Audit of Dangerous and Aggressive Dogs Investigation and Determination Process

August 29, 2022

Mark S. Swann, City Auditor

City of Dallas

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Executive Summary

Objectives and Scope

The objectives of this audit were to determine whether: (1) owners of aggressive and dangerous dogs comply with requirements; (2) internal controls are in place to ensure dangerous and aggressive dog investigations comply with management's expectations and Dallas City Code; and, (3) the determination of dangerous and aggressive dogs is efficient and effective.

The scope included October 1, 2019, to September 30, 2021.

What We Recommend

Management should:

- Propose technical changes to *Dallas City Code, Chapter 7, Animals,* pertaining to the aggressive dog hearing requirements.
- Update timeliness targets to include the whole process and reflect actual timelines.
- Complete information system development for dangerous and aggressive dog data.
- Review emerging risks and improve internal controls as needed.

Background

Dogs are our best friends and companions, but they can also present a safety risk to the public, including children. The *Texas Health and Safety Code* authorizes cities to establish ownership requirements for dogs determined to have injured or threatened a person (dangerous) or to have injured an animal (aggressive).

Dallas Animal Services requested this audit to review the effectiveness and efficiency of its internal controls and operations related to dangerous and aggressive dogs.

What We Found

The aggressive dog program is not effective because the City cannot ensure owners comply with its requirements, in part due to the current language in *Dallas City Code, Chapter 7, Animals*.

Dallas Animal Services has robust procedures in place for the dangerous and aggressive dog determination and investigation process, however the procedures take time and delays can occur.

There are areas of operations that are working well and emerging risks that may merit additional improvements.

Important Definitions

Meeting the definition of a dangerous or aggressive dog takes one incident and does not require a demonstrated pattern of behavior.

The process begins after an incident and a witness submits a notarized affidavit to Dallas Animal Services requesting that the dog be determined dangerous or aggressive. The investigation and determination process starts once Dallas Animal Services receives the affidavit. The Director of Dallas Animal Services is responsible for determining if the dog is dangerous or aggressive.

- A ***dangerous dog*** is one that while outside of its enclosure committed an unprovoked attack on a person that caused bodily injury or caused the person to believe the dog could cause bodily injury.
- An ***aggressive dog*** is one that while not restrained killed or injured another animal that was restrained.

On July 19, 2022, there were 247 dangerous or aggressive dogs, with 184 dangerous dogs and 96 aggressive dogs. Thirty-three dogs were counted in both categories.

Objectives and Conclusions

1. Do dangerous dog owners comply with the requirements for owning dangerous dogs?

   Generally, yes. Of the ten sampled dogs where compliance could be confirmed, eight met all requirements as of the most recent inspection. (See Observation A.)

2. Do aggressive dog owners comply with the requirements for owning aggressive dogs?

   Generally, no. Of the eight sampled dogs where compliance could be confirmed, three met all requirements as of the most recent inspection. (See Observation A.)

3. Are internal controls in place to ensure dangerous and aggressive dog investigations comply with management's expectations and Dallas City Code?

   Generally, yes. There are procedures in place and opportunities to improve the internal controls including formal procedures for owner compliance and other areas, including the registries of dangerous and aggressive dogs. (See Observation A, Observation C, Emerging Risks, and Areas Working Well section of Appendix A.)

4. Is the determination of dangerous and aggressive dogs efficient and effective?

   Generally, yes. The investigation and determination process is complex, detailed, and supported by documentation, but can take time, often missing targets set by the department's procedures. (See Observation B.)

Audit Results

Both *City Council Resolution 88-3428* and Administrative Directive 4-09, *Internal Control,* prescribe policy for the City to establish and maintain an internal control system. The following audit observations are offered to assist management in fulfilling their internal control responsibilities.

Observation A: Aggressive Dog Program Effectiveness

Compliance with the requirements for owning an aggressive dog is low. Five out of eight sampled cases showed dog owners did not meet all compliance requirements, which include always restraining the dog and obtaining liability insurance coverage or financial responsibility of at least $100,000. As a result, the program may not prevent repeat attacks by dogs that have previously been determined to have injured or killed another animal.

Two sections of *Dallas City Code, Chapter 7 Article V-a. Aggressive Dogs,* create the expectations for compliance court hearings that are not working as intended due to the way the ordinance, adopted in 2018, was written. Specifically:

- *Section 7-5.15 Requirements for Ownership of an Aggressive Dog; Noncompliance Hearing,* includes no details about how the noncompliance hearing will be held. Without details, no hearings are held.
- *Section 7-5.16 Attacks by an Aggressive Dog* provides details about how a hearing will be held in municipal court and then states the decision will be made by the Director of Dallas Animal Services. Court decisions must be made by the court and cannot be made by a department director.

Dallas Animal Services and the City Attorney's Office concur that no effective hearings can occur.

In comparison, compliance with the requirements for owning a dangerous dog is higher. For dangerous dogs, noncompliance hearings are held using a process described in *Dallas City Code, Chapter 7; Section 7-5.5 Requirements for Ownership of a Dangerous Dog; Noncompliance Hearing*. That section details how the hearings will be held.

In addition, Dallas Animal Services does not have formal procedures for ensuring compliance with Dallas City Code requirements for owners of dangerous and aggressive dogs.

Criteria

- *Dallas City Code Chapter 7 Section 7-5.15 Requirements for Ownership of an Aggressive Dog; Noncompliance Hearing,* establishes requirements for owning an aggressive dog.
- Standards for Internal Control in the Federal Government:
  - *Principle 3 – Establish Structure, Responsibility, and Authority*
  - *Principle 10 – Design Control Activities*

Assessed Risk Rating:

High

We recommend the **Director of Dallas Animal Services,** in consultation with the **City Attorney:**

A.1: Recommend the City Council consider technical revisions to *Dallas City Code, Chapter 7, Article V-a. Aggressive Dogs*, which include:

- In Section 7-5.15, describe how the noncompliance hearings will be held or remove the words "Noncompliance Hearing," from the title of the section.
- In Section 7-5.16 (c), change the responsible party to the Municipal Court.

We recommend the **Director of Dallas Animal Services:**

A.2: Develop formal policies and procedures for ensuring owners comply with the requirements for owning dangerous and aggressive dogs.

Observation B: Investigation and Determination Efficiency

A sample of 20 dangerous or aggressive dog determinations shows the average investigation and determination took 85 days, or almost three months. Dallas Animal Services tries to complete the process as soon as possible because there is a public safety risk that the dog may attack again while the investigation and determination are under way.

Dallas Animal Services set eight targets for how long steps in the investigation and determination process should take, ranging from 24 hours to seven days. There is no target for the overall length of the investigation and determination.

The average initial investigation was completed in eight days, one day more than the seven-day target. The overall investigation and determination took more time because the process can slow down in multiple places, including:

- Time to arrive in the inbox.
- Time from inbox arrival to start of the initial investigation.
- Time from completion of the initial investigation to the final determination.

Dallas Animal Services developed procedures that include documentation and communication with the owner and witness and process timeliness can be dependent on cooperation from those parties. Most of the audit period occurred during the COVID-19 pandemic, which may have affected timeliness.

Criteria

- Dallas Animal Services work instruction *DAS-WKI-201 Aggressive / Dangerous Dog Investigations* establishes targets for completing multiple steps in the process.
- Standards for Internal Control in the Federal Government:
  - *Principle 10 – Design Control Activities*
  - *Principle 16 – Perform Monitoring Activities*

Assessed Risk Rating:

Moderate

We recommend the **Director of Dallas Animal Services:**

B.1: Set a realistic overall target for completion of the investigation and determination process.

B.2: Monitor timeliness toward meeting the overall target for completion of the investigation and determination process and adjust procedures if needed.

Observation C: Information System

The Dallas Animal Services Chameleon information system does not incorporate dangerous and aggressive dog case information and most dangerous and aggressive dog information was maintained in case files and spreadsheets.

Specific weaknesses include:

- Online registries of dangerous and aggressive dogs included duplicate entries and were not updated during a seven-month period in 2021.
- Annual reporting information is difficult to compare over time, in part due to changes in definitions.

As a result, program information may not be complete and accurate.

Criteria

- *Spreadsheet Mistakes*, a 2016 report by PwC
- Standards for Internal Control in the Federal Government, *Principle 11 – Design Activities for the Information System*

Assessed Risk Rating:

Moderate

We recommend the **Director of Dallas Animal Services:**

C.1: Complete the reporting of dangerous and aggressive dogs in the Dallas Animal Services information system and implements information system internal controls, such as validity, logical access, accuracy, and completeness.

Emerging Risks

Certain risks could impact the internal controls, effectiveness, and efficiency of activities performed by Dallas Animal Services and other departments.

Overall time to ensure owner compliance

Once the investigation and determination are complete, another process begins to ensure the owners comply with the program requirements. This is often a legal process involving coordination with the Court and Detention Services Department, City Attorney's Office, and an entity that can assist with warrants, such as the Dallas Police Department or Dallas Marshal's Office. It can take more than six months (193 days on average) between the department receiving an affidavit and a judge's order for the owner's compliance.

Coordination between City Attorney's Office and Dallas Animal Services

Challenges include:

1. Appeals to County Court-at-Law and Justice of the Peace Courts are not common, but when they occur, they are not always immediately communicated from Dallas Animal Services to the City Attorney's Office. Without prompt notification, the City Attorney's Office was not aware of an appeal before the hearing occurred.

2. Witness testimony can be important if the dangerous or aggressive dog determination is appealed. If the witness does not testify, as occurred for at least ten dogs since October 2018, that may factor into why the determination was overturned. Several reasons were cited for witnesses not attending, such as a move to another city, an improved relationship with the dog or its owner, and concerns regarding the COVID-19 pandemic.

3. The City Attorney's Office and Dallas Animal Services disagree on the deadline before owners must turn in their dogs after noncompliance because of different timelines set in the Dallas City Code and state law.

Updating procedures

Dallas Animal Services procedures are very detailed about who is responsible for completing what tasks in the investigation and determination process. Challenges include:

- The procedures were not always updated to reflect revisions to job duties.
- There are no procedures for updating the online registries.

The Court and Detention Services Department developed procedures for hearings. Challenges include:

- Notifications of dog owners and claimants are not occurring as required.

Appendix A: Background and Methodology

Background

This audit was requested by Dallas Animal Services management as part of the *Fiscal Year 2021 Audit Plan* to understand how well the dangerous and aggressive dog investigation and determination process is working.

Dallas Animal Services oversees the Dangerous and Aggressive Dog programs as part of its public safety services. The programs are authorized by *Texas Health and Safety Code, Title 10, Chapter 822, Subchapters B and D*. The City Council updated the requirements for the Dangerous Dog program and created the Aggressive Dog program when it revised *Dallas City Code Chapter 7, Animals*, in June 2018.

Requirements for owning a dangerous or aggressive dog

Once a dog is determined to be dangerous, the owner must either appeal the decision or comply with the requirements within 15 days. Appeals can be made through the Municipal Court or through a Dallas County Justice of the Peace Court or Dallas County Court-at-Law.

Once a dog is determined to be aggressive, the owner has 10 days to appeal the decision through the Municipal Court and 15 days to comply with the requirements.

The requirements include:

- Obtaining liability insurance coverage or financial responsibility of at least $100,000.
- Having an unsterilized dog spayed or neutered.
- Having current rabies vaccine and microchip registry with current contact information.
- Paying registration fees ($250 initial, $50 annual) and placing a dangerous or aggressive dog registration tag on the dog's collar or harness.
- Restraining the dog at all times on a leash in the immediate control of a person or in a secure enclosure.
- When taken outside the enclosure, ensuring the dog wears a secure muzzle.
- Posting a sign purchased from Dallas Animal Services declaring BEWARE DANGEROUS DOG or BEWARE AGGRESSIVE DOG at each entrance to the dog's enclosure.
- Paying for any costs of seizure or impoundment.

To demonstrate compliance, Dallas Animal Services performs an inspection of the dog's enclosure. If compliance is not demonstrated in 15 days, Dallas Animal Services seeks a noncompliance hearing to determine if the dangerous dog is not in compliance. Those hearings can result in the judge signing a warrant for the dangerous dog to be picked up in ten days if the owner is not in compliance. During the audit period, no hearings were held for aggressive dog compliance, as noted in Observation A.

Areas working well

When Dallas Animal Services closed an investigation without a determination that the dog was dangerous or aggressive the department had documentation showing why it was closed for all ten cases in the audit sample.

For a sample of 20 Dallas Animal Services investigations that led to determinations, every affidavit was notarized, showing complete compliance with that requirement. In many cases, the affidavits were notarized by animal services officers, helping people file affidavits without needing to find a notary. Other requirements were also met, including documented support for the determination and communication of the determination to the dog owner.

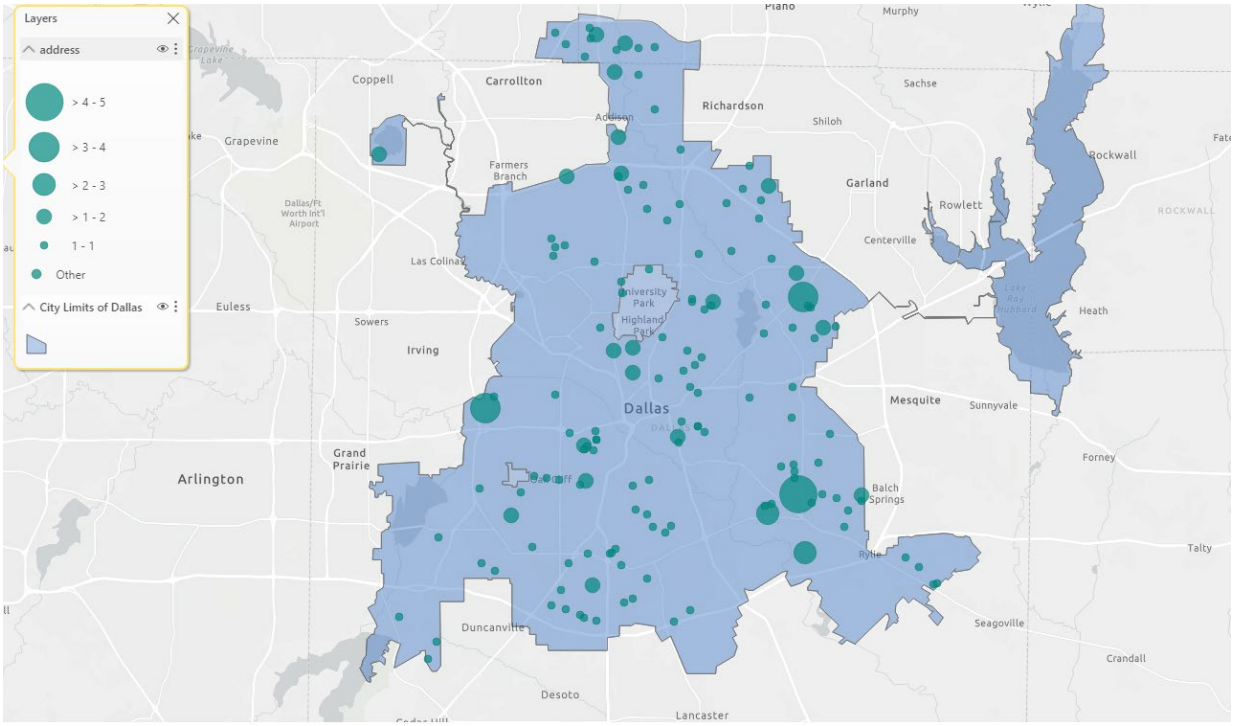
Dallas Animal Services and the departments it works with all cite good working relationships, including the Court and Detention Services Department, the Dallas Police Department, and the City Attorney's Office. The departments can point to areas where their coordination led to improvement, such as a 2019 Dallas Police Department review of Dallas Animal Services' investigative processes.

Mapping dangerous and aggressive dogs

Dallas Animal Services maps the dogs by their address and by the number of dogs at each location.

Exhibit 1:

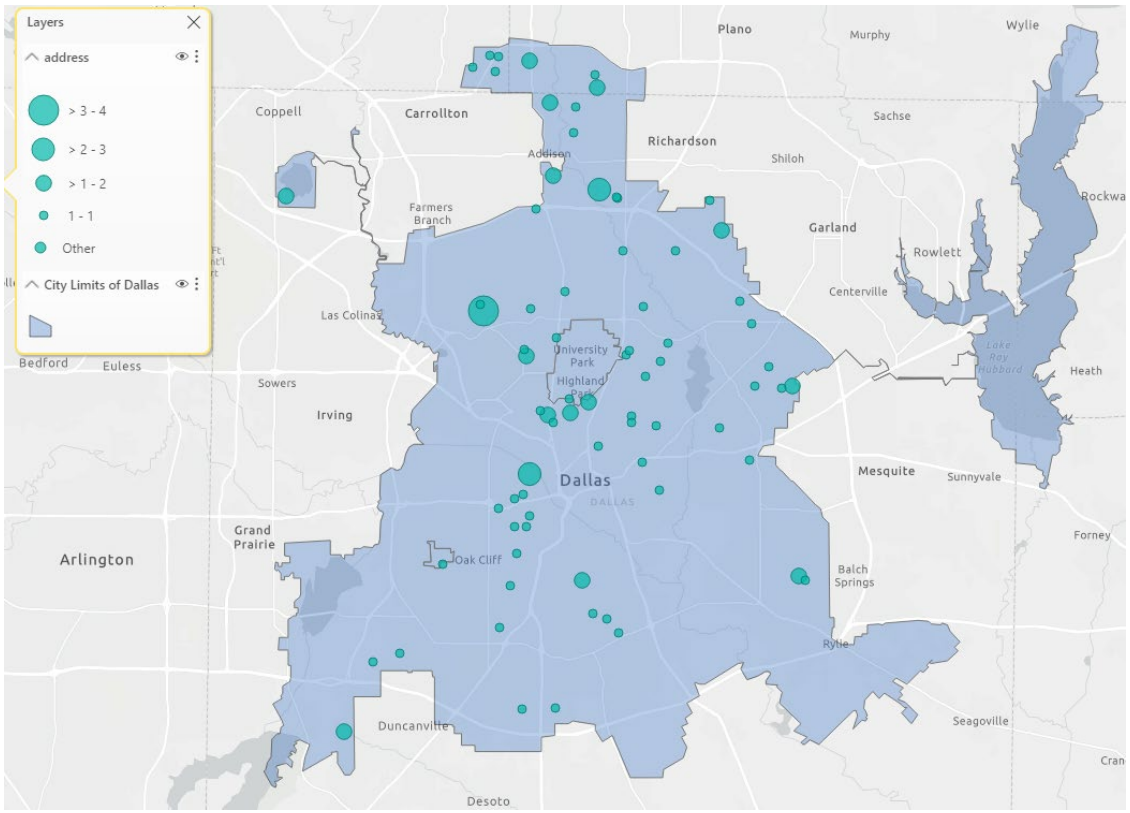
Locations of Dangerous Dogs as of July 2022



Source: Dallas Animal Services map using data as of July 19, 2022.

Exhibit 2:

Locations of Aggressive Dogs as of July 2022



Source: Dallas Animal Services map using data as of July 19, 2022.

Methodology

The audit methodology included: (1) interviewing personnel from Dallas Animal Services and other city departments; (2) reviewing policies and procedures, City ordinances, the *Texas Local Government Code*, applicable Administrative Directives, and best practices; and, (3) performing various analyses, including reviews of the compliance and timeliness of investigations and determinations and compliance. In addition, all five components of *Standards for Internal Control in Federal Government* were considered.

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 upon our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Major Contributors to the Report

Dan Genz, CIA, CFE – In-Charge Auditor
Mamatha Sparks, CIA, CISA, CISSP, CRISC – Engagement Manager

Appendix B: Management's Response

See the following pages for responses from the City Manager and City Attorney.

Memorandum

CITY OF DALLAS

DATE: August 19, 2022

TO: Mark S. Swann – City Auditor

SUBJECT: Response to the Audit of Dangerous and Aggressive Dogs Investigation and Determination Process

This letter acknowledges the City Manager's Office received the *Audit of Dangerous and Aggressive Dogs Investigation and Determination Process* and submitted responses to the recommendations in consultation with Dallas Animal Services and the City Attorney's Office.

The City of Dallas has focused on improving Dallas Animal Services' internal control environment, operating results, and transparency. We are pleased that these improvements have led to tangible and meaningful positive results, including a 20-30% increase in the live release rates for the past three years, compared to 2015's live release relate of 62.5%. Additionally, Dallas Animal Services has made significant improvements in its field operations and requested an audit of its processes to determine if additional opportunities exist to improve processes and address residents' concerns.

We appreciate the auditor's work and their thoughtful recommendations. Dallas Animal Services believes implementing these recommendations will provide the tools necessary to ensure owners of dangerous and aggressive dogs comply with City requirements.

Additionally, we recognize the importance of a thorough, impartial, and prompt investigation process. Dallas Animal Services agrees that establishing an overall timeframe goal for completing the investigation and determination process will enhance the process and reduce public safety risk. Further, we believe enhancements to the reporting of dangerous and aggressive dogs and Dallas Animal Services' information system will further increase transparency and better assist management with more complete and accurate data that Dallas Animal Services will leverage to manage its processes.

Sincerely,

T.C. Broadnax
City Manager

C: Chris Caso, City Attorney
Genesis D. Gavino, Chief of Staff
Jack Ireland, Chief Financial Officer
Carl Simpson, Assistant City Manager
MeLissa Webber, Director, Dallas Animal Services

Memorandum

CITY OF DALLAS

DATE: August 17, 2022

TO: Mark S. Swann – City Auditor

SUBJECT: Response to the Audit of Dangerous and Aggressive Dogs Investigation and Determination Process

This letter acknowledges the City Attorney's Office received the *Audit of Dangerous and Aggressive Dogs Investigation and Determination Process* and submitted responses to the recommendations in consultation with Dallas Animal Services.

The City Attorney's Office has reviewed the audit report dated August 10, 2022, and agrees to implement audit recommendation A.1 to amend Dallas City Code Sections 7-5.15 and 7-5.16 regarding aggressive dogs to describe the procedure for a noncompliance hearing involving aggressive dog ownership and to clarify that the municipal court, not the director, will make the determination of whether the owner complied with the requirements for ownership of an aggressive dog.

Regarding witness testimony, the City Attorney's Office regularly contacts witnesses via phone, email, and first-class mail to ensure their attendance at all court hearings. In most cases, the complainant is the key witness and will appear because the complainant has a personal interest in the outcome of the appeal hearing. However, there is no guarantee that once contacted by the City Attorney's Office that a witness will attend the court hearing. Several factors may contribute to a witness absence. (i.e., City Attorney's Office had insufficient notice of the appeal hearing which resulted in the witness receiving late notice, the witness was no longer interested in pursuing the case, the witness was unavailable due to COVID-19, the witness lacked transportation to attend, or the witness relocated outside the city limits.) Additional analysis would be required to determine what factors may have accounted for the witness absence in the ten overturned cases.

Additionally, the City Attorney's Office will recommend extending the deadline for the owner of a dangerous dog to comply with the ownership requirements to 30 days from 15 days in accordance with state law. The City Attorney's Office will also recommend amending Dallas City Code Sections 7-5.4, 7-5.5, and 7-5.6 to require service on the City's Secretary Office of all notices of appeal to a justice of the peace or county court. This amendment will streamline the notice process and make it more efficient for the department to receive timely notices of appeal.

Sincerely,

/s/ Christopher J. Caso

Christopher J. Caso
City Attorney

C: T.C. Broadnax, City Manager
Tammy Palomino, First Assistant City Attorney
Patricia De La Garza, Chief of Litigation
Ayeh Powers, Managing Attorney
Rodney Patten, Chief of Municipal Prosecution

Assessed Risk Rating	Recommendation		Concurrence and Action Plan	Implementation Date	Follow-Up/ Maturity Date
High	We recommend the **Director of Dallas Animal Services**, in consultation with the **City Attorney:**				
	A.1: Recommend the City Council consider technical revisions to *Dallas City Code, Chapter 7, Animals, Article V-a. Aggressive Dogs* which include: • In Section 7-5.15, describe how the noncompliance hearings will be held or remove the words "Noncompliance Hearing," from the title of the section. • In Section 7-5.16 (c), change the responsible party to the Municipal Court.	**Agree:**	Dallas Animal Services (DAS) will, in consultation with the City Attorney, recommend the City Council consider revisions to the Dallas City Code to address the audit recommendation.	12/31/2022	3/31/2023
High	We recommend the **Director of Dallas Animal Services:**				
	A.2: Develop formal policies and procedures for ensuring owners comply with the requirements for owning dangerous and aggressive dogs.	**Agree:**	DAS has drafted formal procedures for ensuring owners comply with the requirements for owning dangerous and aggressive dogs. In the following months, DAS will test, formalize, and train applicable staff on the procedures.	3/31/2023	6/30/2023

Assessed Risk Rating	Recommendation	Concurrence and Action Plan		Implementation Date	Follow-Up/ Maturity Date
Moderate	We recommend the **Director of Dallas Animal Services:**				
	B.1: Set a realistic overall target for completion of the investigation and determination process.	**Agree:**	DAS' overall target for completion of the investigation and determination process is impacted by the department's staffing level. Following the adoption of the fiscal year 2022-2023 budget, DAS will review the overall target for investigation and determination at anticipated staffing levels. DAS will then ensure applicable procedures include an overall target and staff is trained on the procedures.	12/31/2022	3/31/2023
	B.2: Monitor timeliness toward meeting the overall target for completion of the investigation and determination process and adjust procedures if needed.	**Agree:**	Following the implementation of recommendation B.1, DAS will periodically monitor actual timeframe results against the targeted timeframe for investigations and determinations. DAS will update their procedures should they determine that the overall timeframe should be revised.	12/31/2023	6/30/2024
Moderate	We recommend the **Director of Dallas Animal Services:**				
	C.1: Complete the reporting of dangerous and aggressive dogs in the Chameleon system and implements information system internal controls, such as validity, logical access, accuracy, and completeness.	**Agree:**	DAS has identified and corrected the error that resulted in duplicate entries. Additionally, DAS has completed a work instruction to help ensure proper reporting of dangerous and aggressive dogs. Additionally, DAS is in the process of scheduling Chameleon to provide consulting services on maximizing the software for the reporting of dangerous and aggressive dogs and configuring the system's integrated internal controls.	6/30/2023	12/31/2023