

**Statement of Jim Ludwick
To the Office of the Inspector General
March 27, 2015**

EIGHT YEARS AGO, a little dog named Lienda was turned over to a city animal shelter. There was something medically wrong with Lienda, and its owner could not afford the expense of veterinary care.

Our staff fell in love with Lienda. They believed Lienda was so cute that she could easily be adopted if they could only save her life. It appeared there was an intestinal blockage. Our veterinarians discussed it, and they decided to operate on Lienda to see if the blockage could be removed. If not, the plan was to euthanize Lienda; she would not wake up from surgery.

Dr. John Romeo performed the operation, and he was able to save the little dog. It was a good day for our veterinary team. “Wagging tail,” a medical note said as Lienda began to recover from surgery. And just as expected, Lienda was quickly adopted into a loving home.

Three months ago, Lienda was horribly killed by a pit bull named Pappy, who had recently been released from a city animal shelter despite a history of aggression and repeatedly failing behavioral tests. During the attack, Pappy also bit Lienda’s owner when she tried to save her beloved little friend.

After the killing, Pappy was returned to the animal shelter, and I personally put him on a euthanasia list for public safety reasons. However, by the end of the day, Pappy had been removed from the euthanasia list on orders of the department director. Later, the director approved giving Pappy to a rescue group, who recently arranged for Pappy to be adopted by a family living on the West Side of Albuquerque.

Pappy was one of 215 dogs who left our animal shelters last year after failing a national-standard behavioral test that reveals dangerous tendencies. Eighty-three of those dogs were reclaimed by their owners; there is little we can do about the reclaim of owned pets. But 100 of the dogs were adopted into households, and 32 of the dogs, like Pappy, were turned over to

rescue groups. The live exits accounted for 18 percent of all behavioral test failures. Still another dog who failed the behavioral test is listed on our kennel records as “missing.”

In conversations with me and others, the department director has belittled this issue, including the killing by Pappy and the biting of the owner. She says we should not be concerned if a dog in our shelters has a history of killing, especially if the victim was a small dog. We should become concerned only if the animal has killed large dogs, she told me and an animal-control lieutenant during a meeting in her office about two weeks ago.

In the past several years, our department has achieved successes on many fronts, and there are good reasons for the staff and the public to be pleased. But in reducing our euthanasia rate, mistakes have been made, and not enough has been learned from those mistakes. Our responsibility is not just to the animals staring us in the face as they stand in our cages. We have a responsibility to the animals and children who are out of sight and out of mind as we consider whether we will unleash dogs like Pappy. I believe our department has been negligent in handling that responsibility.

This is an issue that should be considered by the broader community, not by a small number of insiders, behind closed doors at the Animal Welfare Department, during meetings and conversations that are never revealed. That is why I am coming forward with this information, and why I am providing 1,079 internal memos, along with 190 pages of basic kennel records, that shed light on every instance last year when a dog was adopted or given to a rescue group after failing a standard behavioral test. Some of the cases are more dramatic than others, but I am unveiling the entire array of documents so that people can see the full picture and reach their own conclusions. I am proud to be joined in this effort by Carolyn Hidalgo, our department’s principal expert on dog behavior, who is providing her own statement separately.

HERE ARE SOME OF THE CASES you will see as you review the documents:

- LuLu, a pit bull, failed behavioral tests three times. She was sent to foster care, but she killed the foster caregiver’s Chihuahua. She bit one of our shelter employees, then a month later bit another of our employees. LuLu was sent to the Lucky Paws adoption store at the Coronado shopping mall. She was adopted.
- Sydney, a German shepherd, failed a behavioral test because of aggressiveness. “Lunged, barked, showed teeth,” a note said. Sydney was adopted afterward, but she was returned when she bit a 5-year-old girl and a 5-year-old boy. She was tested again and failed for being aggressive. Then she was adopted.
- Tiger, a pit bull, was “animal aggressive, foamed at the mouth and tried to bite a test dog,” a note said. Tiger was adopted. Three days later, an officer was called. Tiger was running in the street, and when the officer tried to catch him, Tiger ran into a group of children at an outdoor party and began growling. The officer told everyone to go inside the house, and he was able to capture Tiger. A few weeks later, an officer was called again when Tiger jumped into someone’s backyard. Tiger was growling and charged the

officer, but was captured. Tiger was declared dangerous and was returned to the owner as a reclaim.

- Kobe, a Labrador Retriever, was considered “very aggressive. ... He is a bit scary,” a note said. Kobe was taken to an off-site adoption event. Kobe “went after a little girl and tried to bite her through the cage even though she was about 2 feet away from the dog,” a note said. Kobe was formally evaluated, failed the behavioral test and was put on a euthanasia list. But he was removed from the euthanasia list, and by the Christmas holidays he was at the Lucky Paws adoption store in the Coronado shopping mall. “He is not fond of children,” a note said, and four days before Christmas, another note said that Kobe “is now lunging at the glass even with his partition up, barks at people when they look into his kennel, he lunges at small children in his kennel when they peek over, and becomes highly fixated on other dogs when on walks (predatory behavior).” He was given to a rescue group.
- Bruno, a pit bull, “is going crazy in kennel. I tried to get him out and he bit my hand twice,” a note said. Another note said that Bruno “almost bit me. ... He started charging other kennels and biting at the fence. ... This dog appears frustrated in kennel and has a very good chance of biting someone.” He was adopted.
- Smokey, a Rhodesian ridgeback, was adopted but was returned two hours later, after trying to kill the family cat. He was considered food aggressive, growled and snapped at an employee, and “should most definitely NOT go home with any children,” various notes said. We gave Smokey to Animal Humane New Mexico.
- Sadie, a pit bull, earned a harsh note in her file after failing a behavioral test. “Dog is very animal aggressive!!! Immediately went to attack other dog when she saw the other dog,” the memo said. Sadie was adopted two days later.
- Slate, an Australian cattle dog, earned this warning: “no small children or rough big kids. He also doesn’t like men.” And Slate apparently wasn’t fond of women either. He bit a woman on the face at our animal shelter, and he tried to bite another woman as well. Slate was given to a rescue group.
- Stackx, a pit bull, failed the behavioral test due to animal aggression. He tried to bite the assessor, then he lunged at another dog, snapping, barking and fixated. He was adopted two days later.
- Oden, a pit bull, was adopted by a family but was returned the same day. At the family’s home, Oden leaped from the floor at the father and bit the man’s arm. He snapped at a grandson, and he went after horses in a field. Back at the animal shelter, Oden failed a behavioral test by trying to bite the assessor on three occasions. He was adopted.
- Tanuki, a Siberian husky, was returned by an adopter when he killed a neighbor’s cat and was aggressive with a baby. He failed a behavioral test. Then he was adopted, but he was returned after attacking a dog and a cat. Tanuki went to a rescue group.

- Taz, a pit bull, injured three employees who were moving him out of his cage. He was “biting and chewing on the fence and pushing at the gate with all teeth showing,” a note said. “Taz aggressively grabbed one employee by the hand at the gate, leaving a small abrasion. Taz attacked another staffer by the leg, grabbing the pants, and tried to yank him into the kennel. ... The third employee was injured by the gate as Taz yanked his arm. ... He also took blankets that he could yank out of the kennel on his way past other dogs, attacking their cages aggressively.” When an attempt was made to conduct a behavioral test, it had to be stopped for safety reasons, and the leash was left on Taz because it was too dangerous to take it off. Taz was adopted.
- Mia, an American bulldog, was surrendered to the animal shelter for attacking and killing a dog. She was adopted five days later.
- Mamba, a boxer, was surrendered to the animal shelter for killing a puppy. Mamba was adopted 18 days later, and was returned because of behavior problems.

THE RELEASE OF VOLATILE DOGS from our shelters is part of a larger history.

A little over two years ago, a news reporter inquired about our practices regarding officially designated dangerous dogs that are owned by people living in Albuquerque. The reporter had been told that our department was not vigorously checking to see if the owners of dangerous dogs were maintaining the insurance coverage that is required by law. As I looked into the issue, I discovered a much wider array of problems.

City law authorizes the Animal Welfare Department to oversee dangerous dogs that are privately owned. When a dog is officially designated as dangerous under provisions of a city ordinance, the owner of the dog must comply with numerous requirements in order to keep the dog. There is a requirement of insurance that would provide at least \$100,000 in coverage for injuries caused by the dog. There are restrictions regarding secure fencing, transport, usage of city parks, access to children, the sale of the dangerous dog, and other issues. The Animal Welfare Department is empowered to inspect the property at any reasonable time and review compliance with these requirements. Dogs can be seized, remedial measures can be ordered, training for the dog can be required and other steps can be taken as a result of monitoring by the Animal Welfare Department.

The law requires us to maintain a database about dangerous dogs. The database must include the microchip number; a description of the dog; the address of the owner; the name of the owner; and the date of birth of the owner. This information has to be maintained in the database for 20 years, and the database must be available to the public. In addition, the department’s Web site can be used to list the dangerous dogs, along with their addresses, to keep the public informed.

When I investigated the issue, it turned out that our department had been doing almost nothing to keep track of dangerous dogs. The department did not even have a clear understanding of which dogs throughout the city had been designated as dangerous. There was no tabulation of

such dogs in our paper files or computer records, except for a list on our Web site, which was significantly incomplete and inaccurate. We did not have the database that was required under city law. We did not have some the information that would be needed to create the required database. We had no evidence that owners of dangerous dogs had continued to maintain their insurance policies, if they ever had insurance coverage in the first place.

In cases where we knew about dangerous dogs, some of the dogs had not been checked for years. When this problem came to light, officers were assigned to systematically locate and review every dog on our Web list, and the officers found previously undetected problems in a huge majority of the cases. There were vacant homes, insurance shortcomings, missing dogs, people who had moved, people who said they had given the dangerous dogs to new owners.

We began trying to construct proper records, creating the required database with the help of paper files that were available in many of these cases. However, there was no assurance that our paper files were complete. I believed that an unknown number of dangerous dogs had probably dropped out of sight because of the way our records had been handled. I eventually found six of those dogs with the help of computerized data. One of the dogs had been living in a home that had a baby in the family. Another was a pit bull that had been declared dangerous after it attacked a dog that was chained to a tree in someone else's yard. Still another was a pit bull that had killed a little dog after breaking through a wooden fence. The pit bull had been photographed with the little dog still in its mouth. These were dangerous animals we had not been monitoring.

My conclusion was that our department had failed to protect the public from dangerous dogs in the manner envisioned by lawmakers. Some of the harm was irreparable, because of the condition of our records. People had been misled about real and present dangers, because our Web site contained inaccurate and incomplete information regarding the whereabouts of dangerous animals. There had been a violation of the law in the failure to create the required database. The public had not been guaranteed the financial safeguard of insurance coverage in the event of injuries, because there had been inadequate oversight of the coverage maintained by the owners of the dangerous dogs. There had been no ongoing effort to make sure landlords knew about dangerous dogs that were kept at rental properties, another aspect of the law.

City law had cleared the way for the Animal Welfare Department to demand inspections of properties at any time; seize dogs that were being carelessly handled; arrange for humane euthanasia if appropriate; impose remedial measures; require owners to submit to educational requirements; require socialization classes for dogs from time to time; review the restraint of dogs, including the safety of fencing; monitor the custody and conveyance of dangerous dogs; and protect young children from dangerous proximity to these animals. But our department had made no serious attempt to carry out such work, and in fact we did not even know which dogs were dangerous because we had not been keeping a comprehensive list.

I duly reported everything I have stated here, and I attempted to identify responsible parties within our department so we could pursue discipline. No one was ever disciplined. We made an attempt, but we were unable to prevail within the city personnel process. We did what we could to clean up the mess in our dangerous-dog program, and the public never found out about it.

Separately, I recommended that we increase the amount of insurance that is required when people keep dangerous dogs at their homes in city neighborhoods. I contended that the insurance requirement was too low to indemnify victims in the event of a tragedy. The insurance requirement can be increased at the discretion of the mayor, without the need for legislation. My proposal drew support from the city's Risk Management Division, but the insurance requirement was never changed. I continue to believe it enables irresponsible ownership of dangerous dogs and it adds to the risk for innocent families, especially when combined with animal-shelter practices that are putting vicious dogs back into the community.

A PIT BULL NAMED MUGSY MALONE was officially declared dangerous even before he attacked a 3-year-old girl. The dog has twice come and gone from our animal shelters. The attack on the child was not enough to warrant euthanasia under our practices. Neither was the fact that Mugsy Malone killed a small dog, and also bit a man in our own facility.

Mugsy Malone first arrived at our shelter in 2011. He was adopted almost immediately.

Ultimately, the adopter gave custody of the dog to a person living in an apartment complex. It was clear Mugsy Malone was volatile. The new caregiver later claimed that he always checked to see if other dogs were present before he would let Mugsy Malone go outside into a common area.

One day, while Mugsy Malone was outdoors, a man came along with a small dog. "No, no! Close the gate! Don't come in!" the caregiver yelled. But it was too late. Mugsy Malone saw the dog and killed it, even as the owner of the dog tried to save his little friend by fighting Mugsy Malone to no avail.



Mugsy Malone was declared to be a dangerous dog. Then, last year, he saw a little girl playing outside. Mugsy Malone ran to the little girl and attacked her, grabbing her on the face. The father leaped into the attack and tried to pry the dog's mouth from his daughter's face. The father grabbed a rock and began hitting Mugsy Malone on the head to save the child.

The girl was taken to a hospital, and Mugsy Malone was taken to the West Side Animal Shelter and later to a veterinary clinic. At the clinic, while the dog was being sedated, an officer had to stand by Mugsy Malone, holding him with a cable stick until the dog passed out.

Back at our animal shelter, about six weeks later, a volunteer decided to take Mugsy Malone for a walk. The volunteer reached into the kennel so he could put a leash on the dog. Mugsy Malone bit the volunteer's arm and scratched the volunteer with his teeth. The volunteer was taken to our clinic, where the volunteer's arm was scrubbed for about 10 minutes before being

bandaged and wrapped. A note was added to the dog's file, advising that Mugsy Malone should not be walked by anyone, to avoid another incident.

Mugsy Malone was eventually moved from our regular kennels into an outside pen.

In September 2014, he was given to Fur and Feather Animal Assistance of Pie Town.

Just before Christmas, the two founders of Fur and Feather were admitted to a hospital after they were attacked by one of the unadoptable dogs they have taken into their care. Funds are being raised through a Web site to help with their expenses.

THE FIRST TIME WE SAW PAPPY, his name was Scrappy. The name was changed to Pappy for marketing reasons.

Pappy had a rough beginning and was brought to our shelter as a confiscation. But he twice failed behavioral tests; he was clearly aggressive with other animals.

Pappy was slated for euthanasia, but he was removed from the euthanasia list on two occasions by the director. On three other occasions, "holds" were placed on Pappy. A hold effectively blocks euthanasia for a period of time, often at the request of a shelter volunteer who is working with the dog to improve its adoptability. Two holds on Pappy were placed by a shelter volunteer; the third hold was placed by the director.

Pappy was adopted by a young man living in a four-plex, a row of side-by-side housing units extending across the back of a small parking area near Juan Tabo and Lomas NE. Lienda, the small dog saved by our surgical team eight years ago, was happily living in one of the other units.

I talked with the young man, and he told me he had no idea that Pappy was so volatile. He said he was told at the animal shelter that Pappy might cause problems around large dogs, but there should be no trouble if Pappy came in contact with small dogs. His girlfriend backs up this account. The young man said he later was told that Pappy had been a "project dog," and there was a desire to find a home for Pappy as quickly as possible. A "project dog" is an animal that is on hold for a limited period of time while someone tries to ensure a successful adoption; it is true that Pappy could have been considered a project dog, because Pappy was under a hold placed by the director.

Within weeks of taking the dog home, there was tragedy. The adopter was loading the dog into a car, but Pappy saw little Lienda and rushed over to kill her, biting Lienda's owner in the process. It was horrible, the adopter told me. He claimed he would never have taken Pappy if he had fully understood the dog's history of aggressiveness.

Immediately after the death of Lienda, he brought Pappy back to the animal shelter and asked for a receipt that would prove he no longer owned the dog.

When Pappy was returned to the animal shelter, I talked with the director and told her that Pappy could never leave again and would have to be euthanized. She was reluctant. I told her I

would put the dog on the euthanasia list myself, so she would not have to do it. I went to the office of the kennel supervisors, found the latest list, and added Pappy to the euthanasia schedule, making sure a kennel supervisor knew I had done it.

Pappy was removed from the list by the end of the afternoon.

Then a shelter volunteer began looking for a way to get Pappy out of our custody. Ultimately, the director agreed to let the volunteer take Pappy out of our facility and drive him to Santa Fe, so Pappy could be turned over to a rescue group there.

Pappy did not do well in the custody of the rescue group. He had conflicts with other dogs, and soon the volunteer was asked to get Pappy out of the rescue group's facility. Pappy was placed in a private boarding kennel while the rescue group continued to seek an adopter.

We later heard that Pappy had returned to Albuquerque and was living with a family on the West Side.

The director is defensive when the subject of Pappy comes up. She told me that she blames the young adopter for the killing of the dog, because he should have kept Pappy under better control. The little dog somehow contributed to the problem, in her view, although I have never heard this explained. She does not believe Pappy should be blamed for the killing, because he simply is a dog with high prey drive, she says. The biting of Lienda's owner should also not be held against Pappy, because it was a secondary attack when the woman interfered with Pappy's understandable prey drive, the director says. Also, the Animal Welfare Department is not responsible for the fact that Pappy is back in our community, because we had nothing to do with the adoption; it was the work of the rescue group, she says.

My own view is that precious little Lienda was killed by the Animal Welfare Department. Pappy was merely the instrument of our negligence, public endangerment and dereliction of duty. The same thing will be true of any further tragedy that results from Pappy's return to our community.

The irony is that sparing Pappy did not even produce a net savings of a life. We can pretend we saved a dog, but another dog died instead of Pappy, and the death was not through humane euthanasia.

A DECADE AGO, I stood with Mayor Martin Chavez at the hospital bedside of Angel Martinez. Angel, 10 years old, had saved his little sister when she was attacked by two large dogs. His heroism carried a terrible price: more than 30 bites and a mauling that could have ended his life.

Chavez was moved by the story. He spoke with me about his compassion, his anger and what he would do about it. Any child in our city should be able to play outdoors without being attacked by dogs, Chavez told me. He said he would develop a new law aimed at regulating the ownership of dangerous dogs.

The mayor kept his promise, and now there is a city ordinance known as "Angel's Law." It is the foundation of city policy regarding dangerous dogs at private homes.

Chavez is gone from City Hall. It is the nature of government that his law and his vision were not shepherded through the years as Chavez would have hoped.

It is the nature of government that a dog can be saved by the skill of our surgical team, only to die horribly under a new policy.

It is the nature of government that we can improve our animal-shelter statistics by releasing volatile dogs, even as we are discussing why we will be blameless when the dogs predictably attack beloved pets.

It is the nature of government that we can focus on the short-term picture and happy stories, without thinking of the harm that is not in our immediate line of vision.

It is not a success, and it is not responsible, if we show sympathy for the dogs we see in person at our animal shelters, but have no concern for creatures we do not actually meet: the pets and children, out of sight and out of mind, who might pay the price if we unleash the dogs we should euthanize for public safety reasons.

There are people who see these volatile dogs and want to save them all. I say that the road to hell is paved with good intentions.

I do not insist that we hate the dangerous dogs in our animal shelters. Love them, mourn for them and hold them blameless. But we cannot let them leave.