



OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE

REPORT OF INVESTIGATION CASE NUMBER: 2015-0006 ISSUE DATE: JUNE 29, 2018

*“Enhancing Public Trust in Government Through Independent
and Responsible Oversight”*

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Interim Inspector General

ANIMAL CARE AND PROTECTIVE SERVICES PAST MANAGEMENT PRACTICES

EXECUTIVE SUMMARY

During August and September of 2015, the OIG received numerous complaints alleging mismanagement at Animal Care and Protective Services (ACPS). A number of the complaints mentioned ACPS Management at the time, former ACPS Chief Nicole Harris (Chief 1) and Jennifer Walter, ACPS Animal Program Manager (Shelter Manager). Several of the complaints received by the OIG were also provided by the complainants to the Administration. The OIG met with the Administration to discuss those complaints received by both the OIG and the Administration.

On September 2, 2015, pursuant to § 602.303(j), *Ordinance Code*, the OIG referred one of the complaints to the Office of the State Attorney for the Fourth Judicial Circuit (SAO) for a review due to potential violations of Florida Statute § 828.12, Cruelty to Animals.

In March of 2016, the Administration contracted James Crosby, Division Management Consultant, to serve as the Interim ACPS Chief. Interim Chief Crosby provided the OIG with subject matter expertise during the investigation.

In May of 2016 and again in July of 2016, the OIG contacted the SAO concerning the status of the SAO review. In July of 2016, the SAO and OIG agreed the OIG would continue with an administrative investigation and provide feedback to the SAO if any potential criminal violations were discovered. The OIG investigation did *not* disclose any potential criminal violations.

During the investigation, the Administration, through Interim Chief Crosby, identified and took immediate corrective action related to several ACPS management practices. The Administration’s corrective actions addressed and resolved many of the complaints that were under investigation. Further, Chief 1 resigned during the course of the investigation, resolving some of the concerns related directly to ACPS Management.

The OIG investigation focused on ACPS management practices and procedures that were in place between August of 2014 and December of 2016. The following briefly summarizes the investigative conclusions for those allegations the OIG either *substantiated* or *could not substantiate*:

Prioritization of ACPS Calls for Service

An allegation concerning ACPS Management instructing ACPS employees to handle animal calls from non-profit animal welfare organizations ahead of animal calls from citizens was **substantiated**. The corrective actions taken by the Administration have addressed this issue.

ACPS Failed To Respond to Calls

An allegation concerning ACPS Management advising Animal Code Enforcement Officers (ACOs) not to respond to citizens' calls concerning animals in the community or not to seize animals due to lack of shelter space was **substantiated**. The corrective actions taken by the Administration have addressed this issue.

Exchange of Medical Supplies

An allegation concerning ACPS Management transferring medications and supplies to non-profit animal welfare organizations without proper accountability was **substantiated**. This practice had been occurring since at least August of 2014. The Administration, through Interim Chief Crosby, stopped this practice in November of 2016. The corrective actions taken by the Administration have addressed this issue.

In accordance with § 602.303(j), *Ordinance Code*, the OIG discussed the past practice of transferring controlled substances between ACPS and several non-profit animal welfare organizations with the U.S. Drug Enforcement Administration (DEA). At the time of this report, the results of any action taken by the DEA are unknown.

Mistreatment of ACPS Animals

An allegation concerning ACPS animals being mistreated or not receiving medical treatment in a timely manner was **not substantiated**.

ACPS/Jacksonville Humane Society (JHS) Agreement

An allegation concerning ACPS transporting animals under the ACPS/JHS Animal Control Transfer Program (for Fiscal Years 15, 16, and part of 17) in violation of the terms of the agreement was **substantiated**. The corrective actions taken by the Administration have addressed this issue.

Modification of Chameleon Database to Support ACPS's "No Kill" Philosophy

An allegation concerning ACPS employees modifying Chameleon Database records related to euthanasia in order to maintain a live release rate above 90% and support a "No Kill" philosophy was **not substantiated**. However, the investigation revealed the Chameleon Database lacks an audit trail related to any modification of data entries.

Hill's Pet Nutrition, Inc. Agreement

An allegation concerning ACPS Management releasing adopter's contact information (name, address, telephone number, and email), without adopter's knowledge or consent, to Hill's Pet Nutrition, Inc. in return for a discount on dog food was **substantiated**. The corrective actions taken by the Administration have addressed this issue.

Additionally, the OIG reviewed other matters related to ACPS policy and procedures. In regards to the matters referenced below, the OIG did not make a specific finding of either *substantiated* or *not substantiated*:

ACPS Intake Process

The OIG investigation concluded the ACPS policy for owner-surrender appointments did *not* violate any provisions of the *Ordinance Code* or Florida Statutes.

Mega-Adoption and Off-site Events

During the course of the investigation, testimony disclosed a past practice of ACPS Management providing animals and/or ACPS adoption numbers to JHS. The OIG investigation concluded there is no written policy or procedure contained in the ACPS Policies and Standard Operating Procedure (SOP), effective February 2018, which specifically addresses mega-adoption and/or off-site adoption events to include the transfer of any non-adopted animals to non-profit animal welfare organizations upon conclusion of such events.

McDuff Shelter - Volunteer Services Agreement

The City renovated the former ACPS shelter located at 2580 West 1st Street, Jacksonville, Florida (McDuff Shelter). The McDuff Shelter was in operation to relieve overcrowding at ACPS, between March and October of 2016, while the Jacksonville Humane Society (JHS) was undergoing construction renovations.

During the shelter's operation in 2016, JHS behavior team staff members worked with dogs that had behavioral issues at the McDuff Shelter. The City entered into a Volunteer Services Agreement between ACPS and JHS which allowed JHS behavior team staff members to work at the McDuff Shelter. Per the agreement, the City was to supervise the volunteers. Additionally, the City, through an unrelated administrative award, reimbursed the salaries for two JHS Animal Behavior Coordinators, who were part of the JHS behavior team.

The investigation disclosed the Shelter Manager failed to supervise JHS staff working at the McDuff Shelter. In October of 2016, the Administration, through Interim Chief Crosby, discontinued the Volunteer Services Agreement and ACPS moved the behavior dogs back to the current ACPS shelter, located at 2020 Forrest Street, Jacksonville, Florida.

Details of the investigation and recommended corrective actions are outlined in the body of the OIG's Report of Investigation.

INVESTIGATIVE REPORT**GOVERNING DIRECTIVES**

Florida Statutes:

- § 112.313(6), Misuse of Public Position
- § 828.30, Rabies vaccination of dogs, cats, and ferrets

City of Jacksonville (COJ) Ordinances:

- § 462.309, Sterilization of dogs and cats
- § 462.502, Vaccination, registration and licensing required
- § 462.601, Impounding of animals
- § 462.608, Sterilization
- § 462.1501, Permanent Pet Identification Requirement

COJ Civil Service Rules (effective September 2016):

- Section 9.05, Reduction In Compensation, Demotions, Suspensions Without Pay and Dismissals

COJ Policies:

- City of Jacksonville Electronic Communications, Equipment and Media Policy, (effective July 1, 2010 and reissued effective October 14, 2015)

ACPS Policies:

- ACPS Animal transfer to The Jacksonville Humane Society, effective January 18, 2017
- ACPS Euthanasia Protocol, effective October 2, 2017
- ACPS Policies and Standard Operating Procedure (SOP), effective February 6, 2018¹

ACPS/JHS Agreement/Contract:

- Agreement Between City of Jacksonville And Jacksonville Humane Society, Inc. For Animal Control Transfer Program (Agreements for Fiscal Years 2015, 2016, and 2017)
- Single Source Contract Between The City of Jacksonville And Jacksonville Humane Society, Inc. For Animal Control Transfer Program (Single Source Contract), effective January 19, 2018, retroactive to October 1, 2017

¹ There is no identifiable effective date on the SOP; however, per Chief Cody, the SOP was effective on February 6, 2018.

ALLEGATIONS

During August and September of 2015, the OIG received multiple complaints concerning operations and management of the Animal Care and Protective Services (ACPS) Division. With one exception, the complaints entailed various allegations of misconduct and mismanagement against Chief 1² and the ACPS Shelter Manager. The complaints are summarized below:

OIG Correspondence Number 2015-08-0003

Anonymous complaint alleged ACPS Management was creating a poor work environment and low morale. Further, the complaint alleged ACPS Management was lying “about the status of animals so they can kill them & not hurt the shelter’s numbers or reputation.”

OIG Correspondence Number 2015-08-0004

Anonymous complaint alleged ACPS Management was creating a poor work environment and low morale. Further, the complaint alleged ACPS Management was “killing healthy animals and listing them as medical or behavioral problems so they don’t count against their no kill status.” Additionally, the complaint alleged ACPS Management may be “killing healthy animals” and “the shelter shuts down at 6pm, and if a sick or hurt animal comes in late afternoon, they sit in a kennel overnight with no medical treatment. Some animals sit in kennels for more than a week with broken legs or open wounds with no treatment.”

OIG Correspondence Number 2015-08-0006³

Anonymous complaint alleging Chief 1 was creating a “culture of corruption” and contributing to a poor work environment. Further, the complaint alleged Chief 1 “and a few of her favorite employees” regularly changed ACPS records so “they could kill animals.” Finally, the complaint alleged medical supplies/drugs were being transferred to the Jacksonville Humane Society (JHS) and First Coast No More Homeless Pets (First Coast) without proper accountability.

OIG Correspondence Number 2015-08-0007

Anonymous complaint alleged ACPS Management falsified data and used fraudulent reports in order to maintain the shelter’s “No Kill status.” Further, the complaint alleged ACPS Management was intentionally misclassifying animals in order to improperly euthanize animals. The complaint also alleged ACPS was turning away stray animals because the “shelter is full” when in fact the shelter was not. Finally, ACPS Management was making it “difficult” for owners to surrender animals by, “setting very strict restricted times only four days a week for four hours each, and requiring appointments several weeks in advance.”

OIG Correspondence Number 2015-08-0008

A citizen complaint alleged ACPS Management was treating the ACPS facility as a “Rescue” facility instead of an “Animal Control Agency.” The complaint alleged a former ACPS Operations Manager directed ACPS Animal Code Enforcement Officers (ACOs) to disregard calls when the shelter was full. Further, the complaint alleged ACPS staff was using City

² Chief 1 resigned from the City of Jacksonville in October of 2015.

³ OIG Correspondence 2015-08-0005 was not listed because the complaint was not related to ACPS.

vehicles to transport animals to JHS, while the City was paying a fee of approximately \$90 to JHS for each animal. Finally, the complaint alleged the animals transferred were already sterilized, vaccinated, and microchipped by ACPS prior to transport. “J.H.S. comes to A.C.P.S. and would pick out the more desirable and easiest animals to adopt out ... taxpayer footing the bill for all the veterinarian procedures, medications, manpower and fuel ...”

OIG Correspondence Number 2015-08-0010⁴ and 2015-08-0011⁵

Anonymous complaint alleged ACPS Management was mistreating animals and improperly euthanizing animals. Shelter Manager Walter “... exaggerates behavior problems as an excuse to kill them.” Additionally, the complaint alleged overall mismanagement of the ACPS facility.

OIG Correspondence Number 2015-08-0012

A citizen complaint alleged Chief 1 was “trying to intimidate staff and volunteers” to prevent them from speaking out against the Chief. Specifically, the complaint alleged a letter addressed to the Office of Mayor Lenny Curry, which outlined the complainant’s concerns regarding the ACPS work environment, was posted publically on a bulletin board within the ACPS facility.⁶

ADDITIONAL INFORMATION

During the OIG’s review of the above referenced allegations, additional concerns were identified as summarized below:

Prioritization of ACPS Calls for Service

During the investigation, various individuals testified to ACPS Management prioritizing calls for service from non-profit animal welfare organizations (JHS and First Coast) ahead of citizens’ calls for service.

Exchange of Medical Supplies

Testimony and records (e-mails) reviewed revealed ACPS employees, with the Shelter Manager’s knowledge and approval, exchanged medicines, including controlled substances⁷ and medical supplies, with JHS and First Coast due to ACPS having either a low supply or no supply of the medicine or medical supplies.

ACPS Intake Process

Testimony indicated ACPS Management allowed a citizen to bring in a stray animal at any time during ACPS intake hours, Tuesday through Friday, from 8:00 a.m. to 12:00 p.m. However, an

⁴ *OIG Correspondence 2015-08-0009* was not listed because the complaint contained no allegations.

⁵ Complainant sent two letters, one addressed to Mayor Lenny Curry and one addressed to the Inspector General. Absent the addressee, the letters were identical.

⁶ The OIG observed the publically posted complaint letter in several locations at ACPS. The OIG also verified the publically posted letters were removed. Due to the resignation of Chief 1, this complaint is not addressed in this report.

⁷ Controlled substance as defined in Title 21, United States Code, Subchapter I – Control and Enforcement, Part A § 802(6), “...means a drug or other substance, or immediate precursor, included in schedule I, II, III, IV, or V...”

owner desiring to surrender an animal to ACPS was required to make an appointment and the appointment to surrender the animal may not be on the same day.

Mega-Adoption and Off-site Events

Testimony indicated a lack of standard operating procedures for transferring animals between ACPS and animal welfare organizations at these events.

Jacksonville Humane Society, Inc. Volunteer Services Agreement

Testimony and records reflected ACPS and JHS management agreed to use the former ACPS Shelter located at 2580 West 1st Street, Jacksonville, Florida, (McDuff Shelter) to house fifty dogs displaced during shelter renovations at JHS. Between March and October of 2016, 106 behavior dogs from ACPS were housed at the McDuff Shelter. Testimony and records reflected the City and JHS entered into a Volunteer Services Agreement on February 1, 2016. The Agreement was effective from March 1, 2016 through June 1, 2017. The Agreement permitted JHS behavior team staff members to work with ACPS behavior dogs housed at the McDuff Shelter. The City was to provide supervision as a condition of the agreement; however, testimony indicated this did not occur.

Hill's Pet Nutrition, Inc. Agreement

Testimony and records indicated ACPS Management entered into an agreement with Hill's Pet Nutrition, Inc. (Hill's) in 2013. Testimony indicated ACPS released adopter contact information (names, addresses, and e-mails) to Hill's without the knowledge and consent of the adopters.

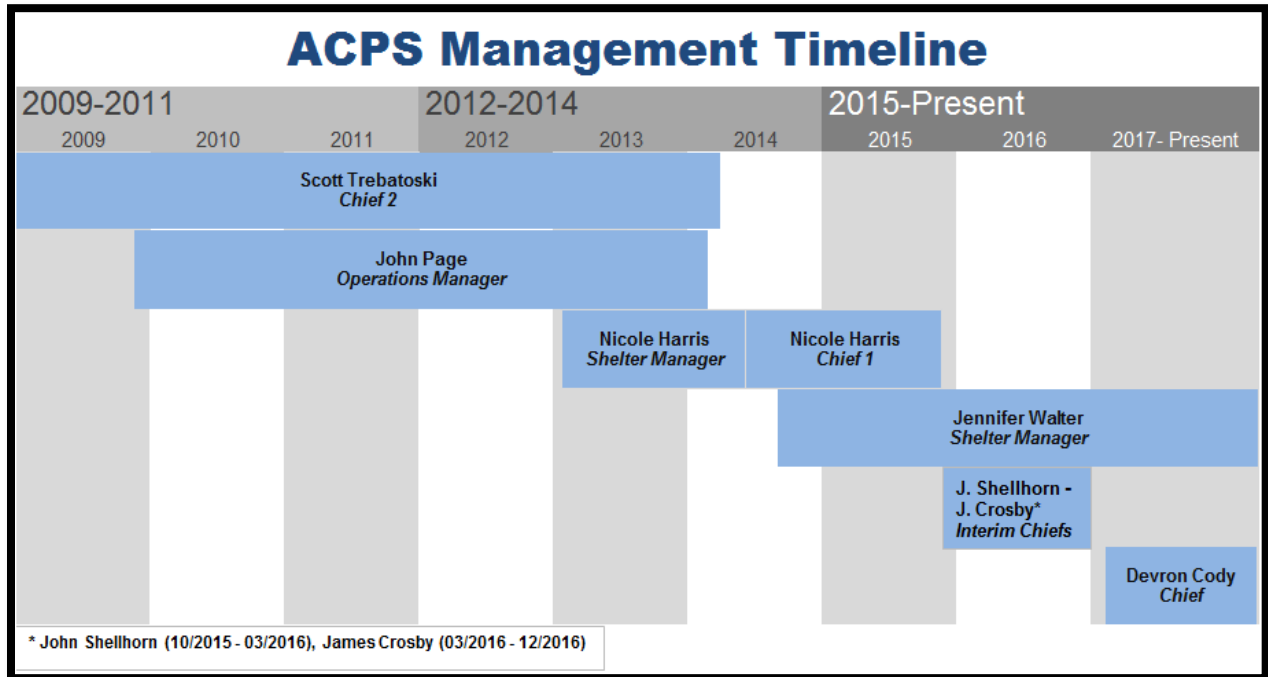
BACKGROUND

The OIG conducted an initial review of the complaints. As a result of this review, the OIG determined some of the allegations involved potential criminal violations.

On September 2, 2015, as a result of this concern and pursuant to § 602.303(j), *Ordinance Code*, the OIG referred one of the complaints to the Office of the State Attorney for the Fourth Judicial Circuit (SAO) for a review due to potential violations of Florida Statute § 828.12, Cruelty to Animals. Following the SAO's review, the OIG proceeded with an administrative investigation in July of 2016.

Prior to the issuance of this report, the Administration addressed many of the issues raised in the allegations leading to this investigation. Allegations similar to the allegations reported to the OIG were also reported to the Mayor's Office, which led to corrective actions taken by the Administration. In an effort to provide a complete picture of the corrective actions taken, the OIG has commented throughout the report on the corrective actions taken by the Administration.

The timeline below provides a historical outline of ACPS Management from 2009 through present.



INVESTIGATIVE FINDINGS

OIG Records Review:

The OIG reviewed various records, including applicable state and municipal statutes, civil service rules, City and ACPS policies and procedures, and City contracts, and found the following:

Florida Statute § 112.313(6) Misuse of Position.

No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Florida Statute § 828.30, Rabies vaccination of dogs, cats, and ferrets

(1) All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species.

§ 462.309, Ordinance Code, Sterilization of dogs and cats

- (a) *All dogs and cats shall be sterilized prior to being sold, adopted or released from any animal shelter...*
- (1) *Providing for sterilization by a veterinarian before relinquishing custody of the animal...*

§ 462.502, Ordinance Code, Vaccination, registration and licensing required

- (a) *Except as otherwise provided in this Part, the owner of every dog, cat or ferret four months of age or older shall have it vaccinated by a veterinarian against rabies and shall obtain and maintain, on an annual basis or duration of the valid vaccination, registration with the veterinarian who administered or is responsible for the administration of the vaccination...*
- (b) *The owner shall obtain a City license tag in a shape determined by ACPS with a series of colors (other than those used by the national rabies protocol) to identify the expiration of the tag and bearing the registration number of the individual dog or cat...*
- (c) *All veterinarians conducting business, whether permanently or temporarily, within the City of Jacksonville shall be required to sell a City pet tag, to all Duval County residents and/or part-time residents, for all animals vaccinated against rabies...*

§ 462.601, Ordinance Code, Impounding of animals

- (b) *Holding periods established:*
 - (1) *ACPS shall shelter and care for impounded potentially owned, adult dogs and cats, whether tagged or stray, for six days, beginning the day of capture (intake), and excluding official holidays recognized by the City or when the shelter is otherwise closed to the public due to an unexpected event.*

§ 462.608, Ordinance Code, Sterilization

Except as otherwise provided in this Part, all dogs and cats redeemed or adopted from ACPS shall be sterilized by a veterinarian before redemption or adoption...

For the purposes of controlling pet overpopulation and ensuring all animals redeemed or adopted from ACPS are sterilized in an expeditious manner, the City of Jacksonville shall be considered the legal owner of: all stray dogs that remain in the shelter three days after intake/impound (i.e. on the fourth day sterilization may take place ... ACPS is hereby authorized to perform sterilization procedures on any animal anytime after it becomes City property...

§ 462.1501, Ordinance Code, Permanent Pet Identification Requirement

Due to the number of missing and stray animals that enter Jacksonville shelters each year that cannot be reunited with their owners, proactive measures are necessary to address this situation.

- (a) Effective January 1, 2011, all dogs and cats four (4) months of age or older sold, transferred, exchanged, adopted, returned to their owner from a shelter, or given away shall be required to be implanted with a permanent identification device (RFID - microchip) that is registered to the legal owner of the animal...*

City of Jacksonville (COJ) Civil Service Rules (effective September 2016), Section 9.05, Reduction in Compensation, Demotions, Suspensions without Pay and Dismissals

- (1) Cause shall include, but is not limited to; ... willful violation of the provisions of law or department rules; conduct unbecoming a public employee which would affect the employee's ability to perform the duties and responsibilities of the employee's job; ...*

City of Jacksonville Electronic Communications, Equipment and Media Policy, effective July 1, 2010 and revised effective October 14, 2015, specifies under Confidentiality:

City-held information on the constituents of the City of Jacksonville may not be disclosed without a clear business need, or public disclosure request.

ACPS Policy - Animal Transfers to JHS

During the course of the investigation, ACPS implemented the *Animal transfer to The Jacksonville Humane Society* Policy, effective January 18, 2017. This policy provided guidance on the required documentation for all transfers of animals to JHS. The policy required accurate and consistent documentation of all transfers to ensure all parties are meeting contractual obligations.

ACPS Euthanasia Protocol

Effective October 2, 2017, ACPS implemented a *Euthanasia Protocol* (policy) which outlined the steps ACPS employees should take in order to perform humane euthanasia of animals in the care of ACPS. The policy states in part: *“Collectively, the ACPS supervisors, managers and division chief make euthanasia decisions based on thorough review of all medical and behavior notes listed in chameleon. A list of animals being recommended for euthanasia is emailed to this group with the reasons for euthanasia and the members of this group respond whether they agree with the decision to euthanize. Any member of this group can “veto” a euthanasia decision and a discussion will ensue until a decision can be made. Medical euthanasia decisions will be made by the veterinarians...”*

ACPS Standard Operating Procedures and Policies

ACPS implemented a new Policies and Standard Operating Procedure (SOP) manual, effective February 6, 2018, which consists of two distinct sections, one for policies and one for standard operating procedures. Some of the relevant standard operating procedures are highlighted below:

Animal Transfer to the Jacksonville Humane Society

This SOP outlined the animal transfer process from ACPS to JHS and the data entry requirements in Chameleon for the animal transfers. This SOP superseded the ACPS Animal transfer to The Jacksonville Humane Society policy that was effective January 18, 2017.

After-Hours Intake

Per the *After-hours intake* procedure, “A supervisor or manager must be notified when an animal is brought in by a citizen after hours for determination as to whether the animal can be accepted after hours.”

Intake Process - Chameleon

Per this procedure, “Owner surrenders are taken by appointment only, unless approved by a supervisor, manager, or division chief.”

ACEO Intake – Canine and ACEO Intake - Feline

These procedures provide instructions for ACEOs (Animal Code Enforcement Officer) in part to weigh the animal, scan for microchip, and provide vaccinations to include topical flea/tick control, heartworm preventative (dogs only), and oral de-wormer.

Mega-Adoption Policy

As of February 15, 2018, ACPS did not have a mega-adoption policy. Effective February of 2018, ACPS incorporated an *Adoption Process* procedure within the above referenced SOP manual. During the investigation, Chief Cody confirmed the *Adoption Process* procedure was being utilized at mega-adoption events. However, per a review of the *Adoption Process* procedure, there is no instruction or guidance on the transfer from ACPS to JHS of any remaining animals upon the conclusion of a mega-adoption event.⁸

Agreements Between City Of Jacksonville And Jacksonville Humane Society, Inc. (JHS) For Animal Control Transfer Program (ACPS/JHS Agreement)

The ACPS/JHS Agreements for Fiscal Year (FY) 15 (October 1, 2014 – September 30, 2015) and FY 16 (October 1, 2015 – September 30, 2016), specifically Exhibit A, Scope of Services for Animal Control Transfer Program, contained the same verbiage, which stated in part:

A. *The Jacksonville Humane Society (“JHS”) shall administer an Animal Control*

⁸During the investigation, the OIG learned there was a standard practice of transferring ACPS animals to JHS upon conclusion of the mega-adoption event.

Transfer Program focused on serving dogs and cats within Duval County. This program will enable the City of Jacksonville Animal Care and Protective Services (“ACPS”) to admit more stray animals for a longer period of time, thereby enabling more stray and abandoned animals to find loving, permanent homes, reduce the number of animals on the street, increase the number of healthy stray pets being adopted and decrease the number of healthy pets being euthanized in Jacksonville by ACPS.

B. JHS will provide transportation of pets to JHS, analysis of all pets transferred to JHS, rehabilitation, alteration (spay/neuter surgery), shelter and total care to all pets transferred to JHS and adoption of these pets into loving, permanent homes for approximately 1,000 animals per year.

C. The approximately 1,000 animals will include stray animals presented to JHS...

Per the terms of the FY 15 and FY 16 ACPS/JHS Agreements, the City was required to make quarterly payments to JHS of \$22,443.75. JHS was required to provide the City with a quarterly report outlining all costs (JHS expenditures) associated with the administration of the program for the quarter.

The ACPS/JHS Agreements for FY 15 and FY 16 differed only in the verbiage contained in provision C, whereby the required holding period for strays for FY 15 was seven days and for FY 16 was six days.

The FY 17 ACPS/JHS Agreement (October 1, 2016 – September 30, 2017), negotiated during the ongoing OIG investigation, was modified from the prior agreements. Specifically, Exhibit A, paragraph B, in part states,

ACPS shall transfer to JHS up to 1000 animals for adoption. For this group of 1000 animals, JHS shall be responsible for 1) transportation of the animals in this group from ACPS to JHS;” and “ACPS shall, after the initial 1000 animals, then be permitted to transfer additional animals, as JHS space allows...Transport of these animals....may be performed by ACPS personnel, dependent on workload and personnel availability of ACPS personnel ... Strays taken in by JHS shall be considered as part of either category listed above.”

Additionally, per the terms of the FY 17 agreement, COJ made quarterly payments of \$25,000 to JHS.

Single Source Contract Between The City of Jacksonville And Jacksonville Humane Society, Inc. For Animal Control Transfer Program

Effective January 19, 2018, and retroactive to October 1, 2017, ACPS and JHS entered into the *Single Source Contract Between The City of Jacksonville And Jacksonville Humane Society, Inc.*

For Animal Control Transfer Program (Single Source Contract). This contract superseded the FY 17 agreement referenced above.

Notable changes within the Single Source Contract were found in *Exhibit A* which was a memorandum from the Executive Director, JHS, to Chief Devron Cody, ACPS, dated October 12, 2017, that outlined JHS responsibilities as follows:

- (1) *Transportation of pets to JHS as JHS resources allow.*
- (2) *AC&PS may also provide transport as necessary based on staff/officer availability.*
- (3) *Analysis of all pets transferred to JHS.*
- (4) *Rehabilitation, spay/neuter surgery, shelter and total care to all pets transferred to JHS.*
- (5) *Adoption of these pets into loving permanent homes.*

Per the memorandum (Exhibit A), *“JHS proposes transferring 1,000 animals from AC&PS Center to JHS per year under optimal circumstances. This number would also include stray animals presented to JHS. Stray animals would be reported to AC&PS and held for the required five (5) days. A report of these animals would be provided to AC&PS and deducted from the number of direct transfers. JHS may accept in excess of 1,000 strays and/or transfers at their discretion.”*

Per the terms of this Single Source Contract, ACPS will pay \$100,000 annually (\$25,000 per quarter) to JHS to administer this program.

Jacksonville Humane Society, Inc. Volunteer Services Agreement

During the OIG investigation, testimony revealed JHS employees were working without City supervision at the old ACPS shelter, located at 2580 West 1st Street, Jacksonville, Florida, (McDuff Shelter) during March 2016 through September 2016.

The OIG reviewed two *Jacksonville Humane Society, Inc. Volunteer Services Agreement(s)* (Volunteer Services Agreement). One agreement dated August 17, 2015, was effective October 1, 2015 to October 1, 2017. Only Chief 1 and a JHS representative signed this Volunteer Services Agreement. No other COJ representative signed or approved this document.

The other Volunteer Services Agreement dated February 1, 2016, was effective March 1, 2016 to June 1, 2017. This Volunteer Services Agreement was signed by a former COJ Director of Employee Services and a JHS representative. The agreement had been reviewed and approved by the Office of General Counsel.

Both of these agreements contained the same verbiage. More specifically, Provision 3 provided supervision and compensation of volunteers as follows:

While the Agency [JHS] will be deemed the supervisor of Volunteers on any project under this agreement, Volunteers shall be under the supervision and control of the City,

which shall direct the day-to-day work assignments of the Volunteers and the means by which such work assignments shall be accomplished. City will be responsible for the evaluation of such work. Compensation to a Volunteer will be paid by Agency and City will have no obligation to provide compensation of any kind to a Volunteer with the exception of worker's compensation insurance coverage.

COJ Procurement Records

The OIG reviewed Administrative Award BID # AD-0558-16. This award was a single source award to ACPS to fund “two Behavior Coordinator positions that will provide evaluations and training to dogs and cats who demonstrate negative behavior. Estimated Expenditure not to exceed \$47,898.00, period of service from date of award through September 30, 2016. Payment will be made via check request.”

The OIG reviewed a memorandum dated October 2, 2015, from a JHS representative to Chief 1. The memorandum was regarding “Animal Behavior Assistant Positions.” In this memorandum, the JHS representative stated, “it is the preference of JHS that the city fund these two positions beginning January 1, 2016. This would enable JHS to direct any additional grant monies secured towards other equally pressing needs to benefit our partnership such as medical care and Pet Safety Net/retention resources.” The JHS representative further stated JHS “currently has grant monies that pay for two Animal Behavior Assistant positions located at ACPS through December 31, 2015.”

The OIG reviewed a memorandum dated October 27, 2015, from Interim Chief Shellhorn through Operations Director Kimberly Scott⁹, Neighborhoods Department, to Chief Greg Pease, Procurement Division, Finance and Administration. This memorandum was requesting the “Funding for Behavior Coordinators.” The memorandum reflected ACPS “requests permission to enter into a proprietary award with the Jacksonville Humane Society related to funding two Behavior Coordinator positions that currently provide evaluation and training to dogs and cats who demonstrate negative behavior. The Jacksonville Humane Society is currently providing this specialized training for the City.” In the request, Interim Chief John Shellhorn, advised “No agreement is required for review and approval by the Office of General Counsel.”

On November 9, 2015, the Administrative Award was approved and signed by COJ's Chief of Procurement.

This Administrative Award was used to reimburse JHS for two Animal Behavior Coordinator positions for the period of January 1, 2016 through September 30, 2016. Both coordinators worked at the McDuff Shelter for a portion of this time frame.

JHS Invoices for the Animal Behavior Team and Supporting Staff

The OIG reviewed three invoices submitted by JHS to ACPS between January 1, 2016 and September 30, 2016. In the invoices, JHS was seeking reimbursement from ACPS for the

⁹ K. Scott retired in May 2017.

salaries of the two Animal Behavior Coordinator positions. One of the invoices also included the salaries for three additional JHS behavior team employees who assisted the Animal Behavior Coordinators at the McDuff Shelter. The total cost associated with these three JHS invoices was \$45,934.07.

Hill's Pet Nutrition, Inc. Agreements

The Office of General Counsel (OGC) provided the OIG with a signed agreement between Hill's Pet Nutrition, Inc. (Hill's) and the City of Jacksonville Animal Care and Control (Shelter), dated May 28, 2009. A former Deputy Chief Administrative Officer, who served under former Mayor John Peyton's Administration, signed this agreement. Additionally, this agreement was "form approved" by OGC.

In part, the agreement specified Hill's would provide pet food free of charge to ACPS. The agreement specified ACPS was responsible for paying shipping and handling of the products. Additionally, the agreement stipulated, in part, under Shelter Obligations, ACPS would "*provide to Hill's on a monthly basis, the name, address, adoption date, phone, e-mail, pet breed, pet date of birth and pet name for all new adopters of canines and/or felines who have specifically consented to the release of this information for Hill's exclusive use in providing them with product coupons...*"

The Shelter Manager provided the OIG with an unsigned agreement between Hill's and the City of Jacksonville Animal Care and Control (Shelter), dated April 22, 2013. The agreement was unsigned other than an electronic signature block for Scott Trebatoski (Chief 2). No other COJ representative signed or approved this document.

In part, the agreement specified Hill's would provide pet food at a discounted rate to ACPS. The agreement also specified Hill's would make available Hill's Science Diet pet food under the terms of the agreement, including as specified under (2) Shelter's Obligations, paragraph (e) "*... collect and provide Hill's with Pet Adopter contact information (including name, address, phone and 75% of adopter's email address), the adoption date, and the adopted Pet breed, date of birth, and name in electronic format or such other format acceptable to Hills.*" The agreement called for ACPS to provide this information to Hill's on a weekly basis. Appendix E, Data Privacy Policy, attached to the agreement stated, "*Privacy policy related to emails submitted by shelters,*" included information that Hill's would not contact adopters who had opted out.

ACPS Chameleon Database Records Review¹⁰

The OIG reviewed ACPS Chameleon records in an attempt to determine if any records had been changed or altered to reflect a medical or behavioral issue.

¹⁰ Chameleon/CMS is an integrated Shelter Case Management System used to assist with all activities at ACPS, including shelter management, licensing, field operations, cashiering, and veterinary record-keeping.

The OIG reviewed Chameleon euthanasia reports from January 2, 2013 through November 2, 2015. The review found ACPS euthanized 3,412 animals (1,571 cats, 1,752 dogs, 78 birds, 11 other) during this time.

The Chameleon euthanasia reports listed various reasons why the animals were euthanized; the most common was medical (i.e. sick and injured) and behavior (i.e. aggressive and fearful). Some of the least used categories were due to age of the animal or the animal being feral (not domesticated).

Through testimony, the OIG determined ACPS supervisors/managers could add, delete, or modify data in Chameleon. However, none of the ACPS employees¹¹ interviewed had ever observed or heard of any ACPS employee changing data in Chameleon. The investigation disclosed the Chameleon database does not have an audit trail function to reflect whether entries had been modified.

Comparison of Animal Control Transfer Program Records Between ACPS and JHS

The OIG reviewed ACPS Animal Control Transfer Program records for fiscal years 2015, 2016, and 2017. The number of animals ACPS transported to JHS is listed below:

FY 2015: Total 1,977 (Cats: 814, Dogs: 1,163)

FY 2016: Total 1,406 (Cats: 605, Dogs: 801)

FY 2017: Total: 948 (Cats: 66, Dogs: 616, Kittens: 184, Puppies: 82)

The OIG reviewed JHS records relating to the Animal Control Transfer Program records for fiscal years 2015, 2016, and 2017. The review determined JHS *met or exceeded* their contractual requirements of the animal transfer program to accept approximately 1,000 animals (to include strays) during each fiscal year.

However, review of ACPS records concluded ACPS Management failed to obtain the required documentation¹² from JHS during fiscal years 2015, 2016, and part of 2017 in accordance with Exhibit A, *Scope of Services For Animal Control Transfer Program*. A review of records disclosed JHS submitted quarterly invoices and received payment for the transfer program, without the supporting documentation required under the agreements.

Review of ACPS E-mails

A review of ACPS e-mails corroborated testimony related to ACPS transporting animals to JHS; ACPS and JHS coordinating the use of the McDuff Shelter due to construction at JHS; ACPS and JHS informally entering into arrangements related to “borrowing” ACPS dogs; ACPS

¹¹Current ACPS Chief; Former Interim ACPS Chief; ACPS Shelter Manager; former Animal Code Enforcement Supervisor; Animal Cruelty Investigator (current Animal Code Enforcement Supervisor) and Animal Care and Maintenance Supervisor.

¹² ACPS/JHS Agreement, Exhibit A, Scope of Services for Animal Control Transfer Program, provision D, reflected “JHS will provide quarterly reports as to the progress of the program including the number of program surgeries performed by species and gender and any deaths of animals in the program.”

transporting animals with medical issues to JHS; and ACPS approving the use of the ACPS/Hill's agreement in July/August 2015.

Additionally, the e-mail review substantiated a past ACPS practice of transferring medication (including controlled substances) and supplies to non-profit animal welfare organizations from at least August of 2014, until Interim Chief Crosby stopped the practice in November of 2016. In accordance with § 602.303(j), *Ordinance Code*, the OIG discussed this matter with the U.S. Drug Enforcement Administration (DEA).

“No Kill” Philosophy

ACPS Management was unable to provide any written ACPS guidelines, policies, or directives outlining ACPS's position concerning a “No Kill” philosophy and its applicability to ACPS daily operations. However, the OIG located in Mayor Curry's blog in February of 2018, the following statement, “Maintaining our distinction as one of the nation's largest no-kill communities is important to us...”

Additionally, per a review of the JHS website, ACPS is listed as a collaborative member of “No Kill Jacksonville.”

Testimony

The OIG conducted various interviews in an effort to clarify allegations related to ACPS Management and operations. The OIG interviewed six employees identified as current Chief, former Interim Chief, Shelter Manager, former Animal Code Enforcement Supervisor, former Animal Cruelty Investigator (current Animal Code Enforcement Supervisor), and Animal Care and Maintenance Supervisor. Relevant testimony is captured below.

Prior to the issuance of our report, the OIG attempted to interview Chief 1 and the JHS Executive Director; however, both parties declined to be interviewed.

Statement of Jennifer Walter, ACPS Animal Program Manager (Shelter Manager), ACPS

Walter began employment with COJ in August of 2014. Chief 1 was her immediate supervisor. Walter was second in command behind Chief 1 and assumed Chief duties in the Chief's absence. Chief 1 was responsible for the ACPS budget, the licensing program, and ACPS agreements/contracts. Chief 1 left ACPS in October of 2015 for a position with JHS.

John Shellhorn, Chief of Mosquito Control, became the Interim Division Chief of ACPS when Chief 1 departed. Interim Chief Shellhorn served until March of 2016, when James Crosby, Division Management Consultant, became the new Interim Division Chief.

Walter's job duties include animal population management, animal adoption oversight, animal intake from the public, and the animal foster program. She has five direct reports¹³ identified as Animal Placement Supervisor, Animal Care and Maintenance Supervisor, Veterinary Technician Supervisor, and two Animal Behavior Coordinators.

Walter advised the role of ACPS in the community was twofold (1) addressing citizen complaints related to animal code enforcement; and (2) serving as the main municipal animal shelter for adoptions in Jacksonville. ACPS kept citizens safe and found good homes for the animals.

Walter stated there was an animal transport program¹⁴ agreement between ACPS and JHS, which had been in place when she began employment. JHS, a non-profit organization, was a partner organization with ACPS. ACPS ACOs were transporting animals (cats and dogs) on a weekly basis to JHS. Walter continued the practice of ACPS transporting animals to JHS after Chief 1 left. From August of 2014 until October of 2016, ACPS transported every animal to JHS. In October of 2016, at the request of Interim Chief Crosby, JHS began transporting some animals from ACPS, depending on space availability at JHS.

Chief 1 was the facilitator (project coordinator) and point of contact for the ACPS/JHS agreement. Walter became the point of contact (project coordinator) for the agreement after Chief 1 departed. In October of 2015, she received a copy of the ACPS/JHS agreement for review from the COJ Finance and Administration Department. This is when she first became aware JHS was not adhering to the animal transport or reporting requirements of the ACPS/JHS agreement.

After reviewing the agreement, Walter notified Interim Chief Shellhorn of her concerns regarding JHS not being in compliance with the terms of the agreement. Walter advised Chief Shellhorn that JHS should be transporting the animals from ACPS to JHS. Walter stated a decision was made to wait until a new ACPS Chief was selected to make any changes to the ACPS/JHS agreement and to "continue with how things had been going." Walter took responsibility for not disputing the renewal, and stated, "in regards to the transport program a lot of it was dictated by them (JHS)...we really needed them (JHS)...to save animals."

Walter was trying to keep ACPS running while waiting for a new ACPS Chief after Chief 1 resigned. Walter stated she clearly understood JHS was "in breach of the contract." However, ACPS needed the help of JHS in order to ensure animals were not euthanized.

Walter explained the ACPS/JHS agreement specified JHS would transport animals from ACPS to JHS and provided for the number of animals JHS agreed to take from ACPS per year. The agreement also established JHS would retain a record of all JHS intake of strays, which counted toward the number of animals JHS agreed to take from ACPS, as specified in the agreement.

¹³ As of April 2018, 29 full-time employees and 10 part-time employees reported to various supervisors, who in turn reported to Walter.

¹⁴ Walter is referring to the Animal Control Transfer Program.

Walter advised other than the ACPS/JHS agreement there was nothing else in writing between ACPS and JHS regarding animal transfers.

JHS had not been adhering to the terms of the agreement, specifically exhibit A, *Scope of Services for Animal Control Transfer Program*. JHS had not been transporting animals from ACPS. ACPS continued transporting animals to JHS because “that’s the way it had always been done.”

Walter reasoned ACPS had been transporting the animals because ACPS could transport more animals to JHS, as JHS lacked transport vehicles. The transportation of animals by ACPS to JHS eliminated the need for ACPS to euthanize animals due to overcrowding (lack of space).

In addition to the weekly transports (Wednesdays and Thursdays), depending on space at ACPS, additional animals would be transferred to JHS on other weekdays. Walter stated an average of fifteen to thirty animals each week were transported to JHS by ACOs. She stated there were weeks when the number of animals transported was less or more, dependent on space available at JHS and overcrowding at ACPS. On average, two ACOs would load, transport, and unload the animals at JHS, and each transport took two hours from beginning to end.

She did not directly oversee the ACOs and could not advise if transporting animals to JHS took ACOs away from other job duties. However, she stated if ACOs were not transporting animals to JHS, ACOs would be handling calls. She recalled that sometime in 2015, Chase Ziegelbauer, Animal Code Enforcement Supervisor, told her that transporting animals to JHS interrupted the ACOs workday.

Walter stated there was a verbal agreement between ACPS and JHS regarding the trap, neuter, and release program (TNR program) at JHS for feral cats. She stated JHS would contact ACPS and advise they had a neutered cat that needed to be released and an ACO would retrieve the cat from JHS and release the cat to the area where it was found. Walter stated the TNR program was ongoing when she began employment in 2014.

Walter admitted instructing ACPS employees to handle animal calls from First Coast and JHS ahead of animal calls from citizens. She stated ACPS gave special treatment to these organizations because these organizations helped ACPS. Walter stated none of her decisions were for personal gain and her actions and decisions were not with any ill intent.

The JHS Operations Director emailed Walter weekly (Mondays) to advise on the number of animals JHS had space for at their facility. Along with the JHS behavior team staff, Walter decided which animals were transferred to JHS. Prior to November of 2016, the JHS behavior team was comprised of two JHS employees. As of November of 2016, ACPS hired the former JHS behavior team as full-time ACPS employees.

During FY 15 and FY 16, ACPS paid \$89.77 per animal transported to JHS. Annually, ACPS paid JHS \$89,770 for up to 1,000 animals. Walter was unaware if JHS provided quarterly reports (as required per the agreement) regarding the progress of the transport program, although

the reports may have gone to Chief 1. She was aware JHS provided a quarterly invoice to ACPS that contained the number of animals transported to JHS.

Under the new FY 17 agreement, beginning October of 2016, ACPS had been paying JHS \$100 per animal transported and up to \$100,000 annually. ACPS did not pay any additional money to JHS for any animals in excess of a 1,000. Per Walter, under the new FY 17 agreement, JHS would transport “some” animals from ACPS to JHS. However, ACPS continued to transport most of the animals to JHS.

Per City Ordinance, all animals at ACPS (or any animal shelter in Duval County) must be spayed or neutered prior to adoption. Per City Ordinance¹⁵, ACPS was allowed to spay/neuter animals on the fourth day after their arrival at ACPS. On day six, the animals were made available for adoption.

Some animals transported to JHS would be spayed/neutered by ACPS and some animals would not be spayed/neutered. Whether or not an animal was spayed/neutered prior to transfer depended on whether ACPS had a surgical backlog. Walter also stated whether an animal is spayed/neutered prior to transport may depend on the capacity at ACPS and the capacity at JHS. The ACPS behavior team recommended to her which animals should be transported to JHS. Walter made the final decision based upon the capacity at ACPS and JHS.

During intake, an ACO administered a distemper vaccination, de-wormed the animal, and started the animal on a flea preventative prior to placement into the animal population at ACPS. She stated this would prevent any contamination of the animal population at ACPS. She stated there was a Standard Operating Procedure (SOP) regarding this activity and this practice was in place prior to her employment in 2014. She understood that due to ACPS budget cuts in 2010 and 2013 multiple Veterinary Technician positions were eliminated. As a result, ACOs had to perform vaccination/de-worming functions during the intake process.

City Ordinance¹⁶ required animals to have a rabies vaccination and required licensing/registration of pets. The cost of the license (tag) fee was \$20. The tag indicated the animal had received a current rabies vaccine. All animals, prior to transport to JHS, were microchipped by a veterinary technician at a cost to ACPS. The City paid approximately \$5 per animal.

ACPS participated in mega-adoption events with JHS, First Coast, and other animal rescue organizations. Each organization, including ACPS, supplied animals for these mega-adoption events.

¹⁵ *Ordinance Code*, § 462.608, Sterilization, “For the purposes of controlling pet overpopulation and ensuring all animals redeemed or adopted from ACPS are sterilized in an expeditious manner, the City of Jacksonville shall be considered the legal owner of: all stray dogs that remain in the shelter three days after intake/impound (i.e. on the fourth day sterilization may take place) unless positive, traceable ownership may be indicated by a registered microchip, city tag or private id tag ...”

¹⁶ *Ordinance Code*, § 462.502, Vaccination, registration and licensing required.

She was aware JHS had received grant dollars for adoption events operated by JHS. She was also aware JHS received sponsorships or grants for adoption events held both at JHS (onsite) and off-site. Walter stated the event sponsor (pet industry retailers) set the grant goal and the number of adoptions required. She did not know the details of these grants although there were always reporting requirements involved. First Coast hosted the mega and super adoption events.

For off-site adoption events, JHS would contact ACPS (either Chief 1 or Walter) and set the adoption goal number based upon the grants JHS wanted. JHS included, as part of their total adoption numbers, the number of ACPS animals that were adopted during the off-site events. This practice had been occurring when she was hired in August of 2014 and continued under Chief 1. After Chief 1 departed, she made the decision to continue this practice. Walter understood JHS did not receive grant money at any mega or super adoption events managed by First Coast. The grant money went to First Coast.

Between March and October of 2016, the old ACPS shelter, located at 2580 West 1st Street, Jacksonville, Florida, (McDuff Shelter) was in operation and housed twenty to thirty ACPS behavior dogs. Walter stated this was because the JHS shelter was undergoing construction renovations and would lose space to house fifty dogs. She stated several JHS behavior team staff members worked at the McDuff Shelter and worked with the behavior dogs.

Walter stated prior to the opening and use of the McDuff Shelter (March 2016 to October 2016) the building was not used by ACPS. She stated the McDuff Shelter was renovated and used to prevent having to euthanize ACPS animals due to overcrowding (space) issues at ACPS as a result of the decrease in space at JHS during the construction of their new facility.

Walter, along with Interim Chief Shellhorn, approved the use of the McDuff Shelter. Chief 1 and JHS planned to use the McDuff Shelter prior to Chief 1's resignation from ACPS. Chief 1 mentioned the use of the McDuff Shelter at several staff meetings in 2015 prior to departing ACPS.

Two JHS behavior team employees, along with three additional JHS employees, worked out of the McDuff Shelter and assisted with shelter maintenance. The JHS employees at the McDuff Shelter had key access to the building and had non-COJ employee identification badges. The JHS employees working at the McDuff Shelter had access to ACPS's Chameleon database.

In October of 2016 just prior to Hurricane Matthew, ACPS removed the animals from the McDuff Shelter and returned them to the current ACPS shelter. Following the hurricane, ACPS Management decided to discontinue operations at the McDuff Shelter. The McDuff Shelter was listed as a backup shelter in the COOP (Continuity of Operations Plan). However, Walter stated that other than the period of March of 2016 to October of 2016, the McDuff Shelter had not been used by ACPS during her employment.¹⁷

¹⁷ Walter was interviewed on November 17, 2016, and November 18, 2016. Testimony from other ACPS employees in 2017 reflected the McDuff shelter was also used in the summer of 2017.

Walter stated Chief 1 entered into a *Volunteer Services Agreement* (Volunteer Agreement) with JHS on August 17, 2015. This agreement was signed by Chief 1 and the Executive Director, JHS. Walter stated this Volunteer Agreement was not approved by the COJ Administration or the Office of General Counsel (OGC). The Volunteer Agreement was effective from October 1, 2015 through October 1, 2017.

Walter stated a recent Volunteer Agreement (effective February 1, 2016) was signed by both COJ Administration (former Director, Employee Services, on behalf of COJ) and by the Executive Director, JHS. This Volunteer Agreement was “form approved” by OGC. Walter stated the 2016 Volunteer Agreement contained the same language as the agreement signed by Chief 1 and the Executive Director, JHS, in 2015. This agreement was needed between the City and JHS because no ACPS staff members were able to care for dogs at the McDuff Shelter and JHS staff [behavior staff] members were available to care for the behavior dogs.

Walter confirmed both Volunteer Agreements stipulated under the “Supervision” section that the “Volunteers shall be under the supervision and control of the City, which shall direct day-to-day work assignments of the Volunteers and the means by which such work assignments shall be accomplished.”

Walter also confirmed that both Volunteer Agreements stipulated, “Compensation will be paid by Agency and City will have no obligation to provide compensation of any kind to a Volunteer with the exception of worker’s compensation insurance coverage.”

However, Walter stated ACPS paid the salaries for the JHS behavior team between January 1, 2016 and September 30, 2016, because funding for those positions by JHS ended in December 2015.¹⁸ ACPS also paid the salaries for three other JHS employees (kennel maintenance and behavior team support) who worked at the McDuff Shelter between March and September of 2016. Between January 1, 2016 and September 30, 2016, ACPS received quarterly invoices for salary reimbursements for these JHS employees.

Walter supervised (visited) the JHS employees at the McDuff Shelter for less than one hour per week. She did not direct or review day-to-day work assignments of the JHS employees working at the McDuff Shelter.

The “No Kill” philosophy was a goal for ACPS and began under Chief 2. The philosophy continued under Chief 1, Interim Chief Crosby, and Walter. There was no SOP or policy for “No Kill,” as the philosophy was communicated through verbal directives. The point of the “No Kill” philosophy was saving animal lives. Jacksonville received the “No Kill” designation by the National Federation of Humane Societies in 2013. JHS and First Coast were partners with ACPS and supported this philosophy. Walter opined the “No Kill” philosophy was a community goal for Jacksonville.

Walter stated ACPS was not a “No Kill” shelter. The ACPS shelter was an open admission municipal shelter. She stated ACPS could not turn animals away for space. However, JHS

¹⁸ As provided for in the Administrative Award BID # AD-0558-16.

could turn away animals due to space. ACPS currently had a “No Kill” designation, meaning ACPS had a 90% live animal release rate for all animals entering and leaving the shelter. The National Federation of Humane Societies had a matrix, which served as the source for statistical tracking used to formulate the “No Kill” percentage. ACPS statistics were combined with JHS statistics in order for “Jacksonville” to be deemed a “No Kill” city.¹⁹

The animal transport program from ACPS to JHS was implemented to improve space at ACPS and to maintain the “No Kill” philosophy by getting the animals out of the shelter alive. The animal transport program enabled ACPS to avoid euthanizing animals due to overcrowding at ACPS. Walter considered the animal transport program a “life-saving” program.

ACPS relied on JHS to take animals from ACPS. Without the assistance of JHS with the animal transport program, the “No Kill” status was not sustainable. ACPS would have to euthanize animals for space rather than continue to hold the animals to allow for adoption.

Walter discussed her past and current role in the ACPS euthanasia process. Walter stated in the past, JHS behavioral staff would send her an email regarding an animal they were concerned about in order for her to review and determine from the animal’s records whether the animal was adoptable or should be euthanized due to behavior concerns. Walter reviewed the records and determined which animals should be euthanized.

Currently, there is a team that reviews animal records and decides which animals should be euthanized.²⁰ This team is comprised of ACPS supervisors and ACPS veterinarians. Each team member communicates through email concerning which animal(s) should be euthanized. The veterinarians make medical euthanasia determinations based on the severity of a medical condition and the resources available to provide for the animal.

The majority of ACPS euthanasia justifications are for either medical issues or behavioral issues. Other considerations for euthanizing an animal include overcrowding concerns. As a municipal shelter, ACPS may legally euthanize for any reason. ACPS staff was trained in euthanasia and attended a euthanasia certified training program conducted by the Florida Animal Control Association. ACPS did not have an SOP for euthanasia [as of November 18, 2016].

Walter entered the reason for the euthanasia, i.e. aggressive, fearful, etc. into Chameleon. She is unaware of any ACPS employee changing the Chameleon records to justify euthanasia in order to support the “No Kill” philosophy. She stated she never changed Chameleon records to justify euthanasia.

Walter stated in the summer months (2015) Chief 1 directed former COJ employee Dave Freeman, Animal Code Enforcement Supervisor, ACPS, and her to instruct ACOs to stop picking up animals because ACPS was overcrowded with animals (space issue). Walter stated the exceptions to this verbal directive were if an animal was in danger, in distress, or could pose a threat to public safety (biting). Walter and Chief 1 made this decision so they would not have

¹⁹ Supported by JHS’s website, that ACPS is a member of the “No Kill Jacksonville.”

²⁰ Crosby testified he implemented this euthanasia team in March of 2016.

to euthanize animals for space. Walter continued this practice during the summer months (2016) and relayed this directive to Chase Ziegelbauer, Animal Code Enforcement Supervisor. She did not know if this activity occurred prior to her employment with COJ (August 2014).

Walter stated ACPS was not actually an open admission shelter, because ACPS did not take in every owned animal. However, ACPS was an open admission shelter for all stray animals. ACPS did not accept owner-surrendered pets (public intake) except through appointment. Intake hours for appointments were 8:00 a.m. to 12:00 p.m., Tuesday through Friday. There were several exceptions for same-day owner-surrender of pets, such as pet allergies or eviction from residence.

Animal intake by ACPS staff and veterinary technicians would take approximately 15 minutes. During the intake process, the technicians administered medical care and entered the medical information into Chameleon.

Since Walter started with ACPS in August of 2014, ACPS had traded supplies and medicine (including controlled substances²¹) with JHS and First Coast. She explained when the animal welfare organization(s) and/or ACPS ran out of supplies or medicine, they received supplies or medicine from one of the other partners. There was no SOP or policy regarding this practice.

Initially, ACPS did not have a record keeping process for tracking supplies or medicines. In January of 2016, Walter implemented a master spreadsheet of shared medications and supplies to better track orders and inventory. ACPS logged all supplies into Chameleon in order to track supplies more accurately. In November 2016, Interim Chief Crosby stopped the practice of trading supplies and medicines with JHS and First Coast.

Soon after Walter's employment began in August 2014, Chief 1 asked her to research dog food companies for an alternative dog food because the current brand caused diarrhea. During her research, Walter discovered an old agreement between ACPS and Hill's (for dog food), entered into by Chief 2, which did not specify an end date. She provided this information to Chief 1, who approved resuming the agreement between ACPS/Hill's in July/August 2015.

The agreement between ACPS and Hill's provided for a reduced price on dog food if ACPS provided Hill's with the contact information of citizens who adopted animals, which included names, addresses, email addresses, and telephone numbers. Walter stated both she and Chief 1 were aware that in order to receive a reduced price on dog food from Hill's, ACPS needed to release the contact information per the agreement. In July/August of 2015, ACPS created a report in Chameleon that would send an email to Hill's with adopters' personal information.

Both Chief 1 and Walter were aware the adopters had not given consent to the release of contact information and that adopters were unaware their contact information was being released by ACPS to Hill's. Additionally, ACPS failed to provide any disclaimer to adopters about the release of contact information. Walter stated she did not give it a second thought and would take

²¹ The OIG reviewed various COJ e-mails which confirmed ACPS had traded supplies and medicine, to include controlled substances.

responsibility for this activity. In October of 2016, Interim Chief Crosby ended the agreement with Hill's and the sharing of adopters' contact information.

Corrective Actions Taken by City of Jacksonville

On September 19, 2016, the OIG met with Interim Chief Crosby to review and discuss current ACPS Management and operations under his leadership. Interim Chief Crosby provided subject matter expertise and records during the OIG investigation. Interim Chief Crosby was interviewed on December 28, 2016, and provided an update on the corrective actions and operational changes put in place under his leadership.

Statement of James Crosby, Division Management Consultant (Interim Chief), ACPS

Crosby²² was initially hired as a contractor on March 21, 2016, for a period of six months, to assist ACPS. In September of 2016, Crosby's contract was extended and his last day with the COJ was December 30, 2016. Crosby was aware there were allegations of past "irregularities." He was asked to identify the irregularities and try to remedy them through corrective action, as well as review and update ACPS policies and procedures and increase the training of staff, specifically as it related to animal cruelty investigations and enforcement officers.

As Interim Chief, his job duties and responsibilities included achieving division goals; improving operational efficiency; maintaining the live release rate, while continuing services provided by ACPS; addressing community needs and concerns; raising the profile of ACPS by providing better customer service; and slowly increasing the services ACPS was able to provide.

ACPS is a publically-funded government service agency. ACPS is responsible for investigating animal cruelty, picking up and addressing stray animals, picking up and treating injured animals, and acting as an adoption placement agency (for strays and owner-surrendered animals). ACPS accepted surrendered pets so animals were not abandoned on the street.

Upon Chief 1's resignation (October 2015), ACPS was managed for a period of time by Interim Chief John Shellhorn, Chief of Mosquito Control, Mosquito Control, Neighborhoods.

ACPS Management and Operations

Crosby confirmed that in the past ACPS had exchanged or traded medications between JHS, First Coast, and ACPS, to include controlled substances, without a formal agreement. He stated this was commonplace prior to his arrival at ACPS. He ended the practice as soon as he became aware of it.

Crosby understood in the past (unknown dates), ACPS had run out of animal medicine and had "borrowed" medicine from JHS and First Coast. Upon receiving a new shipment of animal medicine, ACPS would replace the amount previously "borrowed."

²²Crosby had extensive knowledge and experience with law enforcement, shelter management, and operations.

Upon arriving at ACPS, Crosby learned of an ongoing practice of ACOs being instructed to not always seize animals, due to shelter space concerns. For example, the day after he arrived, an ACPS employee advised Interim Chief Crosby and Walter of a service call involving cats being hoarded in substandard conditions at a house. Walter advised the ACPS employee not to seize the cats because ACPS did not have any room for them. Furthermore, Walter advised the ACPS employee to wait a week or so prior to seizing the cats. Crosby interrupted Walter and instructed the ACPS employee “no,” retrieve the cats and “we” will find space for them at ACPS. He advised this practice of not addressing service calls from citizens related to animals in need had been occurring for some time.

ACPS/JHS Agreement

Interim Chief Crosby explained the role of JHS was to support the efforts of ACPS, specifically the adoption and placement of animals taken in by ACPS, so ACPS did not have to euthanize animals due to overcrowding at ACPS. JHS had their own behavior resources and outreach programs. The original partnership was to reduce euthanizations and increase adoptions across Duval County. It was his understanding the relationship between ACPS and JHS went back to the early 2000s.

In August or September of 2016, Crosby became aware of an annual *Agreement Between the City of Jacksonville and Jacksonville Humane Society, Inc. For Animal Control Transfer Program* (ACPS/JHS agreement). Upon reading the ACPS/JHS agreement(s) for FY 15 and FY 16, Interim Chief Crosby found that over the last two years, JHS had not been transporting animals from ACPS as stated in the agreement; rather, ACPS employees were conducting animal transports to JHS at the City’s expense.

Crosby became aware through conversations with the Executive Director, JHS, the practice of ACPS transporting animals to JHS had been occurring for four or five years, throughout multiple ACPS Management changes.

ACPS staff informed him that JHS did not have the time, money, or vehicles needed to fulfill the agreement and transport the animals to JHS. He stated this practice did not comply with the ACPS/JHS agreement. The *Animal Control Transfer Program* between ACPS and JHS reduced the animal population at ACPS and improved the live release rate at ACPS.

Crosby stated ACPS was bound by an agreement, City Ordinances, and Florida State Statutes. JHS had to adhere to the ACPS/JHS agreement as agreed upon or the agreement needed to be modified to reflect the current practices.

During the course of researching this matter, Crosby discovered over the last several years JHS had “off the book agreements” and “undocumented agreements” between JHS and ACPS leadership. Crosby specifically named ACPS leadership as Chief 2, Chief 1, and Jennifer Walter, Shelter Manager. As an example, medical transfers (dogs and cats) between the agencies were not addressed in any ACPS/JHS agreement/contract and was an “off the book agreement.”

When Chief 1 left ACPS in October of 2015, the Shelter Manager was essentially “acting as Chief” until Interim Chief Crosby came to ACPS in March of 2016. Interim Chief Crosby understood prior to Chief 2, there had been an antagonistic relationship between ACPS and JHS.

During various conversations with the Executive Director, JHS, in the fall of 2016, Crosby insisted JHS either follow the agreement or place the current practices into the agreement. Crosby stated the Executive Director, JHS, “strenuously fought” against placing practices into the agreement or “spelling out” in the agreement the responsibilities of each party. Based upon Interim Chief Crosby’s experience, it was common place in business to have an agreement detail the actions of both parties.

Since September 2016, Crosby insisted ACPS require JHS compliance with the agreement. There had been no animal transports from ACPS to JHS since late October 2016. Crosby made this decision because the contract was still under review and modification.

JHS provided ACPS very few records showing JHS had spayed/neutered animals transported to JHS, as outlined in the ACPS/JHS agreement. JHS provided quarterly invoices to ACPS reflecting the number of animals transported to JHS. These invoices were not very detailed.

JHS also provided reports/records of JHS stray intake (no specific details) to ACPS. The stray intakes by JHS were deducted from the required direct transfers from ACPS. JHS accepted more than the 1,000 animals specified in the agreement, at no extra cost to ACPS. However, ACPS had been providing all animal transports to JHS.

Interim Chief Crosby did not believe JHS was complying with the terms of the ACPS/JHS agreement. He advised OGC had reviewed the ACPS/JHS agreement, specifically Exhibit A, *Scope of Services For Animal Control Transfer Program*. According to Interim Chief Crosby, OGC opined JHS had been in violation of the agreement, as it was written, in that JHS had failed to meet minimum requirements in some areas and exceeded the requirements in others.

Interim Chief Crosby discovered multiple undocumented verbal agreements between previous ACPS Division Chiefs and JHS leadership. For example, ACPS would transfer animals with medical issues to JHS for treatment. Although JHS did not charge the City for these services, there was no Memorandum of Understanding that covered this activity. In Crosby’s opinion, every activity between ACPS and JHS must be documented in the scope of services and “not off the books.”

Interim Chief Crosby opined Chief 1 and the Shelter Manager allowed JHS to violate the agreement as a matter of convenience and cooperation with JHS, resulting in ACPS transporting the animals to JHS. During the period when ACPS had been transporting animals to JHS, ACPS transported approximately twenty to fifty animals weekly to JHS. Crosby advised the animal transport numbers reported by JHS (during the years of the ACPS/JHS agreement) and the numbers from the ACPS Chameleon database did not match.

The number of animals transported to JHS would determine the number of ACOs needed to conduct the transports. ACOs handled the animal transports to JHS. There were eight ACOs so, depending on the number of animals transported, as many as half of all ACOs could spend hours transporting animals to JHS. Transporting animals by ACOs took away from their other job duties and responsibilities.

ACPS would “largely” spay/neuter the animals transported to JHS.²³ The cost incurred by ACPS to spay/neuter an animal varied depending on the size and gender of the animal. For example, a small dog spay/neuter may cost between \$30.00 and \$50.00, while a large dog’s spay/neuter with complications may cost between \$100.00 and \$120.00.

Based on Crosby’s own research into the issues concerning the ACPS/JHS agreement, Chief 1 and the Shelter Manager were aware JHS was not complying with Exhibit A, *Scope of Services For Animal Control Transfer Program*, as outlined in the agreement. Interim Chief Crosby was unsure of whether the Operations Director²⁴ was aware JHS was in non-compliance with the agreement prior to him joining ACPS. However, since Crosby had become aware of the situation, he made the Operations Director aware of the non-compliance issues. When Crosby brought the issues to the attention of the Operations Director, he learned the Operations Director had not read the ACPS/JHS agreement and was in fact unaware ACPS was transporting animals to JHS.

Per Crosby’s review of the 2015-2016 ACPS/JHS agreement, both Chief 1 and the Operations Director had signed the 2015-2016 sole source proprietary request, outlining ACPS and JHS contractual responsibilities. The accompanying procurement and contractual documents included a letter from the Executive Director, JHS, to ACPS, using the same language to describe responsibilities as that provided in the sole source request, and the agreement’s scope of services. These documents all stated JHS would transport the animals; all were submitted and approved through the COJ procurement process.

“No Kill” Philosophy

ACPS adheres to a “No Kill” philosophy, which began in 2007 under Chief 2. In order to meet the definition of a “No Kill” shelter, the shelter must have a “live release” rate of 90% or better. Crosby believed “No Kill” was a great goal and idea. However, Crosby believed “No Kill” was a process and ACPS still had to do “our” job. Crosby understood from other ACPS employees and personal knowledge that Chief 2, Chief 1, and the Shelter Manager each believed in the “No Kill” philosophy. He advised the benefit to having a “No Kill” philosophy at ACPS was to save animals’ lives.

To his knowledge, the “No Kill” philosophy was not written into any policy or SOP manual or training material at ACPS. It consisted of only verbal directions from ACPS Management.

²³ Ordinance Code, § 462.608, Sterilization, “...ACPS is hereby authorized to perform sterilization procedures on any animal anytime after it becomes City property...”

²⁴ K. Scott, who retired in May 2017.

Euthanasia of ACPS Animals

In March of 2016, Crosby implemented a euthanasia review team within ACPS. This team included ACPS supervisors, the Shelter Manager, and veterinarians. As Interim Chief, Crosby had the final approval regarding the euthanasia of any animals. Crosby explained ACPS euthanized animals in accordance with Florida Statute, and euthanasia staff had been certified in euthanasia.

The euthanasia review team reviewed the notes in Chameleon for animals being considered for euthanization and determined whether the animal should be euthanized or not. Since this team was made up of a diverse group within ACPS, Crosby tried to get everyone's perception of the animal. If the animal(s) under review had any medical issues, the decision to euthanize was left to the veterinarians. Crosby opined that prior to his arrival the final decision on which animals were euthanized was made by Chief 1 or the Shelter Manager.

ACPS Chameleon Database

Crosby had not observed and was not aware of anyone changing Chameleon data/records.

ACPS Intake Process

Crosby explained a citizen could always drop off a stray at ACPS. ACPS would allow an owner-surrender of an animal to ACPS on the same day, but only under certain circumstances. These circumstances included an aggressive animal, an elderly citizen owner, a deceased owner, etc.

The meaning of an open admission shelter means no animal was ever turned away, and no appointment was needed. However, Crosby opined ACPS was as close to an open admission shelter as you would find. While ACPS does not turn any owner-surrenders away, sometimes citizens would have to make an appointment in order to surrender their animal.

ACPS Failed To Respond To Calls

Crosby understood from ACPS employees that prior to his arrival ACOs had a backlog of service calls, due to the volume of animal transports to JHS. Additional reasons for the backlog included ACPS Management discouraging ACOs from writing citations or picking up animals and ACPS Management advising ACOs to ignore calls from citizens regarding strays.

ACPS employees relayed to him that Chief 1 and the Shelter Manager had instructed a former ACPS Animal Code Enforcement Supervisor to inform ACOs not to seize an animal because of overcrowding issues at ACPS.²⁵ Crosby also understood this management directive to employees was in order to support the "No Kill" philosophy and to keep the live release rate above 90%. He understood from ACPS employees that the delaying of animal services in order to protect the "No Kill" live release rate was apparently fairly common at ACPS prior to his arrival.

Crosby understood that in the past animals in need and/or animal cruelty cases had been ignored or postponed in order to avoid taking in animals that would not be easily adoptable. Since

²⁵ Testimony disclosed Chief 2 and Chief 1 both gave this instruction to ACOs. The Shelter Manager testified that in 2015, Chief 1 instructed her to relay this instruction to a former Animal Code Enforcement Supervisor.

Crosby's arrival at ACPS, ACPS has not euthanized any animal for space and has not ignored an animal case regardless of the issue.

Mega-Adoption and Off-site Events

Crosby explained First Coast founded and organized these mega-adoption events through grants provided by third party animal retailers. First Coast rented the Jacksonville Fairgrounds for the three-day mega-adoption events held on Fridays, Saturdays, and Sundays. The mega-adoption events included participation from various animal rescue organizations such as JHS, First Coast, and ACPS.

JHS and First Coast used the number of animal adoptions in order to apply for and receive grants. Crosby did not believe ACPS applied for or received any grants based upon the adoption numbers from mega-adoption events.

Crosby understood from ACPS employees that during previous mega-adoption and smaller adoption events ACPS would allow JHS to use ACPS adoption numbers in order for JHS to qualify and receive grants. For example, if ACPS brought twenty dogs to an event and JHS brought zero dogs, ownership of all ACPS dogs prior to adoption would be transferred from ACPS to JHS and the adoption would be recorded as being from JHS and not ACPS.

Chief 1 and the Shelter Manager approved the transfer of animals from ACPS to JHS at these mega-adoption events.

There was no cost associated with the transfer of ownership from ACPS to JHS at these adoption events. JHS would then get credit for the adoptions. Additionally, JHS would receive any applicable adoption fees paid by the adopter. Crosby had not been able to locate any records to reflect how long this had been occurring. Crosby opined there was no reason for ACPS to operate in this fashion and as soon as he was notified, he ended this practice.

There was no clear ACPS policy or SOP regarding mega-adoptions. Crosby discovered many times at the end of mega-adoption events, the remaining animals from ACPS were transferred to JHS (post-event) in order to facilitate the adoption of the animal.

McDuff Shelter – Volunteer Services Agreement

In March 2016, when he began with ACPS, Crosby explained there was already a plan in place to move some animals to the McDuff Shelter. He understood the City had paid \$45,000 to refurbish a portion of the McDuff Shelter. Based upon his review of ACPS records, Chief 1 was responsible for the refurbishing of the McDuff Shelter. Additionally, Chief 1 arranged for JHS staffing of the facility. This arrangement continued under the Shelter Manager and Interim Chief Shellhorn.

Crosby understood the reason for using the McDuff Shelter was due to construction at the JHS facility, which resulted in the loss of space for approximately fifty dogs. Crosby understood JHS management advised City Administration this plan was necessary because JHS was losing fifty dog kennels, so the McDuff Shelter was opened in order to handle the overflow. JHS was to

provide staff and volunteers at the McDuff Shelter to take care of the animals. To his knowledge, there was no written contract between ACPS and JHS.

However, Crosby was aware of a Volunteer Services Agreement between ACPS and JHS, which allowed JHS staff and volunteers to work on ACPS property. This Agreement was effective in 2016 during the time the McDuff Shelter was in operation. Crosby's interpretation of the Volunteer Services Agreement was that the City was responsible for evaluating the work performed by the JHS behavior coordinators and JHS paid the compensation for those employees. Crosby's understanding was the City was under no obligation to compensate employees except for workers' compensation.

The McDuff Shelter housed behavior dogs, which had been moved from the primary ACPS shelter on Forrest Street. There were no records, which reflected any JHS dogs were actually housed at the McDuff Shelter. In total, 106 behavior dogs from ACPS were housed at the McDuff Shelter between April 2016 and October 2016.

To the best of Crosby's knowledge from April of 2016 to October of 2016, when ACPS behavior dogs were housed, no JHS supervisors were at the McDuff Shelter to supervise the JHS Animal Behavior Coordinators. Crosby stated the Shelter Manager told him on several occasions she would visit the McDuff Shelter and check on the JHS employees. Crosby discontinued the Volunteer Services Agreement in October 2016.

Prior to the use of McDuff Shelter from April of 2016 to October of 2016, JHS Animal Behavior Coordinators worked at the main ACPS shelter off Forrest Street. From April of 2016 to October of 2016, JHS Animal Behavior Coordinators worked with the behavior dogs at the McDuff Shelter.

From April of 2016 to September of 2016, ACPS reimbursed JHS for JHS Animal Behavior Coordinators. This arrangement was implemented prior to Crosby's arrival. In October of 2016, the funding for the JHS Behavior Coordinator positions ended. ACPS subsequently created two behavior positions and hired both of the JHS Animal Behavior Coordinators.

At Crosby's direction, the McDuff Shelter was closed in October of 2016. He did not believe the use of the McDuff Shelter fulfilled any *Ordinance Code* purpose and its use did not support ACPS. When the McDuff Shelter closed, ACPS's behavior dogs were transported back to the main ACPS shelter.

Hill's Pet Nutrition, Inc. Agreement

In the summer of 2016, Crosby became aware of an agreement between ACPS and Hill's. The agreement was implemented by Chief 2 and was reutilized under Chief 1 and the Shelter Manager. As part of this agreement, ACPS provided Hill's with the contact information of individuals adopting an animal from ACPS, including name, address, phone number, etc. This information was sent via a program in Chameleon on a quarterly basis. The ACPS Administrative Coordinator²⁶ created the computer program, which sent the information to

²⁶ During the investigation, the ACPS Administrative Coordinator referenced above left employment with the City.

Hill's. Crosby stated this was of concern since individuals who adopted animals from ACPS never received any opt-out forms or notification that their contact information would be shared with a third party (Hill's).

Crosby stated ACPS received a discount on Hill's Science Diet dog food by providing the contact information to Hill's. He stated Hill's received a free "email list" from ACPS. Crosby ended this practice in September of 2016.

Statement of Devron Cody, Division Chief, ACPS

On September 27, 2017, the OIG met with the current Chief of ACPS, Devron Cody, to review and discuss current ACPS Management and operations under his leadership. Chief Cody was interviewed on October 3, 2017, and provided an update on the corrective actions and operational changes under his leadership.

Cody was appointed as Division Chief, ACPS, in March of 2017. His job duties and responsibilities as Chief include overseeing the ACPS shelter and Veterinarian Services. Additionally, his responsibilities include the enforcement of Florida Statute Chapter 828 (Animals: Cruelty; Sales; Animal Enterprise Protection) and Chapter 462 (Animals), *Ordinance Code*.

ACPS is a municipal animal shelter and the number one role of ACPS within the community is public safety. ACPS operates in compliance with Florida Statutes and COJ Ordinances. In addition to taking in strays and owner-surrendered animals, ACPS responds to service calls for animals that are loose, in distress, aggressive, or posing a threat to the public. ACPS provided other services to the citizens of Duval County, including COJ license registration tags, medical care (rabies shots), and adoption services of healthy animals to loving homes.

JHS also provided assistance at mega-adoption events (operated and managed) by First Coast and smaller adoption events at third-party animal retailers.

ACPS Management and Operations

Cody advised that animals with medical issues were being treated as quickly as possible by veterinarian staff. Sometimes when an ACO brings in an injured animal, the ACO may have contacted the veterinarian staff ahead of arrival to ACPS, in order to have the animal seen immediately. Cody had not heard of any issues related to the timely treatment of injured animals. He stated both veterinarians ensure injured animals are treated as quickly as possible. The veterinarian staff would sometimes triage injured animals similar to doctors at a hospital, based upon staffing and workload.

In regards to the priority list for calls for service, most calls were from citizens. He stated calls are categorized by priority. The ACOs are aware of the priorities and understand their primary responsibility is responding to calls related to public safety, for example calls concerning an aggressive dog or injured animal, etc. Cody stated two additional ACO positions were approved

for this fiscal year's budget (Fiscal Year 2018). He believed with the additional staff the level of service would improve.

To the best of his knowledge, ACPS did not respond to calls for service from JHS or First Coast ahead of citizen calls for service. He stated nobody had ever mentioned this issue to him.

Cody was aware ACPS had a past practice of providing animal medication to several non-profit animal welfare organizations, including JHS. He re-affirmed this practice was no longer occurring at ACPS.

ACPS/JHS Agreement

Cody was aware of an *Agreement Between the City of Jacksonville and Jacksonville Humane Society, Inc. For Animal Control Transfer Program* (ACPS/JHS agreement) effective March 7, 2017, retroactive to October 1, 2016. He stated JHS would take animals from ACPS in order to alleviate overcrowding at ACPS.

Under the ACPS/JHS agreement, JHS accepted stray animals from citizens in lieu of citizens having to travel across town to surrender the strays at ACPS. Additionally, JHS spayed and neutered the strays brought to their shelter.

The current ACPS/JHS agreement (FY 17) required JHS to transport up to 1,000 animals from ACPS to JHS. Chief Cody understood the 1,000 animals included strays brought to JHS by citizens, and not just ACPS animals physically transported by JHS from ACPS. JHS received \$100,000 for the 1,000 animals, an average of \$100 for each animal. ACPS did not provide any other monetary funds to JHS other than as specified in the agreement. Since he became Chief, JHS was adhering to the terms of the current ACPS/JHS agreement.

Prior to becoming Chief, JHS was not adhering to the agreement requirements as ACPS was transporting animals from ACPS to JHS. Under the FY 15 and FY 16 ACPS/JHS agreements, ACPS was transporting all animals to JHS.

Quarterly, JHS provided ACPS with a report reflecting the number of animals transferred to JHS during the quarter. Since Cody became Chief, JHS has also provided a daily JHS stray intake report to ACPS via email. The daily stray intake report includes the date of intake, animal number, name, gender, species, color, and a picture of the animal.

The Shelter Manager currently decides which animals are transported to JHS. Cody was unaware who made this determination in the past. JHS took in all kinds of animals, (cats, dogs, puppies, kittens, etc.). JHS also assisted ACPS by taking possession of animals with serious medical issues and assumed all medical costs. Once transferred to JHS or any other animal rescue organization, the animal belonged to the organization and was the organization's responsibility.

Per *Ordinance Code*, all animals placed for adoption in Duval County shall be spayed/neutered.²⁷ There was a mandatory six-day hold²⁸ per *Ordinance Code* in order to allow an owner to come to the shelter and claim their animal. Cody stated after the sixth day, if ACPS veterinary staff were “caught up” with surgeries, the animal would be spayed or neutered (if necessary).

ACPS generally spayed or neutered animals prior to transport to JHS. However, there were occasions when animals would not be spayed or neutered prior to transport to JHS. Cody stated this decision depended on whether ACPS was overcrowded and on the availability of the ACPS veterinarian staff. In instances when ACPS transported non-sterilized animals, JHS assumed the medical costs associated with spraying or neutering those animals.

Cody stated ACPS’s cost to spay and neuter an animal depended on a variety of factors: type of animal (dog or cat), gender and weight of the animal (i.e. dogs over 75 pounds were a different price than those less than 75 pounds). However, there was no price difference based on weight for cats.

Rabies shots were provided by ACPS, as required per Florida Statute.²⁹ Per *Ordinance Code* animals were micro chipped prior to transport to JHS and/or adoption.³⁰ ACPS would perform the micro chipping after the six-day animal hold. If an owner self-surrendered their own animal, thereby having signed the animal over to ACPS, the animal could be spayed /neutered and micro chipped prior to the six-day hold requirement. He stated the six-day hold allowed an owner to try to locate their animal at ACPS and take possession of their pet if the animal had been turned over to ACPS.

“No Kill” Philosophy

In order to achieve “No Kill” status, animals needed to leave the shelter alive. This could include animals being placed in foster homes, adopted, or placed in other rescue organizations. He stated to be classified as a “No Kill” shelter, the live release rate had to be 90% or higher. ACPS was considered a “No Kill” shelter, as the live release rate was approximately 90.52%.

ACPS would like to maintain the “No Kill” status; however, Cody advised ACPS operations were not driven by the “No Kill” status. Cody stated there might be times (in the future) when ACPS would not be able to maintain a “No Kill” status.

According to Cody, ACPS had maintained at least a 90% live release rate since 2014. He stated there were no ACPS policies or procedures regarding the “No Kill” philosophy. Cody stated under his tenure the “No Kill” status did not dictate ACPS policy. It was in the best interest of the animal and the COJ for ACPS to maintain the “No Kill” status. Cody believed animals should only be euthanized for medical or behavioral reasons.

²⁷ *Ordinance Code*, § 462.309

²⁸ *Ordinance Code*, § 462.601(b)(1)

²⁹ *Florida Statute*, § 828.30

³⁰ *Ordinance Code*, § 462.1501

Euthanasia of ACPS Animals

Euthanasia of ACPS animals is either due to medical or behavior issues. The ACPS veterinary staff evaluated medical issues and the behavioral staff handled behavior issues. ACPS has a Euthanasia (EU) Review Team which reviews animal records and supporting documentation to determine which animals are euthanized. All EU certified employees are trained and have completed a practical with one of the ACPS veterinarians.

ACPS Chameleon Database

To the best of Cody's knowledge, ACPS employees were not modifying records in the Chameleon database, or other ACPS records, to reflect a medical or behavioral issue in order to euthanize an otherwise healthy animal.

ACPS Intake Process

Cody defined a stray animal as an animal "at large on the street." ACOs are responsible for apprehending these animals. A surrendered animal was an animal turned into ACPS by the owner due to an inability to continue to care for the animal. Cody stated an owner may surrender an animal due to a move, military deployment, inability to care for the animal due to cost, etc. When an owner surrenders an animal, the owner signs over the animal to ACPS.

An owner could *not* come to ACPS and surrender an animal on the same day. He stated owner-surrenders were by appointment *only* because ACPS staff would like to meet with the owner and determine the reason for the surrender. Cody stated this practice allows ACPS staff to refer the owner to another agency/non-profit organization for assistance if the owner decides to keep the animal. Cody stated ACPS was *not* turning animals away. Individuals could bring strays to ACPS during the scheduled intake hours Tuesday through Friday between 8:00 a.m. and 12:00 p.m.

Cody stated by scheduling appointments for surrenders the owners would sometimes have "second thoughts" about giving up their animal or the owner would find the animal a good home on their own. Appointments also made things easier for ACPS staff because of the influx of animal intakes. He stated owner-surrendered animals go through stress and anxiety due to the change in the animal's environment. Cody stated that sometimes a surrendered animal's behavior declined rapidly.

A citizen could bring in a stray animal to ACPS without an appointment. The difference was the citizen did not own the animal and had found the stray animal. If a stray cat was brought into ACPS, the cat would be spayed/neutered and returned to the location where the citizen found the cat. However, if a citizen brought in a stray dog, ACPS would not release a dog back on the street.

When ACOs brought an animal into intake, they had to administer basic medications such as dewormer medication, etc. He stated it should only take the ACOs five to seven minutes per animal. Cody stated the time frame spent on this activity would depend on the number of animals the ACO brought into intake. He stated once ACPS received additional staffing, he would like to see the ACOs in the field "all the time."

This fiscal year, he requested and received two full-time veterinarian technician positions and two full-time ACO positions. Chief Cody stated his vision was to have ACOs “drop off the animal” at ACPS and return to the field. He stated because of staffing, ACOs had to assist with intake and various other duties. Cody stated he would request additional veterinarian technicians as funds become available. Cody stated the two new veterinarian technician positions should help tremendously.

ACPS Failed To Respond To Calls

Cody was aware in the past ACPS staff had been instructed not to respond to calls for service when the ACPS shelter was full. Cody has instructed his ACOs this would not occur under his leadership. He stated ACPS has an obligation to the public and they would find a way to house these animals.

Mega-Adoptions and Off-site Events

ACPS and JHS provided assistance at mega-adoption events, operated and managed by First Coast and smaller off-site adoption events at third-party animal retailers.

These mega-adoption events were held at the Jacksonville fairgrounds several times a year. Multiple agencies from all over Florida and South Georgia participated in these events. Each animal adopted at an adoption event held within Duval County had to comply with the *Ordinance Code*.³¹ He stated animal rescue/adoption organizations (at adoption events in Duval County) had to pay COJ a pet license fee, which indicated each animal had been registered and licensed (tag) prior to adoption. ACPS charged an annual \$20 license fee per animal. All animals were required to have an animal tag, which indicated the rabies vaccination for the animal was current. ACPS did not receive any grants associated with these mega-adoption events.

McDuff Shelter

In the past, due to overcrowding at ACPS, animals were housed at the McDuff Shelter. He stated it was an “antiquated” shelter and ACPS only used part of the building (Pet Adoption Center). The facility was in disrepair and lacked maintenance over the years. Cody opined it would take a lot of funding to bring the McDuff Shelter up to (building) code for full-time use. The McDuff Shelter was not currently in use.

Under his leadership between July and September of 2017, the McDuff Shelter housed thirty-eight behavioral dogs, due to overcrowding at ACPS. During this period, a team of ACPS employees worked out of the McDuff Shelter. The team consisted of a behavioral member, an animal care assistant, a contract employee (cleaned the kennels), and the Animal Code Enforcement Supervisor.

Between July and September of 2017, Cody and the Shelter Manager conducted surprise inspections at the McDuff Shelter. He did not observe any animal issues at the McDuff Shelter. Cody stated no JHS employees worked at the McDuff Shelter during this time period. He was aware JHS employees had worked at the McDuff Shelter in the past (2016).

³¹ *Ordinance Code*, § 462.502

Hill's Pet Nutrition, Inc. Agreement

Currently, there was no agreement between ACPS and Hill's. Cody was under the impression the agreement was a proposal. He was unaware of the past practice of ACPS releasing contact information of individuals adopting animals from ACPS.

Statement of Additional ACPS Employees

The OIG interviewed the ACPS Animal Cruelty Investigator and the Animal Code Enforcement Supervisor to discuss past and current operational practices under multiple Division Chiefs and Shelter Managers. The following summarizes interviews conducted under the leadership of Interim Chief Crosby and Chief Cody. These interviews were conducted following corrective actions taken by the Administration in order to determine if past practices identified in the investigation were still occurring.

Statement of Robert Currey, Animal Code Enforcement Supervisor (former Animal Cruelty Investigator), ACPS

OIG conducted an initial interview with Currey in October of 2016 and a follow-up interview was conducted in October of 2017. Relevant portions of these interviews are summarized below:

ACPS Management and Operations

Currey stated since he was last interviewed by the OIG in October of 2016 things at ACPS had improved. Under Interim Chief Crosby, the focus was on responding to calls for service related to animal bites and animal cruelty. The ACPS veterinary staff were quickly treating animals with medical issues. Currey had not observed any delay in the treatment of injured or sick animals. As of March 2017, Devron Cody began serving as the new Chief of ACPS.

ACPS/JHS Agreement

ACPS was no longer transporting animals to JHS, which allowed the ACOs to work in the field and perform their job duties. ACPS transported an animal to JHS only during special circumstances, such as an animal with medical issues. ACPS spayed/neutered animals, administered medication, and microchipped animals transported by JHS.

"No Kill" Philosophy

ACPS was still operating as a "No Kill" shelter and maintaining the live release rate over the required percentage (90%). However, he stated no animal shelter was a "No Kill" shelter, as every facility would have to conduct euthanasia at some point due to sick and aggressive animals.

Euthanasia of ACPS Animals

Currently, an ACPS employee euthanasia review board comprised of various supervisors and managers was reviewing and determining which animals should be euthanized. Currey could not recall when the review board process was implemented.

ACPS Chameleon Database

During Currey's initial interview in October of 2016, he stated the Chameleon database *could* be changed or modified. However, he stated he had no direct knowledge of any records within Chameleon being changed by any ACPS employee. ACPS employees had access to Chameleon on any computer in the ACPS shelter. Currey was not aware of any situations when medical reasons were used as the justification to euthanize an otherwise healthy animal. [Note: Currey had nothing substantive to add during the follow-up interview regarding this issue.]

ACPS Intake Process

Currey was unaware of any (stray) animals currently being turned away from the ACPS shelter. However, if a citizen wanted to surrender their animal, the citizen would be "turned away" and a surrender appointment would be scheduled for a later date. Intake hours were Tuesday through Friday between 8:00 a.m. and 12:00 p.m. If a citizen came to ACPS outside of the intake hours, the citizen would be told to return during the intake hours. This had been a longstanding shelter procedure.

ACOs assisted with intake by administering de-wormer medication, vaccination, and entering data into the computer system, instead of working in the field. If an animal needed to be seen by a veterinarian, it could take 45 minutes to an hour away from the ACOs time working in the field. There were times the ACOs could not give an injured animal preventative medication until after the animal had been seen by a veterinarian. It was standard practice within ACPS to pull from the field for any shortages in the office. Chief Cody or the Shelter Manager had to approve pulling employees from the field.

ACPS Failed To Respond To Calls

ACPS employees were no longer directed and/or instructed *not* to respond to calls for service when the ACPS shelter was full. Individual calls for service by ACOs were now being handled "better" as each ACO had an assigned call box which was handled by intake staff. Currey believed calls for service were responded to more quickly. Currey stated this might have been implemented under former Chief Crosby or between former Chief Crosby and Chief Cody.

Mega-Adoption and Off-Site Events

ACPS operations at the mega-adoption events had improved since his last OIG interview. He further explained that in order to staff the mega-adoptions, employees were pulled from their assigned duties to assist in the events. Currey was unaware if ACPS transferred animals to JHS during the mega-adoptions in order to receive grants. He was unaware if ACPS received any grant money associated with any mega-adoption events.

McDuff Shelter

ACPS used the McDuff Shelter on an emergency basis only and the shelter was not currently in use. However, during the summer of 2017, due to the influx of animals and ongoing construction at the JHS facility,³² the McDuff Shelter was used for the behavior dogs and several animal cruelty case dogs. ACPS staff members were assigned to work at the shelter during this

³² The JHS new facility opened in November of 2017.

time. Currey believed the use of the McDuff Shelter was at the direction of Chief Cody and Walter.

Statement of Chase Ziegelbauer, former Animal Code Enforcement Supervisor³³, ACPS

The OIG conducted an initial interview with Ziegelbauer in October of 2016 and a follow-up interview with Ziegelbauer in October of 2017. These interviews are summarized below:

Ziegelbauer advised in the last 12 months, there had been many changes at ACPS. In March of 2017, Devron Cody became the new ACPS Division Chief.

ACPS Management and Operations

The relationship between ACPS Management and ACPS employees had improved. Employee morale was still up and down but it was not because of ACPS Management, as had previously been the case. The workload this past summer was high, as the shelter had an influx of animals and the shelter was overcrowded. The ACO kennel staff and veterinary technicians were overwhelmed due to the influx of animals; it put a strain on everyone.

On a daily basis, the ACPS medical staff did the best they could to treat animals with injuries and medical issues as soon as possible. Ziegelbauer was unaware of any animals suffering or being mistreated at ACPS. With the shelter population influx during the summer of 2017, the shelter was past maximum capacity and the medical staff was extremely busy.

ACPS/JHS Agreement

Under Interim Chief Crosby and Chief Cody, JHS management was no longer controlling ACPS, as had been a past practice. He stated Interim Chief Crosby put a stop to this, and ACPS operations remained the same under Chief Cody.

In October of 2016, former Interim Chief Crosby ended the practice of ACPS transporting animals to JHS. Interim Chief Crosby wanted JHS to transport the animals as per the provisions of the ACPS/JHS agreement. Ziegelbauer was aware a new one-year FY 17 agreement was signed between ACPS and JHS. ACPS was no longer transporting animals to JHS, and JHS was picking up animals from ACPS.

Because of this change, ACOs were able to spend more time working in the field responding to calls for service. However, there were occasions when ACOs would transport animals with medical issues to JHS for medical treatment.

JHS still had some input regarding animals transported to JHS since they still contacted the Shelter Manager and advised how much space was available at JHS. If ACPS had an influx of senior dogs, the Shelter Manager would contact JHS and see if they had space for them at their facility; it was a collaborative effort.

³³ Ziegelbauer left employment with ACPS in December of 2017.

To Ziegelbauer's knowledge, ACPS was not spaying or neutering, administering medication, or providing microchip implants for animals picked up by JHS, as was previously done. Some animals were spayed or neutered, but ACPS was trying to get unaltered animals to JHS if they (JHS) had the resources available to handle the medical procedures.

“No Kill” Philosophy

Ziegelbauer stated ACPS was a municipal shelter and would never be a “No Kill” shelter. However, ACPS maintained the “No Kill” status. Based on conversations with Chief Cody, Ziegelbauer understood Chief Cody believes in the “No Kill” philosophy. Chief Cody told Ziegelbauer, he (Cody) “doesn't want to euthanize for space.”

Euthanasia of ACPS Animals

The Euthanasia (EU) Review Team comprised of ACPS managers, supervisors, behavior team members, and veterinarians continued under Chief Cody. The EU review team would communicate and make decisions regarding which animals were to be euthanized after reviewing the animals' records.

ACPS Chameleon Database

During Ziegelbauer's initial interview in October of 2016, he stated each ACPS employee had access to Chameleon. Additionally, Ziegelbauer stated the Chameleon records could be changed, but a history search would show which employees had made changes to an entry. However, the information changed would not be identifiable. Ziegelbauer was unaware of any ACPS employee intentionally changing the reason why animals were euthanized in Chameleon. [Note: Ziegelbauer had nothing substantive to add during the follow-up interview regarding this issue.]

ACPS Intake Process

Ziegelbauer stated only owner-surrenders were being turned away when they arrived at ACPS because they needed to make an appointment to surrender the animal. If a citizen brought in a stray animal, ACPS would accept the animal at that time. Citizens who wanted to surrender their pets (owner-surrenders) could make an appointment Tuesday through Friday between the hours of 8:00 a.m. and 12:00 p.m. Citizens could also contact 630-CITY via telephone and information was forwarded to ACPS intake staff, who in turn would then contact the citizen and schedule a time for the citizen to come to ACPS and surrender the animal. With the backlog of appointments, it could take several weeks to a month before a citizen may be able to surrender an animal. He stated this process had been in place for several years and has continued under Interim Chief Crosby and Chief Cody.

The past practice of ACOs assisting with animal intake continued. ACOs administered dewormer medication when ACOs brought animals to intake at the ACPS shelter. It would take ten minutes or more per animal to perform this activity depending on the type of animal. This activity was pulling ACOs away from their job duties; however, this should be improving as Chief Cody budgeted for the hiring of two part-time veterinarian technicians during the current fiscal year.

ACPS Failed To Respond To Calls

Under Interim Chief Crosby and Chief Cody, ACOs were no longer being directed *not to* respond to calls for service when the ACPS shelter was full. He stated this previously occurred under a former Animal Code Enforcement Supervisor and a former ACPS Operations Manager.

Mega-Adoption Events

ACPS still participated in the mega-adoption events (Friday, Saturday, and Sunday) at the Jacksonville fairgrounds. Ziegelbauer was no longer involved with the mega-adoption events and was unaware if ACPS was transferring animals during the events to JHS. He was unaware whether ACPS received any grant money from mega-adoption events. He was aware that at the end of the mega-adoption events any remaining ACPS animals would be transferred to JHS if they had the space.

McDuff Shelter

The McDuff Shelter was not currently being used to house animals. Under Chief Cody's leadership between July and September of 2017, the McDuff Shelter was used to house behavior dogs due to the influx of animals at ACPS. Several ACPS employees worked temporarily at the McDuff Shelter to care for these dogs. Ziegelbauer volunteered to supervise these employees during this time period and worked out of the McDuff Shelter.

CONCLUSION(S)

Due to the multiple allegations along with the voluminous records reviewed and interviews conducted, the OIG separated the investigation into categories. The following briefly summarizes the investigative conclusions for those allegations related to ACPS management practices and procedures in place between August of 2014 and December of 2016. The allegations were either *substantiated*, *not substantiated*, or the OIG did not make a specific finding, as summarized below:

Prioritization of ACPS Calls for Service

The past practice of ACPS Management instructing ACPS employees to handle animal calls from non-profit animal welfare organizations ahead of animal calls from citizens was **substantiated**.

The Animal Code Enforcement Supervisor (former Animal Cruelty Investigator) testified the Shelter Manager directed ACOs to assist a non-profit animal welfare organization rather than handle citizen calls for service in the field.

By the Shelter Manager's own admission, she had instructed ACPS employees to handle animal calls from non-profit animal welfare organizations ahead of animal calls from citizens. She stated ACPS gave special treatment to these organizations because these organizations assisted ACPS. The Shelter Manager stated none of her decisions were for personal gain and her actions and decisions were not done with any ill intent.

The Administration, through Interim Chief Crosby and Chief Cody, instituted immediate corrective action and ACPS is no longer placing non-profit animal welfare organizations ahead of animal calls from citizens.

ACPS Failed To Respond to Calls

The allegation of a past practice of ACPS Management advising ACOs to not respond to citizens' calls concerning animals in the community or not to seize animals due to shelter space was **substantiated**.

Testimony from ACPS employees reflected a past practice of previous ACPS Management instructing ACOs not to respond to citizens' calls or to pick up animals when the shelter was full.

The Shelter Manager stated in the summer of 2015, Chief 1 directed her and a former Animal Code Enforcement Supervisor to instruct ACOs to stop picking up animals because ACPS was overcrowded. The Shelter Manager stated the exceptions to this verbal directive were if an animal was in danger, in distress, or could pose a threat to public safety (biting). The Shelter Manager and Chief 1 made this decision so animals would not have to be euthanized for space. The Shelter Manager continued this practice during the summer of 2016 and relayed this directive to Ziegelbauer.

The Administration, through Interim Chief Crosby and Chief Cody, instituted immediate corrective action and ACOs are no longer instructed not to respond to calls for service. The OIG verified through testimony that under Interim Chief Crosby and Chief Cody, ACOs were no longer being directed *not to* respond to calls for service when the ACPS shelter was full. Additionally, ACPS had developed a prioritization process for calls for service.

Exchange of Medical Supplies

The past practice of ACPS Management transferring medications (including controlled substances) and supplies to non-profit animal welfare organizations without proper accountability was **substantiated**. This practice had been occurring since at least August of 2014. The Administration, through Interim Chief Crosby, stopped this practice in November of 2016.

By the Shelter Manager's own admission, ACPS traded supplies and medicine (including controlled substances) with several non-profit animal welfare organizations. The Shelter Manager was aware of this practice since her arrival in August 2014.

The Administration took immediate corrective action under Interim Chief Crosby and Chief Cody. Interim Chief Crosby ended the transfer of medicine and supplies to outside entities in November of 2016. Chief Cody confirmed this past practice was not occurring under his leadership.

In accordance with § 602.303(j), *Ordinance Code*, the OIG discussed the transferring of controlled substances between ACPS and several non-profit animal welfare organizations with

the U.S. Drug Enforcement Administration (DEA). At the time of this report, the results of any action taken by the DEA are unknown.

Mistreatment of ACPS Animals

The allegation ACPS animals were mistreated or not receiving medical treatment in a timely manner was **not substantiated**.

Several ACPS employees testified ACPS staff was not mistreating ACPS animals. Additionally, the ACPS employees interviewed stated all ACPS animals received medical treatments as soon as possible. Chief Cody testified that animals with medical issues were being treated as quickly as possible. Chief Cody had not heard of any issues related to the timely treatment of injured animals.

The OIG found no evidence to support this allegation.

ACPS/Jacksonville Humane Society (JHS) Agreement

The past practice of ACPS transporting animals under the ACPS/JHS Animal Control Transfer Program in non-compliance with the terms of the agreement was **substantiated**.

By records and testimony during FY 15, FY 16, and a portion of FY 17, ACPS Management failed to hold JHS to the terms of the ACPS/JHS agreement(s). Per Exhibit A, section B, of the contract for FY 15, FY 16, and for a portion of FY 17, JHS had the responsibility for transporting animals from ACPS to JHS. Additionally, several ACPS employees stated the use of ACPS ACOs to transport animals prevented the ACOs from responding to calls for service in a timely fashion.

The Shelter Manager confirmed ACPS ACOs transported animals (cats and dogs) on a weekly basis to JHS. The Shelter Manager continued the practice of ACPS transporting animals to JHS after Chief 1 left employment of the COJ. The Shelter Manager stated that from August of 2014 until October of 2016, ACPS transported every animal to JHS. The Shelter Manager clearly understood JHS was “in breach of the contract.” However, the Shelter Manager stated ACPS needed the help of JHS in order to ensure animals were not euthanized.

In October of 2016, the Administration, through Interim Chief Crosby, took immediate corrective action halting the transport of animals to JHS by ACPS employees. OIG verified through testimony that under Interim Chief Crosby and Chief Cody, ACOs were no longer transporting animals to JHS. This allowed ACOs to spend more time in the field performing their assigned job duties. Under special circumstances, such as an animal with medical issues, ACPS transports animals to JHS.

At present, ACPS is operating under a *Single Source Contract Between The City of Jacksonville And Jacksonville Humane Society, Inc. For Animal Control Transfer Program* (Single Source Contract) retroactive to October 1, 2017. Per Exhibit A, JHS is responsible for the transportation of pets to JHS as JHS resources allow.

OIG has verified with Chief Cody that both ACPS and JHS are in compliance with the terms of the Single Source Contract.

Modification of Chameleon Database to Support ACPS's "No Kill" Philosophy

Several of the complaints alleged ACPS employees were modifying the records of healthy animals to reflect a medical or behavioral issue in order to justify euthanasia. Animals euthanized for medical or behavioral reasons do not count against the live-release percentage.

Based on testimony, ACPS employees interviewed stated they had not observed or heard of any ACPS employees changing Chameleon data/records to reflect an otherwise healthy animal had a medical or behavioral issue in order to justify euthanasia without impacting the live release rate percentage.

During the course of this investigation, Chief Crosby established a Euthanasia Review Team comprised of ACPS supervisors, the Shelter Manager, and Veterinarians. The Euthanasia Review Team is responsible for reviewing and determining which animals should be euthanized. The team defers to the Veterinarians for animals with medical issues.

Based on both testimony and Chameleon records reviewed³⁴, the OIG found no evidence to support the allegation(s) that ACPS employees modified Chameleon Database records related to euthanasia in order to maintain a live release rate above 90% and support a "No Kill" philosophy. Thus, this allegation was **not substantiated**.

However, the investigation disclosed the ACPS Chameleon database *does not* have an audit trail function sufficient to track specific edits made by ACPS employees to animal records. Therefore, the OIG has determined the potential for entries to be altered or changed does exist.

ACPS Intake Process

Testimony from ACPS employees disclosed stray animals could be brought to ACPS at any time during ACPS intake hours. However, owner-surrenders required an appointment. Testimony revealed this policy has been in effect for several years and allows ACPS staff to discuss the decision and the reason with the owner.

Interim Chief Crosby and Chief Cody testified citizens could drop off a stray animal at ACPS during intake hours, which are Tuesday through Friday between 8:00 a.m. and 12:00 p.m. Only owners needed an appointment to surrender an animal. Interim Chief Crosby testified there are several exceptions to the owner-surrender appointment policy. The exceptions include owner-surrenders of aggressive animals, military deployments, and elderly or deceased owners. Chief Cody stated appointments made it easier for ACPS to accommodate the animal intakes.

Current ACPS policy provides for adopted animals from ACPS to be returned within 30 days without an appointment. Additionally, current ACPS policy requires owner-surrenders by appointment only, unless ACPS Management approves an exception.

³⁴ Refer to OIG Records Review, ACPS Chameleon Database, page 15.

The OIG concluded the ACPS intake policies did not violate any provisions of the *Ordinance Code* or Florida Statute. However, the policy does not clearly articulate reasons when ACPS Management may approve an exception to the appointment policy.

Mega-Adoption and Off-site Events

ACPS employees interviewed stated mega-adoption and smaller off-site events were managed by a non-profit animal welfare organization. The ACPS employees stated ACPS participated in these events in order to further the adoption of ACPS animals. During the course of the investigation, ACPS Animal Care and Maintenance Supervisor and a former Animal Code Enforcement Supervisor testified there had been a past practice of ACPS Management transferring animals and/or ACPS adoption numbers to JHS.

The Shelter Manager testified ACPS participated in mega- adoption events with JHS, First Coast, and other animal rescue organizations. Each organization, including ACPS, supplied animals for these mega-adoption events. First Coast hosted the mega-adoption events.

The Shelter Manager testified there had been a past practice of JHS contacting ACPS Management (Chief 1 and the Shelter Manager) and setting adoption goal numbers. These goals were often set based on the grants JHS desired. JHS would count the number of ACPS animals adopted towards JHS total adoption numbers. At the time the Shelter Manager was hired in August of 2014, this practice was occurring and continued under Chief 1. After Chief 1 departed, the Shelter Manager made the decision to continue with this practice.

The Administration, through Interim Chief Crosby, took immediate corrective action and ended this practice. Chief Cody testified ACPS does not transfer ownership of ACPS animals to JHS during mega-adoption events (at the time of adoption or otherwise) in order to support a non-profit animal welfare organization obtaining grants. Chief Cody understood this was a past practice, but to his knowledge this has not occurred while he has been Chief.

The OIG investigation concluded there is no written policy or procedure contained in the ACPS Policies and Standard Operating Procedure, effective February 2018, which specifically addresses mega-adoption and/or off-site adoption events and/or the transfer of any non-adopted animals to non-profit animal welfare organizations upon conclusion of such events.

McDuff Shelter – Volunteer Services Agreement

Based upon testimony and records provided by ACPS employees, the McDuff Shelter was in operation and housed 106 ACPS behavior dogs between March and October of 2016. The McDuff shelter was renovated and used in order to prevent euthanizing animals at ACPS as a result of overcrowding.³⁵

The Shelter Manager corroborated the statements of other ACPS employees that between March and October 2016, the McDuff Shelter was in operation and housed ACPS behavior dogs. JHS behavior team staff members worked with the behavior dogs at the McDuff Shelter.

³⁵ During this timeframe, JHS had a decrease in fifty kennels due to construction of JHS' new facility.

Additionally, the City, through an unrelated administrative award, reimbursed the salaries for two JHS Animal Behavior Coordinators.

The Shelter Manager stated she failed to supervise the JHS Behavior staff working at the McDuff Shelter as required by the Volunteer Services Agreement, dated February 1, 2016.

In October of 2016, the Administration, through Interim Chief Crosby, discontinued the Volunteer Services Agreement and ACPS moved the behavior dogs back to the ACPS shelter.

Hill's Pet Nutrition, Inc. Agreement

The allegation ACPS Management released the contact information of individuals adopting ACPS animals (name, address, telephone number, and email), without their knowledge or consent, to Hill's on a quarterly basis in return for a discount on dog food was **substantiated**.

The Shelter Manager stated in August of 2014, Chief 1 asked her to research dog food companies for a more cost effective dog food. The Shelter Manager testified ACPS began using the agreement in July/August of 2015 following approval from Chief 1. The Shelter Manager stated in order to receive a lower price from Hill's for the dog food, ACPS needed to release to Hill's the contact information of citizens who had adopted animals from ACPS. In July/August of 2015, ACPS created a report within the Chameleon database that sent the required contact information to Hill's. The contact information included name, address, email address, and telephone number.

The OIG investigation concluded the Shelter Manager and Chief 1 had knowledge the contact information (name, address, telephone number, and email) of individuals adopting from ACPS was routinely distributed without the knowledge and/or consent of the individual since July/August 2015.

The Administration, through Interim Chief Crosby, took immediate corrective action in September of 2016, ending the practice of releasing the contact information, and terminated the Hill's Pet Nutrition, Inc. agreement.

RECOMMENDED CORRECTIVE ACTIONS

The OIG recommends the following corrective actions:

1. Per the ACPS Policies and Standard Operating Procedure (SOP), *Animal transfer to the Jacksonville Humane Society* procedure (page 175), "Medical: Animals requiring medical care that cannot otherwise be provided at ACPS. Transportation of these animals is provided by ACPS." Review the Single Source Contract effective January 19, 2018, and determine if the Scope of Work, Exhibit A, should be amended to include language allowing for ACPS to transport and for JHS to accept animals requiring medical care when ACPS is unable to provide the medical care.
2. Prior to expiration and renewal of the ACPS/JHS Single Source Contract, determine if any modifications to the Scope of Work, Exhibit A, are necessary.

3. Because the ACPS Chameleon database lacks an audit trail related specifically to the modification or overwriting of prior data entries, the OIG recommends ACPS establish a written procedure within the SOP to provide for the following: (1) identify authorized users and ensure password integrity; (2) implement a review and approval process regarding the modification or overwriting of prior data entries or prohibit this altogether; and (3) develop a process which provides for supervisory and/or veterinary review and documentation of approval for critical activities (i.e. euthanasia of animals) to ensure accountability. Provide a copy of the procedure and verification of the date reviewed with ACPS employees.
4. Establish within the SOP, a written procedure related to: (1) Mega-Adoptions and off-site adoption events to include procedures related to the transfer of animals to non-profit animal welfare organizations before, during, or after the events; and (2) a procedure providing guidance related to the release of adopter information to third parties. Additionally, consider incorporating the Euthanasia Protocol into the SOP. Provide a copy of the newly established procedures and verification of the date reviewed with ACPS employees.
5. Review and determine if the desire to maintain a “No Kill” (90% or better live release rate) designation should be codified in the *Ordinance Code*. Codification may provide for City and Community leaders and citizens to discuss and better understand the designation and its applicability to ACPS daily operations. Additionally, determine if the *Ordinance Code*, the Single Source Contract, ACPS’s SOP and website should be amended to document the City’s participation as a collaborative member of “No Kill Jacksonville.”
6. Once received, provide to the OIG a copy of any DEA compliance report regarding controlled substances at ACPS.
7. In addition, the OIG requests that the Administration advise the OIG if any subsequent personnel action(s) (including all outcomes) is taken as a result of this investigation.

IDENTIFIED, QUESTIONED, AND AVOIDABLE COSTS

Identified Costs/Recoverable Funds: N/A

WALTER’S RESPONSE

On June 12, 2018, the OIG forwarded via certified mail a copy of the draft Report of Investigation to Walter’s residential address. The OIG verified the draft report was delivered on June 13, 2018. Walter was provided the opportunity to submit a written explanation or rebuttal to the findings in the draft Report of Investigation within ten (10) calendar days, due on or before June 22, 2018. No response was received.

JACKSONVILLE HUMANE SOCIETY RESPONSE

On June 12, 2018, the Jacksonville Humane Society (JHS), as a contracted entity substantially affected by the findings, conclusions, and recommendations of the draft Report of Investigation, was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Report of Investigation within ten (10) calendar days, due on or before June 22, 2018. On June 22, 2018, JHS provided a written response, which is attached in its entirety to this report.

MANAGEMENT COMMENTS AND CORRECTIVE ACTIONS

On June 8, 2018, the Chief Administrative Officer, Office of Mayor Curry, City of Jacksonville, Florida, was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Report of Investigation within twenty-one (21) calendar days, due on or before June 29, 2018. On June 28, 2018, the Office of Mayor Curry provided a written response, which is attached in its entirety to this report.

Per the Office of Mayor Curry's response, ACPS will establish and implement new policies and procedures in accordance with the OIG's recommendations by August 30, 2018. Additionally, ACPS will review the "No Kill" designation.

Attachments:

Jacksonville Humane Society Response, dated June 22, 2018
Management's Response, dated June 28, 2018

cc: IG Distribution 2015-0006

This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

June 22, 2018

Via E-mail

InspectorGeneral@coj.net

Lisa A. Green
Interim Inspector General
City of Jacksonville, Office of Inspector General
P.O. Box 43586
Jacksonville, FL 32203

Re: Jacksonville Humane Society, Inc. Response to Draft Report of Investigation for
Office of Inspector General Investigation Number 2015-0006

Dear Ms. Green:

Please accept the following as the response of the Jacksonville Humane Society to the referenced report:

OPENING STATEMENT

In 2007 an Animal Advisory Committee was formed at the direction of the Mayor and the City. Among the conclusions/recommendations in their report was the “[e]xpectation that ACC (Animal Control) be a model facility for best practices in the welfare of animals.” The committee advocated successfully for a new shelter and a new shelter director. The premise of this model was to make Jacksonville a no kill city, minimizing the number of animals euthanized.

Both Mayor Brown and Mayor Curry expressed their continued support for and pride in the model no kill partnership. Most importantly, this model reflects the desire of Jacksonville’s citizens to stop “convenience” killing of shelter animals and instead do the hard work of saving their lives.

Animal Control and Protective Services (“ACPS”) and the City of Jacksonville are now indeed considered a model for best practices nationally. That would not be so without all of

these ingredients – City leadership, ACPS leadership, faithful nonprofit partners like the Jacksonville Humane Society, Inc. (“JHS”), and citizens’ participation through advocacy, adoption, volunteering and donating.

While the precise motivations for some of the “concerns” that resulted in this Office of Inspector General (“OIG”) Report are unknown, it appears that they would elevate form over substance. Such motivations seem to dismiss the cooperative and mutually supportive actions that JHS, ACPS and other non-profit animal welfare groups have undertaken to get our community to its current state as a model for best practices.

RESPONSES

JHS will take this opportunity to respond only to those findings directly mentioning JHS. The Report conclusion will be set out followed by JHS’s response.

Prioritization of ACPS Calls for Service: Management prioritized calls from nonprofits over citizens.

JHS Response: JHS on occasion would contact ACPS if it perceived an increase in citizens’ complaints. If citizens complained to JHS regarding lack of, or perceived lack of, response by ACPS, JHS, as a courtesy, would notify ACPS. ACPS decision to prioritize such calls would seem appropriate due to the elevated status of the citizens’ complaints. ACPS was also called upon for direct service to JHS if (1) a dangerous stray animal was threatening JHS staff, volunteers or members of the community, (2) if a complaint related to a cruelty case being pursued by ACPS, (3) if there was a feral cat in a trap (which is a partnership program ACPS has with another nonprofit but not JHS).

Exchange of Medical Supplies: ACPS Management transferring medications and supplies to non-profit animal welfare organizations without proper documentation.

JHS Response: On occasion, ACPS would run out of essential medicines or supplies. In the interest of animal health and well-being and in the spirit of partnership, JHS would at ACPS request, loan those items to ACPS who would replenish JHS once they received more. The last known documented occurrence was under Interim Director Crosby in September of 2016. Rarely, JHS would have to borrow some supply it needed from ACPS. In all cases, anything borrowed was returned when the borrower received new supplies.

There is nothing wrong with this mutually supportive action any more than there would be anything wrong with one hospital borrowing necessary supplies from another and returning them when their own supplies were replenished. Again, this cooperative conduct is far from being a problem and is beneficial to all concerned.

ACPS/Jacksonville Humane Society (JHS) Agreement: ACPS transporting animals in violation of the agreement.

JHS Response: The referenced agreement's Scope of Services Exhibit A, items A-G (attached) clearly spells out JHS' responsibilities under the agreement. Specifically, item C states, "The approximately 1,000 animals [referencing section B] **will include any stray animals presented to JHS.**" (emphasis added).

In the 3 years cited in the OIG report, JHS exceeded this 1,000 animal requirement by two-, three- and fourfold. In 2015, JHS had direct intake of 2,229 strays, in 2016 direct intake of 2,602 strays, and in 2017 direct intake of 3,340 strays. So, the direct intake of strays has significantly exceeded the agreement's requirement of 1,000 animals. Even as to animals transferred from ACPS, the number significantly exceeded 1000 animals in every single year: approximately 2,200 additional animals in 2015, 1,500 in 2016, and 1,400 in 2016.

The OIG itself acknowledges this fact by stating "JHS *met or exceeded* their contractual requirements of the animal transfer program to accept approximately 1,000 animals (to include strays) during each fiscal year." (emphasis in original) Page 18 of the Report. As shown above the requirements were vastly exceeded in every year.

The animals transferred over and above agreement requirements were transported jointly by JHS and ACPS at ACPS's request. JHS staff with one or two vans transported cats and ill or injured animals and ACPS transported others.

There is nothing in the agreement that discourages or forbids ACPS from assisting with transporting animals that exceeded agreement requirements. Doing so resulted in significant savings of tax dollars but more importantly it reduced the number of animals that would have been euthanized because of overcrowding at ACPS.

Documentation of the significant number of animals JHS cared for over the contract requirements was provided the first time there was any question raised to JHS regarding compliance, which was September 7, 2016. Similarly, the same information was provided to the OIG and total access to JHS animal software was granted to the OIG as well.

It is important to note the transfer partnership continues as it always had to this very day. The only interruption was in October and November 2016 when at the then ACPS director's insistence all transfers ceased. This was a direct result of his lack of understanding the agreement in its entirety.

The terms of the agreement were clarified in a meeting with the City's administrative staff, the ACPS director, JHS board and staff representatives. Subsequent to that meeting the agreement was modified and the transfers resumed without change or further interruption.

JHS invoiced ACPS quarterly in the same manner for more than 10 years – through 3 different City administrations, 4 ACPS Chiefs, 3 interim ACPS Chiefs, 3 different JHS CEOs

and changes to the City's finance and audit staffing. Back up records were maintained electronically and available for review at any time. The first and only time additional documents were requested was by the OIG and JHS gave OIG total access to all records.

Mega Adoptions and Off-site Adoption Events: Conclusion is that no SOP exists covering these events.

JHS Response: JHS is proud to be a lifesaving partner with ACPS. We have jointly participated in many adoption events. Upon request of ACPS, at the conclusion of events JHS accepted the transfer of animals from ACPS that were not adopted at the events. This cooperative action saved taxpayer dollars and saved lives. JHS did not derive benefit other than the obvious accomplishment of our mission to end the killing of shelter animals. JHS faithfully reported number of adoptions at events (as did ACPS and other partners) to grant funders and the media.

ACPS does not and never has "provided" animals to JHS. JHS has accepted the transfer of animals from ACPS as a means of reducing the burden on the ACPS shelter. Between the direct intake of strays and the transfer of animals, JHS is the primary means of live outcome for ACPS. There is no shortage of animals in our county or our state that need our help. We have collaborated with ACPS on the documented transfer of animals for more than a decade in keeping with our shared mission to end the killing of shelter animals. Doing so has saved Duval County taxpayers hundreds of thousands of dollars and saved tens of thousands of animals, at significant cost to JHS.

McDuff Shelter/Volunteer Services Agreement

JHS Response: JHS proactively offered a number of possible solutions to avoid any potential negative impact to animals as a result of pending demolition of a 50 capacity JHS kennel. All decisions related to this – documents, location, purpose, staffing – were made by ACPS and the City. The expense of operating McDuff was incurred by JHS.

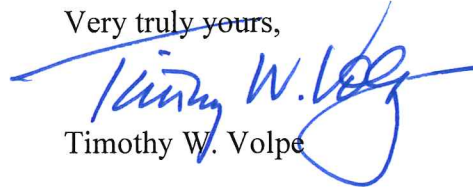
An additional 105 animals received care and behavior rehabilitation at JHS expense as a result of the McDuff operation. Additionally, JHS intake actually increased during the construction period thanks to other proactive measures taken and funded entirely by JHS. These actions were in keeping with our goals to further reduce the burden to ACPS staff, save tax dollars and save lives.

Lisa A. Green
June 22, 2018
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CONCLUDING STATEMENTS

JHS has done nothing but provide service far beyond what is required of it for the benefit of our community. We continue to strive for excellence and to avoid even one animal being needlessly euthanized. JHS will always advocate for life unapologetically.

Very truly yours,



Timothy W. Volpe

TWV/nro

c: Denise Deisler



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St., Suite 400
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

June 28, 2018

MEMORANDUM

TO: Lisa A. Green, Interim Inspector General
Office of Inspector General

FROM: Marlene Russell *Marlene Russell*
Director Organizational Effectiveness

RE: Office of Inspector General Investigation Number 2015-0006

The subject report was reviewed by the Animal Care and Protective Services Division (ACPS) and offers the following responses to the recommended corrective actions:

OIG Recommendation 1: Per the ACPS Policies and Standard Operating Procedure (SOP), Animal transfer to the Jacksonville Humane Society procedure (page 175)), "Medical: Animals requiring medical care that cannot otherwise be provided at ACPS. Transportation of these animals is provided by ACPS." Review the Single Source Contract effective January 9, 2018, and determine if the Scope of Work, Exhibit A, should be amended to include language allowing for ACPS to transport and for JHS to accept animals requiring medical care when ACPS is unable to provide the medical care.

Animal Care and Protective Services Division Response to Recommendation 1: ACPS will review the Single Source Contract to determine if the Scope of Work, Exhibit A, should be amended to include language allowing for ACPS to transport and for JHS to accept animals requiring medical care when ACPS is unable to provide the medical care.

OIG Recommendation 2: Prior to expiration and renewal of the ACPS/JHS Single Source Contract, determine if any modifications to the Scope of Work, Exhibit A, are necessary.

Animal Care and Protective Services Division Response to Recommendation 2: ACPS will review the ACPS/JHS Single Source Contract to determine if any modifications to the Scope of

Works, Exhibit A, are necessary.

OIG Recommendation 3: Because of ACPS Chameleon database lacks an audit trail related specifically to the modification or overwriting of prior data entries, the OIG recommends ACPS establish a written procedure within the SOP to provide for the following: (1) identify authorized users and ensure password integrity; (2) implement a review and approval process regarding the modification or overwriting of prior data entries or prohibit this altogether; and (3) develop a process which provides for supervisory and/or veterinary review and documentation of approval for critical activities (i.e. euthanasia of animals) to ensure accountability. Provide a copy of the procedure and verification of the date reviewed with ACPS employees.

Animal Care and Protective Services Division Response to Recommendation 3: The Division will establish and implement a procedure by August 30, 2018, to address the three concerns in recommendation #3. The Division will also provide a copy of the procedure and verification of the date reviewed with ACPS employees to the OIG.

OIG Recommendation 4: Establish within the SOP, a written procedure related to: (1) Mega-Adoptions and off-site adoption events to include procedures related to the transfers of animals to non-profit animal welfare organizations before, during, or after the events; and (2) a procedure providing guidance related to the release of adopter information to third parties. Additionally, consider incorporating the Euthanasia Protocol into the SOP. Provide a copy of the newly established procedures and verification of the date reviewed with ACPS employees.

Animal Care and Protective Services Division Response to Recommendation 4: The Division will establish and implement a procedure by August 30, 2018, to address the concerns in recommendation #4. The Division will also provide a copy of the procedure and verification of the date reviewed with ACPS employees to the OIG.

OIG Recommendation 5: Review and determine if the desire to maintain a "No Kill" (90% or better live release rate) designation should be codified in the Ordinance Code. Codification may provide for City and Community leaders and citizens to discuss and better understand the designation and its applicability to ACPS daily operations. Additionally, determine if the Ordinance Code, the Single Source Contract, ACPS's SOP and website should be amended to document the City's participation as a collaborative member of "No Kill Jacksonville."

OIG Report 2015-0006

June 28, 2018

Page Three

Animal Care and Protective Services Division Response to Recommendation 5: ACPS will review the "No Kill" designation and the information on the City's website and determine the best designation to maintain.

OIG Recommendation 6: Once received, provide to the OIG a copy of any DEA compliance report regarding controlled substances at ACPS.

Animal Care and Protective Services Division Response to Recommendation 6: ACPS will provide a copy of any DEA compliance report received regarding controlled substances at ACPS.

OIG Recommendation 7: In addition, the OIG request that the Administration advise the OIG if any subsequent personnel action(s) (including all outcomes) is taken as a result of this investigation.

Animal Care and Protective Services Division Response to Recommendation 6: ACPS will advise the OIG of any personnel action(s) resulting from this investigation.

cc: Sam E. Mousa, Chief Administrative Officer
Stephanie Burch, Director, Neighborhoods Department
Devron Cody, Division Chief, Animal Care and Protective Services