

AUDIT REPORT – Animal Control Services April 2023



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Fort Smith Police Department Animal Control Report

Background

The City of Fort Smith contracted with Fort Smith Animal Haven Shelter (formerly named Kitties and Kanines Animal Shelter and **is not** associated with Kitties and Kanines Clinic) in 2019 to serve as the City Animal Shelter. The shelter is required to follow all Fort Smith City Code of Ordinances related to animal control. Should the shelter not accept animals for three (3) consecutive days or more, then for each day beginning with the fourth (4th) day the City shall receive a credit of one-thirtieth (1/30th) of the Monthly Fee for each day the shelter does not accept an Animal (the "No Vacancy Credits").

The shelter is required to document the holding period and basis for euthanizing any animal(s). The shelter is required to also collect specific fees required by the City and for after hour fees when a shelter receives an animal from a citizen, including the weekends.

The City will then pay ten dollars (\$10) per animal per days two (2) through five (5), except for instances where an animal is impounded at the shelter in connection with Section 4-7 and Article III of the Fort Smith Code of Ordinances related to animal control. For impounded animals, the City will continue to pay a daily fee of ten dollars (\$10) per day per animal after day five (5) until the Fort Smith Police Department, in writing, directs disposition of the animal.

The City will also pay for veterinary services incurred for an animal needing medical services during the first five (5) days of the animal's impoundment. A detail report of costs for the animal with a certification that the costs were incurred within the first five (5) days of the animal's impoundment must be available to the City for reimbursement to be paid. The City is not responsible for any fee, service charge, or similar expenses after the fifth (5th) day, except for continuing treatment identified on intake and approved in writing by the Fort Smith Police Department.

From October 2019 through January 2023 the City has paid approximately **\$2,764,278** to the Shelter. The shelter is required to provide monthly to the City a monthly report with specific impoundment information.

AUDIT SCOPE AND OBJECTIVES

The scope of the audit focused on charges to the City for vetting, days two through five and outside vet costs. Additionally, charges for euthanasia's, laws/protocols, and animal quarantine/cruelty/holds. Our audit objectives were as follows:

1. Determine if the City was correctly charged for animal services by the Shelter and according to the contract.
2. Determine if the cruelty, quarantined, hold, etc.... charges to the City are monitored for correct charges by the Police Department.
3. Determine if the City was correctly charged for animal services by the Shelter for animals received by Animal Control.
4. Verify the City received the correct Animal Control Impoundment fee/citation fee

Findings

It is the responsibility of the Shelter to accurately charge and report the information to the City for allowable expenses and charges/fees. The money the Shelter receives from the City is paid from General Fund Unrestricted Revenue, Tax Revenue. Internal Audit reviewed the contract, requested information and tested periods January 2022 through July 2022. Additionally, Internal Audit took random samplings from years 2019, 2020 and 2021.

During the Shelter audit, IA identified areas that need significant improvement. These include instances of the Shelter overcharging or inappropriately charging and where the Shelter is not adhering to animal control laws/protocols. The following areas were identified:

- Overcharging for medication(s). Shots/vaccinations already included with the first day of vetting were charged to the City. Additionally, inappropriate charges to the City for animal(s) that according to the animal record(s) did not receive or did not need the medications, shots, and/or vaccinations.
- Overcharging for medication(s) for animal(s) that did not receive and/or the complete treatment.
- Overcharging for vetting and/or daily fee for animals that did not stay the number of days indicated in the spreadsheet. Furthermore, inappropriate charges to the City for animal(s) that were not in the Shelter's care at the time of the charge.
- Overcharges for euthanasia not consistent with the weight of the animal(s).
- Did not credit the correct amount due to the City for Animal Control Impoundment fee/citation fee. The invoices submitted for payment only reflected a total credited amount to the City of approximately **\$1,989**. In 2022, the City should have received an approximate **\$2,375**. The City did not receive any credit in 2019, 2020 and 2021, however the report identifies that the City should have received approximately **\$750** in 2019; **\$4,234** in 2020; and **\$2,965** in 2021.
- Overcharges for Outside Vet charges according to the information provided that were not within the guidelines for reimbursement. Shelter charged/invoiced the City for ringworm test and cremations
- Inappropriate charges to the City for animal(s) that were not vetted by the Shelter or received the services by the Shelter.
- Inappropriate charges to the City for animal(s) that do not exist according to Shelter Luv.
- Inappropriate charges for excessive days where the animal(s) was not placed on quarantine, a hold, and/or cruelty.
- Inappropriate duplicate charges to the City for animal(s) that were already charged and who received medications/shots.
- Inappropriate charges to the City for animal(s) that were not a cruelty case when the animal(s) were first brought to the Shelter by Animal Control. The animal(s) were available for adoption and almost four months later the animal(s) were placed on hold for cruelty case with three other animal(s) that were brought to the Shelter by Animal Control. Approximately **\$1700** total for two animal(s) in Shelter care June 2022 with \$443 in question for outside vet care in October 2022.
- Shelter does not provide support for animals held and charged to the City additional fees due to owner cruelty issues.
- Shelter does not provide support for the impoundment fees.
- Animals were euthanized and/or rabies shots outside of the required Arkansas laws/protocols.
- Animal Control Intake Forms were not completed with all required information,

including if the animal is to be quarantined, placed on hold, owner cited, etc. and why the animal has that requirement.

Observations

During the course of the audit of the Shelter, IA noted the following:

- O.1 Anima(s) on stray hold for multiple months but no information for extended hold was documented.
- O.2 Animal owner was arrested and animal brought to shelter, owner was released and it appears several months later fostered the dog and then adopted his own animal. The animal was also heartworm positive and did not receive treatment until eight (8) months in shelter and was fostered by its owner.
- O.3 Animals were euthanized and/or rabies shots outside of the required Arkansas laws/protocols. If an animal is placed on quarantine, hold, etc. by Animal Control ensure that the proper procedures are followed by the Shelter for euthanasia and/or rabies shots.

Recommendations

1. Upon receipt of the monthly intake invoice from the Shelter, a random sampling at a minimum should be taken to ensure the following:
 - The animal is in ShelterLuv
 - The animal was an owner surrender from a Fort Smith citizen or Animal Control.
 - The animal received the appropriate shots/vaccinations required with the first day of vetting. If not the City should not be charged or pay the full amount if the animal does not received all shots/vaccinations.
 - The animal received the treatments and/or medications. The City should not be charged until the treatment is complete. Upon completion the record should be attached to support the charge.
 - All outside vet invoices should be reviewed and any charges questionable researched and documented with the resolution. Additionally, any charges that are part of vetting be subtracted from the invoice, or the first day vetting charge be deducted for that charge. The City should not pay a charge that is already included in the first day vetting fee.
 - Ensure that the animal actually was received at the Shelter. If the animal is taken to a local vet for medical care and afterwards not taken to the Shelter (i.e. euthanized, returned to owner), the City should not be charged for the first day of vetting or additional days.
 - The PD should verify the cruelty, holds, quarantine, etc. charges back to the animal control log recently implemented to ensure that the City is charge the correct amount and days. The Shelter should be attaching the information to the invoice and if not attached the PD should request it from the Shelter.
 - The PD should verify the impoundment animals (owners receiving citations) by reviewing their recently implement animal control log and track the animal disposition and verifying the City receives the credits it is supposed to receive.
 - Animal Control Intake Forms should be completed with all required information, including if the animal is to be quarantined, placed on hold, owner cited, etc. and why the animal has that requirement.

- If an animal is euthanized while under quarantine, hold, cruelty, etc. the PD should research the incident and obtain the document to verify the proper laws were followed and the reason for the euthanasia was justifiable. Additionally, this includes giving rabies shot to an animal under quarantine.
- Verify the animals placed at the Shelter because the owner was arrested, not related to an animal violation, the City was charged correctly and not as a cruelty or quarantine.

During the Shelter Audit, IA discussed with the Animal Control division some of the areas identified above, who then took initiative to identify what changes were needed to strengthen the process. The Animal Control SGT. notified IA regarding the animal control logs that were created to help monitor animals taken to the Shelter for quarantines, cruelties, holds, etc. in order to verify the City was charged accurately and appropriately.

IA would like to thank the Animal Control division and Command personnel involved with the audit for the open discussions and collaboration to improve the policies and procedures.

Managements Response(s):

Upon meeting with Internal Audit, the discrepancies and recommendations discovered during the audit were discussed with the intent on providing improved documentation and a more efficient documentation process. ASU Supervisor, Sgt. Brents, began working on an improved intake form that contained more information and provided for acknowledgement from shelter staff upon intake. Further, Capt. Milam met with shelter director Rick Bennett about deficiencies in reporting of shelter activities subject to payment from the City of Fort Smith. An ongoing process to ensure accurate documentation is kept by the shelter was started, beginning with the intake form followed by ShelterLuv documentation accuracy. Animal Services supervision will monitor the progress and recommend changes if needed. Finally, a surprise inspection by FSPD officer or supervisor unrelated to the Support Services Division was implemented to occur on a biannual basis, maintaining record of this inspection for three (3) years.

With reference to the recommendations on monthly invoice review, a central records clerk was assigned the task of reviewing each monthly invoice. This initial review is to gather intake date/time, disposition of the animal, shelter charge, medical history, fee charges, and outside medical expenses incurred. After review it will be submitted to the Division Commander for review and reporting of discrepancies found. FSPD began this process with the February 2023 invoice submitted on March 20th. The clerk met with Internal Audit staff to learn to operate the ShelterLuv program and what to look for during the review. This clerk will review each transaction and submit to the division Captain for the next five months, who will then ensure proper change has occurred. Once FSPD command is satisfied with the financial reporting, the clerk will switch to a sample of 20% to review for accuracy.

Assessment of Response:

Management's response, as presented, sufficiently addresses the issues identified and corrective actions are appropriate

The observation of a violation of state law (O. 4) was not reported to the Police Department for investigation. AR 5-62-102 defines euthanasia as: “the humane killing of an animal accomplished by a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death, and administered by a licensed veterinarian or a euthanasia technician licensed by the US DEA and certified by the Department of Health”. All FSPD animal wardens are, or soon will be, certified to as described by law. Further, AR 5-62-109 gives immunity from prosecution of animal cruelty to Veterinarians or persons acting at the direction of a licensed veterinarian in AR. I find no other laws regulating euthanasia procedures, only certifying and defining the practice. The procedures for animal wardens are outlined in SOP and have been vetted by Internal Audit. These practices are currently in practice. If such violations did occur, IA should present those findings for investigation and submission for prosecution.

Additionally, the observations in O.4 referencing violation of rabies related state laws were not reported to the police department. However, the ten (10) day quarantine period for observation of an animal for rabies symptoms is within AR 20-19-307. IA provided protocols for Rabies vaccination from the AR Dept of Health and Euthanasia protocols from the Humane Society of the United States. All protocols listed in these two documents were either followed by current PD Standard Operating Procedure or were not applicable to Animal Services Unit operations. Further, the FSPD does not have jurisdiction to enforce the AR Board of Health rules nor are we bound to Human Society protocols. Of note, the FSPD was specifically discouraged from taking enforcement action during the COVID-19 pandemic in regard to their rules for masks and social distancing even after enforcement was made possible only through emergency declaration.

Implementation Date: May 1, 2023

Management Responsible: Capt. Milam

Assessment of Observation Response:

While observations do not require management’s response, they do not sufficiently address the issues identified. The observation information was taken out of context. IA contacted the PD and explained that the observation was taken out of context. IA did not personally witness the Rabies vaccination on quarantined animals, nor did we witness the euthanasia’s. The observation was based upon information in ShelterLuv and Animal Control placing an animal on hold, quarantine, etc. for a specific reason (i.e. bite case, cruelty, etc.) and that Animal Control should monitor the animal to verify that the proper protocols are followed until they release the animal from those requirements to the Shelter. IA did not state that Animal Control was bound by Humane Society protocols, nor did they have the jurisdiction to enforce the AR Board of Health rules. IA observation noted was based upon Animal Control Services placing a stipulation of an animal to the Shelter to follow until released. PD did not remove or amend their response to the observation.