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Investigative Informative Case Synopsis

FILE NO: 22-0045-C

SUBJECT MATTER: AWD Multiple Complaints

STATUS: Final

INVESTIGATOR: J. O'Connell

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9/9/2022

Date of Completion

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Edmund Perea

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ACCOUNTABILITY IN GOVERNMENT
OVERSIGHT COMMITTEE CHAIRPERSON

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Date of Approval

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EXECUTIVE SUMMARY

The Office of Inspector General (OIG) has received a series of complaints since March 15, 2022, regarding the Animal Welfare Department (AWD) and various violations of the Humane and Ethical Animals Rules and Treatment (HEART) Ordinance. The HEART Ordinance is the animal ordinance for the City of Albuquerque (City). The OIG determined that the allegations contained elements of potential fraud, waste, or abuse and that it was appropriate for the OIG to conduct a fact-finding investigation. The purpose of the investigation was to determine if the AWD violates the HEART Ordinance based on the various allegations.

According to City Ordinance 2-17-2, the Inspector General's goals are to (1) Conduct investigations in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

While conducting our fact-finding investigation, the OIG researched the HEART Ordinance, made unannounced visits to the AWD shelters and conducted walk-throughs of the facilities, and spoke with members of AWD staff.

As a result of the investigation, the OIG could only partially substantiate *Allegation 1*, regarding AWD being over capacity and housing animals in temporary holding areas that are too small and do not meet the minimum floor space requirements; Housing animals in airline crates or wire bottom crates; and spaces not being cleaned twice a day (removing urine/feces twice daily). The OIG could not substantiate *Allegation 2*, regarding AWD not meeting the minimum number of staff as noted in the Humane Society of the United States (HSUS) Report "Staffing Levels for Animal Caretaking" from the HEART Ordinance. The OIG could substantiate *Allegation 3*, regarding AWD's food and supply shortage, though this issue has since been rectified. The OIG could not substantiate *Allegation 4*, regarding kennels needing to be kept between 60-80 degrees (allegation states that on July 11, 2022, the building temperatures were at 84.4 and 86.7 degrees). The OIG could not substantiate *Allegation 5*, regarding all kennel buildings that are not fully and constantly enclosed shall be required to contain radiant floor heat. The OIG could not substantiate *Allegation 6*, regarding ventilation must be such that there are no drafts in the winter, odors, or moisture condensation, and that the general ventilation guideline for the areas in which the animals are confined is 10 to 15 fresh air changes per hour.

ABBREVIATIONS

AACC: Albuquerque Animal Care Center
AWD: Animal Welfare Department
City: City of Albuquerque
DMD: Department of Municipal Development
HEART: Humane and Ethical Animals Rules and Treatment
HSUS: The Humane Society of the United States
OIG Office of Inspector General

INVESTIGATION

Background

The Office of Inspector General (OIG) has received a series of complaints since March 15, 2022, regarding the Animal Welfare Department (AWD) and various violations of the Humane and Ethical Animals Rules and Treatment (HEART) Ordinance. The HEART Ordinance is the animal ordinance for the City of Albuquerque (City). Dogs were the focus of these complaints.

Allegation 1: AWD is not following the HEART Ordinance. AWD is over capacity and is housing animals in temporary holding areas, which do not meet the standards for housing outlined in the HEART Ordinance. Animals have been housed in kennels that are too small and do not meet the minimum floor space requirements. Animals have been housed in airline crates or wire bottom crates. Spaces are not being cleaned twice a day (removing urine/feces twice daily). Animals are not being treated humanely due to overpopulation and short staffing issues.

The OIG reviewed the HEART Ordinance, which states the following:

§ 9-2-2-4 HOUSING AND RESTRAINT STANDARDS FOR MAMMALS AND BIRDS KEPT AT BOARDING KENNELS, GUARD DOG SITES, ANIMAL SHELTERS INCLUDING THE ALBUQUERQUE ANIMAL CARE CENTER (AACC) AND PET STORES (NON-RESIDENTIAL SITES)

(3) *Cleanliness.* The entire premises shall be kept clean and in good repair in a manner which will protect Animals from disease or injury. Feces and urine must be removed at least twice daily from Companion Animal living quarters to prevent odors and possible dangerous or toxic exposure or contamination by fecal material, mold or internal and external parasites that could harm the Animal or cause the spread of disease to other Animals or humans. After cleaning, cats shall not be returned to their enclosures until the enclosures have air dried. Soiled bedding must be changed daily. If hosing the enclosures, the Animals must be removed and not allowed to come in contact with the dirty, pooled water or wet floors. Animals shall never be squirted with water. Suitable drainage must be provided. There can be no standing water.

(B) *Indoor - Secure Facility.*

(2) Minimum floor space requirements for dogs.

- (a) Dogs weighing less than 30 pounds shall have eight square feet of flat floor space and two feet of vertical space per dog.
- (b) Dogs weighing between 30 and 65 pounds shall have 12 square feet of flat floor space and three feet of vertical space per dog.
- (c) Dogs that weigh more than 65 pounds shall have 24 square feet of flat floor space and three feet of vertical space per dog.

The OIG made unannounced visits to the AWD Eastside and Westside shelters on three (3) separate occasions and did walk-throughs of the kennel buildings, as well as the garage at each shelter, which is used as a temporary holding area upon intake before an animal is placed in a regular kennel. During each visit, the OIG did not find the garage to be full, and the animals that were being housed in the garage were in the appropriate kennels for their respective size. During one of the visits to the Eastside Shelter, the OIG found no animals being housed in the garage. Staff acknowledged that there are times when animals are temporarily housed in the garage when there is overflow and no space in the regular kennels. AWD is a municipal shelter and cannot turn animals away. Employees also stated that AWD is experiencing a shortage of staff.

The OIG did observe several large pet carriers in the garage area; however, these were not in use. The OIG also observed some large wire pop-up crates in the garage area, which also were not in use. These wire pop-up crates all come with a large tray that covers the entire bottom and either a cushion or blankets are then placed on top of the tray when the crate is in use.

During a walk-through of the kennel buildings during one of the OIG's visits, the OIG took measurements of the indoor kennel spaces, which measured 2'10" x 5'5". There are some slightly larger kennels towards the middle which measure 3'8" x 5'4". There are also kennels on the outer ends which measure the largest at 4'11" x 5'4". The OIG observed multiple small dogs housed together in the largest-sized kennels. The OIG also observed that based on the weight listed on the kennel cards, some of the dogs were not in an appropriately sized kennel space as per the minimum floor space requirements listed in the HEART Ordinance. The OIG also observed several kennel cards in which no weight was notated. In addition, the dogs in these particular kennels appeared to be of a weight in excess of the minimum floor space requirement listed in the HEART Ordinance. The OIG did not take measurements of the outdoor kennel spaces, which are separated from the indoor spaces by a guillotine door. Per AWD staff, the guillotine doors are usually open during the day to allow the dogs indoor and outdoor access.

Conversations with AWD staff revealed that the kennels, including those in the intake garage, are given a deep clean twice a day; they are thoroughly cleaned before 10:00 AM and then again sometime between 1:00 PM and 3:30 PM. In addition, staff are also encouraged to do spot checks and spot cleaning if they are walking through. If staff are walking near the areas of the kennels and intake garage, they should stop in to see if there are any messes that can be cleaned up right away. This is the protocol for both the Eastside and Westside shelters.

During a walk-through of the kennel buildings during one of the OIG's visits, the OIG observed during its first pass-through there were feces in a few of the kennel spaces. During the second pass-through during this same visit, the OIG observed no feces in the kennel spaces. During a walk-through of the kennel buildings and of the garage during another one of the OIG's visits, the OIG observed no feces in any of the kennel spaces and all areas appeared to be quite clean. The OIG also observed that the kennel buildings and the garage all smelled freshly clean.

Allegation 1 Finding: The OIG could only partially substantiate Allegation 1. The OIG did observe dogs in the garage/temporary holding area during some of these visits; however, the OIG did not observe this area being full. The OIG also did not observe any animals being housed in pet carriers ("airline crates") or in wire bottom crates.

The OIG was able to substantiate the allegation that animals have been housed in kennels that do not meet the minimum floor space requirements, based on the animal's weight, as outlined in the HEART Ordinance. The OIG based this on the measurements of the indoor kennel spaces within the kennel buildings. Although these kennel spaces are equipped with guillotine doors that allow access to the outdoor kennel space when opened, these guillotine doors are closed from approximately 6:00 PM to 6:00 AM, leaving dogs to be housed within the indoor space only.

The OIG could not substantiate the allegation of spaces not being cleaned twice a day (removing urine/feces twice daily).

Management Response: *AWD does not agree with this finding. All the standard caging at AWD meets the HEART Ordinance space requirements. For the comfort of our animals we do typically close them in a night by dropping the dog door. We do this for the comfort and safety of the animals. It reduces noise, encourages resting and protects them from the elements.*

Allegation 2: AWD does not meet the minimum number of staff as noted in the Humane Society of the United States (HSUS) Report "Staffing Levels for Animal Caretaking" from the HEART Ordinance.

The OIG reviewed the HEART Ordinance and under § 9-2-1-4 DEFINITIONS, found the following:

STAFFING LEVELS FOR ANIMAL CARETAKING. The minimum number of kennel staff that must be available at AACC according to the Animal population at AACC as set forth in the October 2000 HSUS Report to the Albuquerque Animal Services Division under the heading titled "Staffing Levels for Animal Caretaking" at page 96 of said report and the minimum number of ASOs that must be available according to the HSUS Report at page 159.

The OIG did not find any additional information in the HEART Ordinance with regard to staffing levels and did not find anything that defined the minimum number of kennel staff that must be available in relation to the animal population.

In addition, the OIG was unable to locate the referenced October 2000 HSUS Report when searching online, which included a search of the AWD and HSUS websites. The OIG made attempts to contact HSUS to inquire about the said report but was unsuccessful.

The Director of AWD was not familiar with the October 2000 HSUS Report and stated that the shelter, and sheltering in general, has come a very long way since the year 2000.

Allegation 2 Finding: Due to the fact that the October 2000 HSUS report could not be located, the OIG finds the allegation inconclusive and recommends that reference to the October 2000 HSUS report be removed from the HEART Ordinance.

Management Response: *AWD agrees, however modifications to the HEART Ordinance can only be made by the City Council.*

Allegation 3: AWD failed to provide the necessary resources needed to care for the animal population. Recently staff has been unable to properly care for or protect the animals from disease because supplies had not been ordered. AWD has gone without bleach, which is used to disinfect the laundry, and AWD has gone without Accel (the chemical used daily to clean the kennels). On numerous occasions, there has not been enough food to feed the entire population.

Discussions with AWD staff revealed that there was a food and supply shortage around the time the City warehouse closed in June 2022. The shelters were experiencing delays in getting food from the warehouse upon the announcement of the warehouse closing. Staff would check with the other shelter to see if they had extra food, and if not, then staff would have to make a request for a P-card purchase for food from local retailers. Staff also shared that the procurement process took a long time causing the shelter to have a shortage of food and supplies.

With regard to cleaning supplies, staff explained that one barrel of Accel lasts approximately three to four weeks. Staff relayed that there was some miscommunication as to the need to order more. According to staff, AWD went without Accel for approximately two weeks. Staff used regular soap and bleach to clean the kennels during this time.

Staff stated that there is now sufficient food and supplies for the AWD shelters.

Allegation 3 Finding: The OIG was able to substantiate that the AWD shelters did experience shortages of food and cleaning supplies during the period of the Warehouse closing. The issue has been rectified and AWD is now receiving their food supply directly from the vendor and cleaning supplies from a local cleaning supply store.

Management Response: *At no time did supply chain issues cause shelter animals to go without food. All feedings were administered at normal intervals.*

Allegation 4: On July 11, 2022, the building temperatures were at 84.4 and 86.7 degrees.

The OIG reviewed the HEART Ordinance, which states the following:

§ 9-2-2-4 HOUSING AND RESTRAINT STANDARDS FOR MAMMALS AND BIRDS KEPT AT BOARDING KENNELS, GUARD DOG SITES, ANIMAL SHELTERS INCLUDING THE ALBUQUERQUE ANIMAL CARE CENTER (AACC) AND PET STORES (NON-RESIDENTIAL SITES)

(B) *Indoor - Secure Facility.*

(5) Heating and cooling systems are required if needed to keep the temperature between 60 and 80 degrees Fahrenheit.

During an unannounced visit to the AWD Eastside and Westside shelters on August 17, 2022, at approximately 2:30 PM, the OIG did a walk-through of the kennel buildings and the garage area, which is the temporary holding area, and made note of the thermostats. The OIG observed the following at the Westside shelter:

Building A: 75 degrees Fahrenheit
Building B: 78 degrees Fahrenheit
Building C: 80 degrees Fahrenheit
Building D: Could not read the screen on the thermostat; the screen was just a black blur
Garage: The OIG was informed there is no heater or air conditioning in the garage

The OIG observed the following at the Eastside shelter:

Pod A: 78 degrees Fahrenheit
Pod B: The OIG did not observe a thermometer on the wall
Pod Q: 77 degrees Fahrenheit
Garage: The OIG was informed there is no heater or air conditioning in the garage

The OIG observed large mobile fans in all the buildings/pods, which house the regular kennels. The OIG also observed that all of the kennels have a guillotine door to allow access to the outside kennel space and that all of the guillotine doors were open.

Staff were unsure if all of the thermostats were properly functioning. Discussions with AWD staff revealed that the guillotine doors are kept open to allow the dogs access to the outside during the day, but that the guillotine doors are closed around 6:00 PM. Staff stated that heating and cooling of AWD buildings are met with various challenges. Due to guillotine doors in the kennels being open most of the day to allow the dogs outside access, this presents a challenge in maintaining consistent and adequate temperatures in the kennel buildings. AWD staff try to compensate with

portable heating and cooling units; however, due to potential safety hazards, these cannot always be left on, especially overnight when staff is not present.

Discussions with AWD staff also revealed that the heating units go out every year. Staff then have to call ABQ 311 to report the outage, to which 311 operators will ask if the situation is an emergency. 311 then routes the information to the Department of Municipal Development (DMD), who will usually send out a contractor the City has to deal with HVAC issues. Staff also mentioned that the feedback they seem to get is “we’ll get to it when we get to it.” Staff stated they will then set up propane heaters in the kennel areas, but have to turn these off overnight due to safety issues and fire hazards.

Allegation 4 Finding: The OIG could not substantiate the allegation that the kennel temperatures were greater than stated in the HEART ordinance on July 11, 2022. During the OIG’s visit, the temperatures appeared to be in the range of what is stated in the HEART Ordinance. However, in one building the OIG did not observe a thermostat, and in another building, the screen on the thermostat was blacked out and a temperature could not be read.

Management Response: *We have a new design and approved budget for new HVAC systems that will be installed by Summer 2023. This will resolve these concerns. Any repairs needed to existing equipment are performed immediately and are currently operating.*

Allegation 5: All kennel buildings constructed after the effective date of this article that are not fully and constantly enclosed shall be required to contain radiant floor heat. Existing kennel buildings not fully and constantly enclosed must install radiant floor heat within five years of the effective date of this article.

The OIG reviewed the HEART Ordinance, which does contain the language stated in Allegation 5. This language can be found in the following section:

§ 9-2-2-4 HOUSING AND RESTRAINT STANDARDS FOR MAMMALS AND BIRDS KEPT AT BOARDING KENNELS, GUARD DOG SITES, ANIMAL SHELTERS INCLUDING THE ALBUQUERQUE ANIMAL CARE CENTER (AACC) AND PET STORES (NON-RESIDENTIAL SITES)

(B) *Indoor - Secure Facility.*

Allegation 5 Finding: The OIG could not substantiate Allegation 5, as the OIG visited the shelters during the warmer months. Discussions with AWD staff reveal that the kennel buildings do have radiant floor heat. However, staff were also unsure as to whether the radiant floor heat was in proper working order. The AWD Director stated that the radiant floor heat is tested before the weather turns cold to ensure that it is in proper working order for the winter months, and that the radiant floor heat was properly functioning this past Winter.

Allegation 6: Ventilation must be such that there are no drafts in the winter, odors, or moisture condensation; The general ventilation guideline for the areas in which the Animals are confined is ten to 15 fresh air changes per hour. All kennel buildings constructed after the effective date of this article shall install ventilation systems that adhere to this guideline. Existing kennel buildings that do not meet this guideline must do so within five years of the effective date of this article.

The OIG reviewed the HEART Ordinance, which does contain the language stated in Allegation 6. This language can be found in the following section:

§ 9-2-2-4 HOUSING AND RESTRAINT STANDARDS FOR MAMMALS AND BIRDS KEPT AT BOARDING KENNELS, GUARD DOG SITES, ANIMAL SHELTERS INCLUDING THE ALBUQUERQUE ANIMAL CARE CENTER (AACC) AND PET STORES (NON-RESIDENTIAL SITES)

(B) *Indoor - Secure Facility.*

Allegation 6 Finding: The OIG could not substantiate Allegation 6. When the OIG conducted its walk-throughs of the kennel buildings, the OIG observed that all of the kennel spaces had guillotine doors that were open, allowing air from the outside to circulate. Discussions with AWD staff revealed that these guillotine doors are kept open most of the time, except when outside temperatures are low. In addition, staff stated that all building at both the East and Westside shelters are equipped with exhaust fans.

OBSERVATIONS AND GENERAL FINDINGS

Observation 1

Condition: The HEART Ordinance was created in 2006 with minimal changes to licensing in subsequent years.

Criteria: Good business practice is to follow regulations and policies as written and have them updated as necessary for standards and compliance.

Cause: AWD has made procedural changes over time. Changes to procedures, if not considered in conjunction with the Ordinance, can result in compliance issues.

Effect: Non-compliance with the HEART Ordinance as written.

Recommendation: The City and AWD should review and update the HEART Ordinance to reflect any changes that have occurred over the years and should remove anything that may no longer be applicable.

Management Response: *AWD agrees, however modifications to the HEART Ordinance can only be made by the City Council.*

Observation 2

Condition: Kennel cards are not being completed.

Criteria: Good business practice is to follow procedures by completing the kennel cards so information about the animal is relayed to the public and to those with oversight responsibility to ensure that compliance is met.

Cause: Staffing issues make it difficult to take the time necessary to complete the kennel cards in their entirety. AWD has contracted temporary staff to assist with feeding and cleaning, but the temporary staff may not know or be responsible for completing kennel cards.

Effect: Non-compliance with the HEART Ordinance with regard to determining if a dog is in the required sized kennel space.

Recommendation: AWD should be consistent in their documentation. During a walk-through of the kennel buildings, the OIG observed some kennel cards that did not list the weight of the dog, whereas most of the other kennel cards did list the weight of the dog.

Management Response: *AWD agrees that kennel cards should be consistently completed. Without knowing the specific dog and card where the weight was not entered, we cannot say for sure, but there are instances that a dog cannot be weighed due to behavior issues.*

Observation 3

Condition: The OIG has received numerous complaints and has issued as least twelve (12) reports over the past seven (7) years regarding AWD.

Criteria: Standards for Animal Shelters.

Cause: Although a single cause has not been determined, the complaints have alleged that the AWD shelters are not adequately operated, and the OIG is limited in its knowledge of standards and best practices for animal shelters.

Effect: AWD is consistently subjected to investigations for complaints alleged and they are also subjected to having issues aired in the media.

Recommendation: The OIG is of the opinion that the City and AWD may benefit from having an outside organization with a background in animal shelters come in to conduct an assessment of the AWD shelters and operations. The OIG is limited in its knowledge of standards and best practices for animal shelters.

Management Response: *Although AWD's Leadership has a combined Shelter Experience of over 80 years, we are willing to request a peer-review or independent assessment, as recommended by OIG, in order to provide OIG with a benchmark in which to measure the City shelter's overall quality. In addition, we hope this will allow the OIG to focus on investigations that fall under waste, fraud and abuse. Please note, the HEART Ordinance is specific to the City of Albuquerque, so the peer-review will not determine whether AWD is following said ordinance, rather it will determine whether or not AWD is following best practices and industry standards for care.*