



CITY OF SAN ANTONIO

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December 06, 2019

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SUBJECT: Audit Report of Animal Care Services Dangerous Dog Permits & Inspections

Mayor and Council Members:

We are pleased to send you the final report of Animal Care Services Dangerous Dog Permits & Inspections. This audit began in March 2019 and concluded with an exit meeting with department management in September 2019. Management's verbatim response is included in Appendix B of the report. Animal Care Services management and staff should be commended for their cooperation and assistance during this audit.

The Office of the City Auditor is available to discuss this report with you individually at your convenience.

Respectfully Submitted,

Kevin W. Barthold, CPA, CIA, CISA
City Auditor
City of San Antonio

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CITY OF SAN ANTONIO

OFFICE OF THE CITY AUDITOR



Audit of Animal Care Services

Dangerous Dog Permits & Inspections

Project No. AU19-002

December 06, 2019

Kevin W. Barthold, CPA, CIA, CISA
City Auditor

Executive Summary

As part of our annual Audit Plan approved by City Council, we conducted an audit of Animal Care Services, specifically Dangerous Dog Permits and Inspections. The audit objectives, conclusions, and recommendations follow:

Determine if Dangerous and Aggressive Dogs are managed in accordance with State and local laws to include permitting and inspections.

Dangerous and Aggressive Dogs are managed in accordance with State and local laws to include permitting and inspections. Animal Care Services officers are performing inspections annually. Additionally, investigations are appropriately conducted by officers as well as reviewed and approved by management prior to being declared dangerous or aggressive dogs. Further, dogs alleged to have committed an offense are appropriately seized and quarantined during the investigation. Finally, aggressive dogs in the program who are alleged to have committed an additional offense are seized and reclassified, as applicable. However, we noted improvements that could be made to improve inspections and notifications.

We recommend that the Animal Care Service Director:

Centralize the collection of support documentation and formalize a periodic post-declaration review process of Dangerous and Aggressive dog case files to help verify that inspection follow-up requirements are being monitored and necessary documentation is maintained.

Animal Care Services Management agreed with the audit findings and has developed positive action plans to address them. Management's verbatim response is in Appendix B on page 8.

Table of Contents

Executive Summary	i
Background.....	1
Audit Scope and Methodology	3
Audit Results and Recommendations	4
A. Investigation Approvals & Unfounded Cases.....	4
B. Seizing and Reclassifications	4
C. Notifications & Inspections.....	5
Appendix A – Staff Acknowledgement.....	7
Appendix B – Management Response.....	8

Background

Animal Care Services (ACS) is charged by the City of San Antonio to provide animal care and control for the citizens of San Antonio. ACS provides a range of services including the enforcement and management of Dangerous and Aggressive Dogs.

Dangerous dogs are governed by the Texas Health and Safety Code Section 822, while the aggressive dogs program is administered through City of San Antonio Ordinance Chapter 5, Article IV. They are defined as follows:

Dangerous Dogs

A dangerous dog designation is a formal designation for a dog that made an unprovoked attack on a person, or caused a person to reasonably believe they will be attacked, in a place other than a secured enclosure that causes bodily injury, or a person reasonably believes will cause bodily injury.

Aggressive Dogs

An aggressive dog designation is a formal designation from ACS and can be classified into three aggressive levels depending upon the behavior that they exhibit during an incident. The aggressive classification levels are as follows:

Level one aggressive dogs (A1) are dogs that, while in an enclosure, caused a person to reasonably believe an unprovoked attack will occur and cause bodily injury or the dog is found to threaten the safety of a domestic animal.

Level two aggressive dogs (A2) are dogs that, while unrestrained, cause injury to a domestic animal or livestock.

Level three aggressive dogs (A3) are dogs that, while unrestrained, cause the death of a domestic animal or livestock or an A2 dog that repeats A2 behavior after receipt of notification by ACS of the A2 classification.

Once a dog has been declared dangerous or aggressive, owners must maintain compliance with various requirements, including, but not limited to, obtaining a special collar and leash, sterilization, microchipping, taking a responsible pet ownership course, and obtaining a secured enclosure. Owner requirements vary based upon the dogs classification.

Once a dog has been deemed dangerous, they remain in the dangerous dog program for the remainder of their natural lives. Dogs deemed aggressive must

comply with the requirements for one year for A1 & A2 classifications, and two years for A3 dogs. After that period, the designation is removed and they are no longer subject to inspections.

ACS employs two ACS Officers, assigned to the Dangerous/Aggressive Investigations team, who are responsible for investigating possible dangerous and aggressive dog cases, determining the appropriate classification, and ensuring continued compliance for dogs in the program. Additionally, these officers perform investigations of Serious Bodily Injury (SBI) cases. SBI's are cases in which a dog has caused severe injury to a person by attacking, biting, or mauling. ACS officers gather evidence for these cases and form recommendations, but the court is the finder of fact and makes a judgment determining if the dog is found to be responsible for the SBI case. Dogs found to have committed a serious bodily injury are always euthanized.

ACS becomes aware of a possible dangerous or aggressive dog primarily through 311 and bite calls. As ACS officers respond to calls, they will determine if a case needs to be elevated to the Dangerous/Aggressive Investigations team based upon the facts of the situation and if they are able to obtain a notarized affidavit from a victim or a witness. No investigation can be finalized without an affidavit per the State statute.

As of March 31, 2019, there were 53 dangerous dogs. The owners of these dogs must comply with State law and City Ordinance regarding dangerous dogs. Failure to comply can result in administrative citations, criminal citations, or euthanasia of the dog. These dogs cannot be adopted if surrendered.

In addition, there were 58 aggressive dogs. Aggressive dog owners are subject to City ordinance requirements. Non-compliant owners of aggressive dogs are subject to administrative and criminal citations. Additionally, these dogs can be surrendered to ACS and adopted after a behavioral assessment is performed.

Audit Scope and Methodology

The audit scope for this audit was active dangerous and aggressive dogs at March 31, 2019. Additionally, we reviewed dangerous, aggressive, and SBI cases worked from October 1, 2017 through March 31, 2019.

To establish our testing criteria we reviewed the Texas Health and Safety Code, Chapter 822, *Dogs that Attack Persons or are a Danger* and City of San Antonio Municipal Code Chapter 5, Article IV *Dangerous and Aggressive Dogs*. Additionally, we reviewed ACS policies and procedures regarding investigations and applicable City of San Antonio administrative directives.

To gain an understanding of ACS practices, policies, and procedures we interviewed ACS staff to include the Assistant Director and Field Operations Manager. Additionally, we reviewed relevant documentation associated with investigations and inspections. Further, we reviewed and analyzed ACS database reports and 311 data.

We relied on computer-processed data in Chameleon and the Dangerous and Aggressive Dogs Database to validate inspection data. Our reliance on Chameleon was based on performing direct tests on the data rather than evaluating the system's general and application controls. Our direct testing of the Dangerous and Aggressive Dog Database included user access, system security, data backups, and data integrity. We do not believe that the absence of testing beyond that mentioned above had an effect on the results of our audit.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Audit Results and Recommendations

A. Investigation Approvals & Unfounded Cases

Investigations are appropriately conducted by officers, as well as reviewed and approved by management prior to declaring dogs dangerous or aggressive.

We reviewed a sample of 50 dangerous and aggressive cases, 7 unfounded cases, and 12 serious bodily injury cases to determine if appropriate approvals were made. We determined that all cases were appropriately reviewed and approved prior to a declaration or non-declaration.

In addition, we reviewed 7 unfounded case files to determine if the cases were appropriately investigated. For unfounded cases, either it is a lack of evidence to support an affidavit filed against a dog or the incident in question does not meet the definition of a dangerous or aggressive dog, which would result in an unfounded designation. For example, if two unrestrained dogs are involved in an incident and ACS is unable to determine which dog was the originating attacker, an unfounded determination would result due to a lack of evidence.

We determined that all 7 cases had appropriate documentation of the facts of the case to support the unfounded designation.

Recommendations

None

B. Seizing and Reclassifications

ACS is appropriately seizing dogs during investigation and reclassifying dogs if an additional incident has occurred.

Per San Antonio City Code, Section 5-76, alleged dangerous dogs may be seized as a reasonable precaution to ensure the health and safety of the people nearby. If a dog has bitten someone, then the dog must be quarantined for 10 days while being monitored for symptoms of rabies.

We sampled 25 dangerous cases to determine if they were appropriately quarantined and impounded. We determined that all had been quarantined and impounded.

Additionally, Aggressive dogs that are found to commit an additional offense are either reclassified or the duration of their classification is extended.

We reviewed all 5 cases in which an A2 or A3 dog had an additional affidavit filed against them. Of the 5, 2 were appropriately elevated to level 3. The remaining 3 were unfounded, with appropriate documentation to support the unfounded determination.

Recommendation

None

C. Notifications & Inspections

ACS officers are performing inspections annually for dangerous and aggressive dogs. We reviewed a sample of 50 dogs and determined that inspections had been performed annually for the previous 3 years. However, improvements can be made to ensure that documentation is maintained and follow-up on specific compliance items is completed timely.

C.1 Notifications

ACS officers perform investigations to determine if a dog should be declared dangerous or aggressive. Once the determination is made, the owner must be sent written notice that their dog has been declared dangerous or aggressive. Dangerous notifications must be sent within 5 working days of the declaration.

While the necessary inspections were conducted and the owners were made aware of the designation, we were unable to confirm that 3 of 25 dangerous notifications were sent within 5 business days or that 2 of 25 aggressive notifications were sent to the owner.

Timely notifications allow owners to understand the requirements of the program and more quickly get into compliance, reducing impoundment stays and improving public safety.

C.2 Inspections

Dangerous and Aggressive dogs are subject to annual compliance inspections. We reviewed a sample of 25 active dangerous dog cases and 25 active aggressive dog cases. Of the 50 dogs in our sample, 13 dangerous or aggressive dog owners had not completed the responsible pet ownership course. Additionally, for those who did complete the course, we were not able to determine if the course had been completed within 60 days of declaration for 5 owners because their certificates did not have a date on them, while others did.

Additionally, we were unable to determine that 3 permits for aggressive dogs had been obtained by owners. Finally, while ACS officers confirmed that insurance had been obtained for one dangerous dog, we noted the insurance was expired at the time the inspection occurred.

Currently, documentation associated with inspections is decentralized, making it more difficult to ensure timely follow-up and ensure relevant documentation can be easily retrieved. In addition, no formal review process exists to ensure that ACS officers are following up to ensure full compliance by owners.

Without a formal review process, inspection items that are not in compliance could potentially remain out of compliance until the next annual inspection. Additionally, a formal review of post-declaration requirements helps ensure that ACS officers are conducting inspections per department specifications.

Recommendation

The ACS Director should centralize the collection of support documentation and formalize a periodic post-declaration review process of Dangerous and Aggressive dog case files to help verify that inspection follow-up requirements are being monitored and necessary documentation is maintained.

Appendix A – Staff Acknowledgement

Baltazar Vargas, CIA, CFE, Audit Manager
Nastasha Leach, CIA, CGAP, Auditor in Charge
Sophia Konstantinidis, Auditor

Appendix B – Management Response



CITY OF SAN ANTONIO

SAN ANTONIO TEXAS 78283-3966

November 27, 2019

Kevin W. Barthold, CPA, CIA, CISA
City Auditor
San Antonio, Texas

RE: Management's Corrective Action Plan for ACS Dangerous Dog Permits & Inspections

Animal Care Services has reviewed the audit report and has developed the Corrective Action Plans below corresponding to report recommendations.

Recommendation					
#	Description	Audit Report Page	Accept, Decline	Responsible Person's Name/Title	Completion Date
1	Notifications & Inspections The ACS Director should centralize the collection of support documentation and formalize a periodic post-declaration review process of Dangerous & Aggressive dog case files to help verify that inspection follow-up requirements are being monitored and necessary documentation is maintained.	5	Accept	Heber Lefgren, ACS Director	June 30, 2019
Action plan: In June 2019 (while the audit was underway), ACS made the requested modifications to its existing management system in order to allow the investigating officer to download and store the additional recommended supporting documentation in one central place. ACS has uploaded all support documentation to the system for every currently active case file. Automatic reports were also created that allow the ACS supervisor responsible for overseeing the dangerous and aggressive investigations to quickly ensure that inspections are being performed as required and that all supporting material is provided. In addition to ACS Management informally reviewing the data periodically through the year, the Supervisor and Manager in charge will also be formally reviewing the case files on a quarterly basis as part of the Dangerous Dog Investigators' Quarterly Performance Review process.					

We are committed to addressing the recommendations in the audit report and the plan of actions presented above.

Sincerely,



Heber Lefgren
Director
Animal Care Services

11/27/2019
Date



Maria Villagómez
Deputy City Manager
City Manager's Office

11/27/19
Date