best Practices for Sheltering:

The American Society for the Prevention of Cruelty to Animals (ASPCA) came up with a Position Statement which “sets forth the ASPCA’s views concerning the responsibilities of animal shelters – both those recommended as best practices and those that are or should be mandated by law.”¹ The ASPCA intended this as a general policy statement to provide guidance for shelters seeking to implement general shelter regulations. ASPCA stated several goals and positions; below are some of the relevant goals and positions:

- Animals in shelters routinely receive necessary and appropriate care
- Adoption and live release opportunities are expanded
- Animal sheltering is increasingly transparent

Within their position statement, the ASPCA wrote that while they expect “animal sheltering organizations to make every effort to find adoption or placement options for the animals in their care,” they also recognize that “shelters require discretion to make the best decisions for those animals and the communities in which they live, particularly in cases involving severe behavior

¹ “Position Statement on Responsibilities of Animal Shelters” ASPCA, <https://www.aspca.org/about-us/aspca-policy-and-position-statements/position-statement-responsibilities-animal-shelters> Accessed 22 May 2017.

or medical issues or dogs deemed dangerous under applicable law.”² Complying with City rules and regulations, as well as with local ordinances and state statutes are some of the important ways that AWD can adhere to best practices for shelter management.

City Rules and Regulations:

As referenced in the 2017 Tiger Team report, the Director was asked if he values “live animal exits” or “public safety” more. His response was that he valued “live exits” more. According to employees, the Director also made a similar comment during a meeting. Not only was this of grave concern to many employees, but placing live exits ahead of public safety is in violation of the City’s “Personnel Rules and Regulations,” as indicated below:

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.

AWD was in violation of these same rules and regulations in 2015 when the OIG found there were dogs with serious behavior problems being released into the public, either by being made available for adoption or by being transferred to other shelters or rescue groups. This included dogs that had bitten citizens, AWD staff or volunteers, and dogs that had attacked, bitten and killed other animals.

Presently, under the direction of new leadership, staff members expressed concern as they felt there have been instances in which the Director has “minimized” or “downplayed” incidents involving dog bites. Employees felt that the Director would also frequently shift the blame to the other dog or to the person involved, whether it was an adult or child, and stated the AWD dog that bit or attacked the other animal or person must have been provoked. Some examples are:

Django (A1733627): In June 2016, at AWD’s “Lucky Paws” adoption center in the Coronado Mall, Albuquerque, NM, there was an incident where one of the Lucky Paws employees was walking “Django” through the middle of the busy store and as they walked past a family, the dog jumped up and bit the hand of a child. Two Lucky Paws staff described the bite as minor and accidental. However, in the bite report, the child’s mother stated that Django lunged at the child and bit the child’s hand when the child put up their hands to stop the dog. The mother further reported that Django’s bite broke the child’s skin. The Director entered a note in AWD’s database on July 16, 2016, in which he stated with regard to the Lucky Paws incident: “The ‘bite’ was an over exaggerated play maneuver, and only broke skin because the molars scraped the child’s hand. There were NO puncture wounds. High arousal is NOT a reason to destroy any dog ... Insure that animal is not destroyed until rescues have an opportunity to respond and prepare.”

Additional notes in AWD’s database stated that Django has a long history of being kennel reactive with children; lunging and barking whenever children walk by his condo at Lucky Paws. Rescue declined to take Django; they did not feel safe due to his history and behavior.

² “Position Statement on Responsibilities of Animal Shelters” ASPCA, <https://www.aspc.org/about-us/aspc-policy-and-position-statements/position-statement-responsibilities-animal-shelters> Accessed 22 May 2017.

The Director ended up lifting the hold on Django, allowing him to be euthanized following an incident on July 27, 2016 in which Django became out of control with a volunteer; jumping up on the volunteer, mouthing at them and leaving bruises. (Mouthing is when a dog puts his teeth and mouth over a person's skin, usually using little or no pressure from its jaw.)

Adam (A1740050): On October 8, 2016 a volunteer took “Adam” to a Pit Bull training class at the East side shelter. Adam got into a fight with another dog, owned by a member of the public, who had also taken their dog to the training class. Notes indicate that Adam bit down on the other dog's head. The other dog's owner was bitten at some point as well while assisting in trying to break up the two dogs. The bite resulted in a laceration that required five stitches. The Director attributed the bite as being the result of displaced aggression that was “more the fault of inappropriate handling than anything else” and also stated “anyone should know better than to put themselves in the middle of agitated dogs.”

Following the October 8th incident, Adam was the subject of a review by the PMT. After discussion, the PMT concurred that based on the incident at the training, as well as Adam's biting of another dog in the past, Adam met the AWD unadoptable criteria. However, the Director disagreed and instructed staff to release Adam to be adopted by a volunteer.

Palomo/Mikey/Elvis (A1190952): Information provided indicates that between February 7, 2016 and May 11, 2016, this dog scored “poor” on four separate “SAFER”³ behavior assessments and behavior staff assessed him as a bite risk. This dog consistently showed extreme food aggression and kennel aggression towards the public. This dog also showed extreme mouthing and jumping, including with volunteers. Two volunteers were scratched and bruised while attempting to walk this dog and refused to walk him again. Three separate rescues and transfer partners declined to take this dog because of his behavior. This dog was sent to the “Manners Institute” for intensive training, but this was not successful.

Euthanasia was eventually recommended for this dog. However, the Director rejected this recommendation and instructed staff to work with this dog and find a way to adopt him out. On May 12, 2016, this dog was approved to be adopted. The adopters were counseled on the dog's history and were informed of his potential for future aggression. Ongoing training and skilled handling was also recommended, and the adopters were asked to sign an aggression waiver.

Marek (A1750274): Notes in AWD's database indicated that this dog had issues with being timid and fearful, especially with people. As recommended, Marek spent time in AWD's “Shy Dog Program” and there were two primary people who worked with him. In November 2016, Marek was transferred to AWD's Lucky Paws adoption center in the Coronado Mall so that he could be in a quieter environment. Marek did well at first, and got along with the other dogs. However, around March 2017, Marek's behavior declined and he became more fearful of people outside his kennel, barking and confronting them as opposed to just trying to avoid them. Marek also became confrontational with a potential foster “parent” that

³ ASPCA's Safety Assessment for Evaluating Rehoming (SAFER®) is a seven-step aggression assessment test utilized to evaluate the behavioral health of dogs, and was developed by Dr. Emily Weiss. The SAFER® assessment identifies dogs' 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.

wanted to take him home. Notes described Marek as “cowering and shaking like crazy,” at which point he began to bark and lunge at the potential foster parent.

When Marek was returned to the shelter from Lucky Paws, the Director allowed Marek to spend time in his office to decompress. A behavior review was done by one of the behaviorists and it was concluded that this dog was very scared and prone to panic; Marek will try hard to avoid interactions with strangers, but will become fear aggressive if he feels like he can’t get away. These conclusions and concerns were relayed to the Director, especially when it came to the possibility of Marek being handled by those less experienced. The Director’s response was that AWD staff needed to be very careful with “documenting aggression.” The Director described Marek as scared and unsure, but that aggressive is not in his nature, stating “Just because someone pushed him into a corner and he may have done the correct thing warning them off with a growl he has not been aggressive, but simply gave correct warning signs.”

Angel’s Law:

Angel’s Law (Chapter 9, Article 17 within the City’s Code of Ordinances) was named after a boy who was seriously injured trying to save his sister from a dog attack. It was established in 2005 to protect the public, especially children and those unable to protect themselves from vicious dog attacks.

The ordinance was amended by City Council on May 16, 2016, to allow the City and AWD to seize dogs that have killed or caused serious injury to a person or pet without provocation. The amended ordinance went into effect on June 6, 2016; however, in February 2017, an incident involving an AWD employee resulted in the City and AWD being in violation of Angel’s Law—specifically, § 9-17-5 DANGEROUS DOG, (B) Dangerous dog response.

On February 19, 2017, “Aurora,” (an Australian Shepherd mixed breed dog), jumped the cinder block wall from her yard into a neighbor’s yard and mauled the neighbor’s pet Chihuahua, resulting in its death. Aurora belonged to an AWD employee.

On February 20, 2017, the day after the neighbor’s dog was killed, the employee took Aurora into AWD as an “owner surrender,” at the instruction of an AWD officer. Notes were entered into AWD’s database indicating that Aurora was unadoptable, as well as notes instructing to check with veterinary staff before euthanizing. On February 27, 2017, the employee contacted the Director, expressing that they would like to reclaim Aurora and appeal the “dangerous dog” designation. A “hold for owner” was placed and on February 28, 2017, the employee was able to reclaim Aurora. There was an additional note entered into the system on February 27, 2017, stating that upon reclaim, the responding field officer will file charges and be issuing dangerous dog “paperwork.” The note further stated to contact the responding field officer if Aurora was reclaimed.

On March 20, 2017, the field officer was called out when Aurora jumped the cinder block wall again into the same neighbor’s yard. Notes state that Aurora was barking and growling at the home owners through the screen door on the patio leading to the back yard. The home owners expressed fear and concern not only for their own safety, but for the safety and well-being of their infant grandchild and their other dog. Another note was entered into the system and this time stated “If animal is brought into AWD, do not reclaim, adopt, euth or transfer prior to field

approval. Animal is in the appeal process for dangerous dog (to be held on 4/10/17). Place court hold on animal, warrant will be obtained for animal.”

However, another week went by as AWD tried to catch Aurora in a humane trap set up in the neighbor’s backyard. On March 28, 2017, the AWD employee who owned Aurora once again took her into AWD as an “owner surrender.”

Per the amended version of Angel’s Law, § 9-17-5 *DANGEROUS DOG, (B) Dangerous dog response (1) Seizure for attacks resulting in mortal injury* states:

If the Department determines that a dog has mortally wounded a person or companion animal without provocation, the Department shall immediately seek to obtain a warrant from a court of competent jurisdiction to seize the dog or seize the dog with the consent of the owner. Such dog shall remain in the custody of the Department pending adjudication and shall be handled in the ordinary manner under the Humane and Ethical Animal Rules and Treatment Ordinance.

Though Aurora was surrendered to AWD after killing the neighbor’s dog, her owner should not have been allowed to reclaim her. Furthermore, in regard to the March 20, 2017, incident, the dog should have been seized as opposed to allowing a week to go by in an attempt to trap the dog. It was reported that Aurora was eventually transferred to an unknown sanctuary.

An addition was made to the amended version of Angel’s Law, Section 4. Section § 9-17-5 *DANGEROUS DOG, (A) Dangerous dog designation* states:

The Department may transfer ownership and custody of such dogs to third party organizations specializing in the long-term care of unadoptable dogs only when such organizations retain sole permanent custody and ownership over unadoptable dogs and whose policies prohibit the adoption, fostering, or transferring of unadoptable dogs.

This section of the revised Angel’s Law offers third party organizations (sanctuary) as an alternative to euthanasia and states:

This article does not abrogate the Department’s duty and authority to humanely destroy dogs as required under other laws.

Employees expressed concern that the Director and Associate Director are “hanging their hat” on the sanctuary language. It was further expressed that often times, it is unknown where sanctuary-assigned dogs are transferred, and it is unknown if these dogs truly remain there for the remainder of their lives.

During the course of the investigation, the OIG learned that many AWD employees, including field officers, were unaware of the changes to Angel’s Law, or they did not fully understand Angel’s Law. According to one employee, the only information the Director conveyed about the Angel’s Law amendment was that the ordinance now included language indicating that an animal could be sent to sanctuary. There were no trainings or briefings to make the staff aware of the changes and updates. In addition, AWD’s adoptability guidelines and criteria were not updated to reflect the changes to Angel’s Law.

It was not until the incident involving the AWD employee's dog killing the neighbor's dog garnering media attention, that employees started becoming more aware of Angel's Law and the amendments to the ordinance. Emails reviewed by the OIG from April 2017, show that field officers requested clarification from AWD's Assistant City Attorney regarding the amended version of Angel's Law. Training was then proposed not only for the field division, but for the employees in other divisions of AWD as well. This was almost a full year after the amended Angel's Law went into effect. Per the emails, the Director agreed that a refresher on Angel's Law would be a good idea. However, the OIG recently learned that this training never occurred and many employees are still unclear on Angel's Law.

New Mexico Dog Laws:

New Mexico State Statute Chapter 77, Article 1A, which can also be cited as the "Dangerous Dog Act" contains definitions similar to those found in Angel's Law. State statute takes it a step further in citing the following stipulations:

§ 77-1-2. Dog killing or injuring livestock; damages; dog to be killed

If any dog shall kill or injure any livestock, the owner or keeper of such dog shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction, and it shall be unlawful to keep such dog after it is known that the dog is liable to kill livestock, and it shall be the duty of the owner to kill, or have killed, the dog upon order of the court after a finding that the dog has killed or injured livestock, and provided further, that it shall be the right of any owner of livestock so killed or injured by the actions of any dog to kill the dog while it is upon property controlled by the owner of the livestock.

§ 77-1-9. Dogs; destruction

A. Any peace officer may impound any dog found running at large unaccompanied by and not under the control of the owner or handler, and further, the peace officer shall destroy the dog if it is in the act of pursuing or wounding livestock or wounding and killing poultry or attacking humans.

B. Any peace officer may kill any dog in the act of pursuing or wounding any livestock or wounding or killing poultry or attacking humans whether or not the dog wears a rabies tag required by Section 77-1-3 NMSA 1978. There shall be no liability of the peace officer in damages or otherwise for such killing.

AWD has had several dogs that have come into the shelter with histories of attacking or killing livestock. Animal Profile Notes for one dog, Sherman (A1738029), state that the dog attacked the owner's full grown goat, causing serious injuries that required 40 stitches. Notes further indicate that this dog had also attacked the cats and had gotten aggressive with the owner; biting her, but not breaking the skin. Sherman was evaluated by the PMT and was eventually adopted.

Another dog, Athena (A1757425), had a bite history, but after a PMT review and full behavior evaluation, was adopted out (with the adopting party signing a bite waiver). Athena was returned 11 days later for attacking a goat. Another PMT evaluation was done and in this case it

was decided that this dog would be listed for euthanasia due to her history of past bites, attacks on people and/or animals and for attacking and injuring a goat.

Profile notes for Denali (A1727801) and Alpha (A1738778) state that these two dogs were brought in for attacking and killing three sheep. The notes also indicate that after that incident the owner tried tethering Denali so he could not cause more harm. However, when a fourth sheep got its head stuck in a feeder trough, the dog Alpha “ate the face off of the sheep.” Alpha was reviewed by the PMT and it was decided that due to his age, this dog could be adopted. With regard to Denali, additional notes in the system state that per the Director, Denali was not to be euthanized and was approved to be released to a rescue. Further, in an email from the Director dated May 2, 2016, regarding Denali, the Director states “This animal has been granted a stay of execution. Mr. Riordan has given him the opportunity to be transferred and I already have a message out to AHNM. His understanding is our policy’s intent is aggression towards companion animals.”

The OIG learned that as was the case with Angel’s Law and the amendments to Angel’s Law, most AWD staff, until recently, did not know about the state law requiring destruction of dogs who kill livestock. In addition, interpretation of AWD’s policies and guidelines left many with the understanding that the intent of the policy was to address companion animals. However, because New Mexico state statute does address attacks on livestock, the state law should overrule department policy, and therefore, the dogs that were known to have killed or attacked livestock should not have been released.

AWD’s policies were updated May 2017 and distributed to staff. An addition to the policy’s list of “unadoptable” criteria was “Animals that have killed livestock. Per NMSA 1978, § 77-1-2”. However, at the beginning of June 2017, a dog by the name of Diesel (A1199496) was owner surrendered. A profile note dated June 4, 2017 stated “Afraid to have around new baby. Has killed 2 sheep in the past.” A subsequent note dated June 6, 2017 stated “PMT would like a behavioral evaluation. Because the killing of sheep seems to be a secondary reason for surrender, we do not feel it meets the unadoptable criteria.” This contradicts AWD’s policy which was updated just a few weeks prior and lists one of the “unadoptable” criteria as being “Animals that have killed livestock.” This is also in violation of New Mexico State Statute, which was also cited in AWD’s updated policy.

Policies and Guidelines:

As a result of the 2015 investigation and per OIG recommendations, AWD drafted a document specifically titled: “Criteria for Determining the Adoptability of Animals Housed at the City of Albuquerque Animal Welfare Department and Guidelines for Euthanasia Decisions.” When AWD began to draft this document, there was a core team that worked on it, which included the Operations Manager and Programs Managers, the kennel supervisors and staff from the veterinary division. The team also made sure to reach out to other staff members and consult with all the different areas of AWD to make sure each area had input. Upon completion, the draft was sent to City Chief Operations Officer (COO), Michael Riordan, for review. The previous Director, Barbara Bruin, was able to review the draft as well, but all input came from Riordan. Once finalized, these guidelines were signed off by Riordan and the former Director and were put into place.

When asked about these guidelines, staff stated they remembered feeling optimistic and happy that AWD now had something in “black and white” that could be followed. For the most part, employees felt that the previous Director, Bruin, respected the new guidelines and new rules and tried to be mindful in adhering to them.

The policy document defined “Adoptable” and “Unadoptable” as follows:

“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

With regard to unadoptable animals, the document further stated:

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).

The document outlined the guidelines for euthanasia. Primary considerations for euthanasia were:

- 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

The euthanasia guidelines also included 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

Separate guidelines for the PMT were also drafted. The guidelines stated that the PMT was to be a team of several experienced people from across the divisions. It was to be comprised of “one highly experience designee” from Kennel Services, Veterinary Services and AWD Administration, and they were to meet twice a week at both the east side and west side shelters to review the animals in the shelters. It was not the PMT’s purpose to make decisions strictly on euthanasia. Other considerations were:

- How the animals should be distributed among AWD facilities and adoption events
- Whether there are medical issues and required actions to resolve them
- How to expedite getting the animals to surgery
- Whether animals should be transferred to rescue or foster
- Required vaccinations and/or medical testing
- The status of behavioral testing
- Protective custody issues and timelines
- The health and welfare of the shelter population

In February 2017, a team of staff members began work on revising the Adoptability Criteria and Guidelines in an effort to help enhance the clarity of the document, as well as make updates to ensure that AWD policies reflected both the updated City ordinance (Angel’s Law) as well as State statute. Those who worked on the revisions hoped that updates to the policies could also help enhance the safety of staff and the public. The initiative of revisions to the policies also came in the wake of the incident with Aurora (referenced earlier in the report).

A draft of the proposed revisions was sent to the Director and the Associate Director; however, staff never received any feedback or updates with regard to the proposed revisions or acceptance of the revised document.

In late May 2017, updated versions of the Adoptability Criteria Guidelines and PMT Guidelines were distributed to AWD staff. The documents were signed by the Director and the COO on May 17, 2017 and May 18, 2017, respectively. Staff was unaware of exactly who was involved in drafting these particular revised documents.

Additional Information from Interviews:

The OIG spoke with various individuals throughout AWD. All felt that the goal and number one priority should be public safety. They felt it was part of AWD’s duty and responsibility to protect the citizens of Albuquerque. Staff felt optimistic when new leadership came on board in late 2015. However, it soon became clear that the new Director was most interested in further decreasing euthanasia numbers. Staff recalled that things really seemed to change after former Director, Barbara Bruin, left AWD altogether.

Though staff reported that AWD's live exit rates hover right around 90%, most felt that the Director and Associate Director would ideally like AWD to be at 100% for live exits. Staff felt this was not realistic or in the best interest of public safety. They also stated that euthanasia rates were much better than what they once were, explaining that years ago approximately 50% of cats and anywhere from 30% - 40% of dogs were euthanized.

The resistance to euthanasia requirements causes overcrowding of the shelter. As a result, this overpopulation then contributes to a decline in the health of the animals; not only their mental and behavioral health, but their physical health as well. It was reported that in the fall of 2016, AWD experienced a "kennel cough"⁴ outbreak that was the greatest and most severe in a decade. Increased rates of infectious and respiratory disease in a shelter are directly related to stress, length of stay and overcrowding. AWD veterinarians warned the Director of these consequences; however, the warnings were ignored. Staff believed that the Director would probably assert that the overall numbers at the shelter are down. However, the OIG was informed that this is attributed to the "Trap, Neuter and Release" (TNR) program for cats, and that the dog population numbers are not down.

It was reported that there was really no longer the issue of animals being removed from the euthanasia lists, as had been the issue in the past. However, it was expressed that employees often times felt uncomfortable or afraid to list dogs for euthanasia. The Director has used stronger terms such as "execute," "destroy" and "kill," and employees described this causing feelings of guilt in listing dogs to be euthanized. Some employees felt management's leadership style was intimidating and even caused employees to change positions on issues.

In addition, the main behaviorist was removed from the PMT in March 2017. A contract behaviorist is now part of the PMT. However, it is the opinion that the new behaviorist is more likely to align their views with those of the Director and Associate Director. And as a result, make recommendations about dogs that are more acceptable to management.

Another commonly expressed concern was that there is little communication from the Director and recently hired Associate Director. When he came on board with AWD, and especially when he took over the top position from Barbara Bruin, the Director never met with staff to let them know what his expectations were, nor did he ever express what his vision was for AWD. Employees stated they reached out to the Director and offered to sit down and discuss AWD and the various programs, as well as explain what they do and have done in their particular roles. Employees indicated there was never any response to these invitations. It was indicated that the Director is not receptive to having open conversations about anything. Instructions that are given are often verbal and many times even passed through a third party. Often times there is no written directions or instruction, and things are kept very gray. According to those who were interviewed by the OIG, although there were issues under the leadership of the previous Director, Barbara Bruin, individuals felt she was more receptive towards staff and was easier to communicate with – she engaged with employees and staff tended to know where she stood. Many employees felt that the current management styles are problematic and that AWD's current leadership has no trust in the staff. Some described it as a feeling of paranoia that seemed to come across from management.

⁴ The common name given to infectious canine tracheobronchitis, a highly contagious respiratory disease among dogs.

Ultimately, many employees felt that the view of a volunteer, as well as those who work in animal rescues, is different than those who do shelter work, especially those who work in municipal shelters. Many employees felt that the mindset was different.

Additional Concerns:

During the course of the investigation, many employees expressed their concern with the Associate Director's involvement with a dog by the name of "Onion."

Note: This information is included in the report since it influenced the employees' perspective regarding the credibility of the Associate Director as it pertained to a bias or predisposition towards "live exits" over public safety.

It is reported that on April 27, 2012, in Henderson, NV, a baby who had just turned one-year old was fatally mauled by the family dog, Onion, a 120-pound Mastiff and Rhodesian mixed breed. The City of Henderson declared the dog vicious and sought to euthanize the animal. However, a New York-based animal rights group by the name of the "Lexus Project" became involved in the matter and a legal battle ensued for approximately two years.

A settlement was finally reached where Onion was turned over to the Lexus Project. According to reports, the agreement between the City of Henderson and the Lexus Project released Henderson from any future liability for the dog. Henderson also stipulated Onion must be taken out of state to a licensed dog rescue facility or sanctuary. The Lexus Project is said to have also provided assurances that the dog will not be adopted or in an environment with children ever again.

Reports never indicated what rescue facility or sanctuary Onion was sent to. However, several employees stated that on several occasions the Associate Director spoke about Onion and how she willingly gave sanctuary to him and was able to save this dog. Employees were unsure of what has happened with Onion since. According to employees, the Associate Director indicated that Onion passed away, but has communicated different stories and timeframes as to when the dog allegedly passed.

The situation with Onion was cause for concern for many employees. However, the OIG was unable to substantiate that Onion was sent to the Associate Director's rescue in Colorado, and could not pursue the matter further.

Meeting with Director and Associate Director:

On June 14, 2017, the OIG met with both the Director and Associate Director of AWD to provide a briefing of the OIG investigation and the issues and allegations involved. The Director and Associate director provided information they felt was pertinent to the investigation, which they believed also provided clarity, correction and context to information conveyed to the OIG by employees previously interviewed.

Specifically, the Director and Associate Director explained that the professional industry for shelters focuses on the number of live exits that a shelter has, as opposed to the number of animals that were euthanized. The Director stated there are 424 fewer animals in AWD's care than there were last year. He also stated that 1,703 animals were euthanized last year and that

about 99% of those were animals with behavior issues. He provided the OIG with data that reflected:

- The number of animals that AWD took in for the years of 2014, 2015, 2016, and 2017 to date (Attachment 1)
- The number of animals euthanized for the years of 2014, 2015, 2016, and 2017 to date (Attachment 2)
- The percentage of animals euthanized for the years 2014, 2015, 2016 and 2017 to date
- The number of animals that were live releases for the years of 2014, 2015, 2016 and 2017 to date (Attachment 3)
- The percentage of animals that were live releases for the years 2014, 2015, 2016 and 2017 to date (Attachment 4)

(Note: The data reflects all animals within AWD and not strictly dogs.)

The Director also said that each dog in the shelter has a “kennel card” on the outside of their kennel, which provides information about the dog, including suggestions about what type of home the dog should go to. For example, if a dog does not do well with children, then the information on the kennel card will suggest that the dog should go to home where there are no children. Since the kennel cards are on the outside of the individual dog kennels, they are there for potential adopters to view.

The OIG informed the Director and Associate Director that one of the common concerns expressed by employees was that there was a lack of communication between AWD’s leadership and the staff. The Director stated that he has been holding open forum meetings once a month at both the East side and the West side shelters. He stated these open forum meetings are for the employees and the volunteers to have open discussions. He also stated that he has weekly meetings with AWD senior staff and relied on those staff members to disseminate information to their subordinates. He also commented that they publish a periodic newsletter that also shares information.

The Associate Director advised that she is engaged with the PMT every week and initials the list of animals evaluated by the PMT. She indicated she does not remove dogs that are recommended for euthanasia. The Associate Director confirmed that she did provide sanctuary to the dog by the name of Onion, following the incident and subsequent legal proceedings in Henderson, Nevada. She stated that she changed Onion’s name and he lived out his days at her sanctuary in Colorado. She indicated this dog passed away around four years ago.

Observations:

The section highlights significant and relevant observations made during interviews, reviews of pertinent documents, or a combination of these. The intent is not to be judgmental, but to present only asserted facts. It is important to be mindful that this was an administrative investigation, so no witnesses were under oath when providing their information.

1. Both the Feb 2017 Tiger Team report and the collective position of the complainants indicated that the AWD Director values live animal exits more than public safety.

2. AWD only recently (during this investigation) incorporated ordinance revisions and State Statutes into their policies, as it applied to Angel's Law and criteria used in the PMT process.
3. In spite of several investigations and media coverage in the last few years, there were relatively few improvements and revisions to Department policy, with regard to findings and recommendations.
4. Department employees collectively expressed concern that it is only a matter of time before an incident involving a dangerous dog occurs if policies are not kept current and applied to PMT processes and recommendations, as well as the subsequent decisions and actions, with regard to the PMT recommendations.
5. Department employees collectively expressed concern regarding the qualifications of the Director and Associate Director, believing that they should have sheltering experience and maintain the position that public safety is the number one priority.
6. Employees collectively expressed frustration that communication between the Department leadership and staff was insufficient, with an example of how the staff was not aware of the changes to Angel's Law and received no training on the changes until very recently.
7. Employees collectively held the position that the Director and Associate Director did not understand sheltering "best practices" and did not apply them.
8. The AWD Director and Associate Director held remarkably different positions on the concerns expressed by the complainants, asserting that they do follow best practices and stated "public safety" is the primary objective of their Department. They also said they have several venues for ensuring communication is effective – this is accomplished through weekly staff meetings, monthly forums and a newsletter.

Assessment:

The purpose of this section is to consider information obtained throughout the course of the investigation and provide a position based on the totality of the circumstances, as to whether there are opportunities to make corrections and improvements to Department leadership, policies and processes.

Based on the information obtained through all sources during this investigation, to include the assertions made by AWD employees and the information each employee provided, the information obtained from reviews of various documents, laws and policies, and the information presented by the AWD Director and Associate Director, the following assessments are made.

It appears questionable whether the public's health and safety are embraced by leadership as the top priority in processes, decision making and actions. Previous investigations, to include the February 2017 Tiger Team Report and the most recent complaints suggest live exits are a higher priority, even at the risk of public safety. Specific examples of how actions and documentation were handled with regard to dogs in question suggest minimization of incidents and often provide a rationalization perspective, sometimes suggesting the victim contributed to the incident.

The public's safety must be paramount and take precedence over the desire to save an animal's life. The failure to do this not only places the City of Albuquerque at increased risk of costly lawsuits, but jeopardizes the health and safety of the citizens.

AWD needs to stay abreast of changes to City and State law, as well as best practices promulgated by the professional associations to ensure maximum safety to the public and AWD employees as well as minimal risk of lawsuits.

Based on employee complaints, it appears there is dysfunction, low morale and a lack of confidence in Department leadership – this can negatively impact the effectiveness, efficiency and safety within the Department, which places both employees and animals at increased risk. Employees are the greatest resource in the AWD and it is essential to maintain high morale and confidence in leadership for the reasons above – this is best done by ensuring each employee understands their role and responsibilities and how their actions are valued and contribute to the success of the organization. Along these lines, they also need to be kept aware of external and internal factors impacting their role and responsibility, such as Angel's Law changes.

To be sure, there have been improvements in the Department, but there are still several opportunities to improve the leadership and function of the Department and provide a better service to the community.









