

**Audit of the Orange County
Animal Services Division
Dangerous Dog Compliance
Program**



**Phil Diamond, CPA
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Orange County, Florida**

www.occompt.com



**Report 469
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OFFICE OF THE COMPTROLLER

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June 13, 2018

Teresa Jacobs, County Mayor
And
Board of County Commissioners

We have conducted an audit of the Orange County Animal Services Division Dangerous Dog Program. The audit was limited to a review of the Animal Services Division's compliance with Section 5-32 of the Orange County Code relating to dangerous dogs. The period audited was January 2010 through December 2015.

We conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Responses to our Recommendations for Improvement were received from the Assistant Director of the Health Services Department and are incorporated herein.

We appreciate the cooperation of Animal Services Division personnel during the course of the audit.


Phil Diamond, CPA
County Comptroller

c: Ajit Lalchandani, County Administrator
Dr. George Ralls, Deputy County Administrator, Public Safety and Health Services
Dil Luther, Manager, Animal Services Division



Why This Audit Is Important

The Orange County Animal Services Division (Division) is responsible for regulating the possession, ownership, care, and custody of animals in the interest of the health, safety, and welfare of Orange County citizens and animals. The Division is required to investigate incidents involving dogs that may be considered dangerous to protect public safety. If dangerous dogs are not adequately investigated and monitored, additional injuries could result to unsuspecting members of the public.

The Objectives of Our Audit

The objectives of the audit were to determine whether the Division adequately:

- Monitored each registered dangerous dog owner's compliance with the requirements of the Orange County Code (Code); and,
- Investigated recorded dog bite complaints that caused injuries which were classified as severe.

What We Found

Dangerous Dog Investigations Were Not Always Completed (Page 9)

Dangerous dog investigations were not completed for every dog bite that caused what appeared to be a severe injury. The Division allows bite victims to stop an investigation by declaring that he/she does not want the Division to conduct a dangerous dog investigation. We noted four instances where a dog subsequently bit another person after the Division chose to suspend a dangerous dog investigation at a victim's request.

Annual Renewals Were Not Completed Timely (Page 12)

Forty-four percent of the annual dangerous dog registration renewals required by the Code were completed more than one month late. In addition, six of the 78 required renewals were never completed by the dangerous dog owners.



Responsible Pet Ownership Classes Not Completed (Page 13)

The Division could not provide documentation in 41 percent of the selected cases to show that dangerous dog owners had completed the required responsible pet ownership class. The Division did not issue citations to the owners who failed to complete the required class.

Owners Moving Dangerous Dogs Without Notification Not Always Cited (Page 14)

The Division discovered that seven dangerous dog owners moved their dogs to different residences without notifying the Division. Once located, three of the seven owners were never issued citations.

Multiple Citations for Dangerous Dogs Remain Unpaid (Page 15)

The Division does not have written procedures to track court cases related to citations it has issued. We noted that citations remained unpaid in 41 percent of 111 dangerous dog court cases that we identified for the audit period. The total amount of these unpaid citations exceeded \$19,000, and some citations have remained unpaid since 2008. Our review showed numerous owners have received multiple citations related to the same dangerous dogs where the citations remain unpaid, and the Division has taken no additional action. It also appeared that some court cases were not adequately monitored and followed up by the Division.

Dangerous Dog Fees Have Not Been Adjusted (Page 18)

The Division has not complied with the Code's inflation adjustment provision for dangerous dog registration fees. An additional \$18,000 would have been collected by the Division during Fiscal Years 2010 through 2016 if the provision had been implemented.



Overall Evaluation (Page 8)

Based on the results of our testing, we found that the Division adequately monitored registered dangerous dog owners' compliance with Code requirements. However, the Division did not adequately investigate reported dog bites that caused severe injury.



INTRODUCTION

Background

The Orange County Animal Services Division (Division) is an animal-welfare focused organization that protects both citizens and animals throughout Orange County. The Division enforces County laws and regulations relating to animal control, animal abuse and neglect, loose and nuisance animals, injured animals, animal bites and attacks, as well as abandoned pets.

The County's regulations related to Animal Services are codified in Chapter 5, Article II, of the Orange County Code (Code). Pursuant to Code Section 5-31, the Division Manager has operational responsibility for overseeing and supervising all day-to-day activities. The Division is required to investigate complaints of alleged violations and, where warranted, issue citations or warning notices requiring that violations be corrected.

The Code provides that the Division is responsible for regulating the possession, ownership, care, and custody of animals in the interest of the health, safety, and welfare of Orange County citizens and animals. Accordingly, the Code requires the Division to investigate incidents involving dogs that may be considered dangerous.

The Code defines a dangerous dog as any dog that, according to Division records; other animal control or law enforcement authorities; or as attested to by sworn affidavit:

- 1) Has aggressively bitten, attacked, endangered, or has inflicted severe injury on a human being on public or private property, including the owner's property other than in defense of the owner, or the owner's home, in response to an action of the person injured or attacked;
- 2) Has severely injured or killed a domestic animal while off the owner's property;
- 3) Has been used primarily for the purpose of dog fighting or is a dog trained for dog fighting; or



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- 4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the Animal Services Division.

After a bite is reported, the Division Manager initially determines whether there is sufficient cause to conduct a dangerous dog investigation. If the Division Manager determines that sufficient cause does not exist, then the case is closed. However, if there is sufficient cause, the Division will conduct an investigation. During the investigation, the dog will be quarantined at the Division's facilities.

If the investigation concludes that the dog should not be considered dangerous, the dog will be released to its owners. If the investigation concludes that the dog should be classified as a dangerous dog, the dog will be held at the Division's facilities until the dog's owner completes the necessary requirements to own a dangerous dog. In the interest of public safety, Code Section 5-32(e) requires the owner of a dangerous dog to pay a registration fee annually, and renew the registration each year thereafter. In addition to the fee, the dog owner or keeper must fulfill the following requirements:

- A) A current rabies vaccination certificate for the dog must be obtained. A current rabies vaccination tag shall be displayed on the dog at all times.
- B) The dangerous dog must be confined in an approved enclosure with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
- C) The dog must have permanent identification such as a tattoo on the inside thigh or electronic implantation.
- D) Unless the dog owner is also the owner of the property where the dog will live, the property landlord must provide written acknowledgment that a dangerous dog will be housed on the property.
- E) The owner must complete the County's responsible pet ownership class.



INTRODUCTION

Audit Scope

The audit scope was limited to a review of the Animal Services Division's compliance with Section 5-32 of the Orange County Code relating to dangerous dogs. The audit period was from January 2010 through December 2015.

Audit Objectives

The objectives of the audit were to determine whether the Division adequately:

- Monitored each registered dangerous dog owner's compliance with the requirements of the Code; and,
- Investigated recorded dog bite complaints that caused injuries which were classified as severe.

Audit Methodology

To determine compliance with the Code, we performed the following:

- Reviewed documentation related to all dangerous dog registrations active during the audit period. This included documents maintained in the Division's dangerous dog files, court case files and the Shelter Management System. We also made inquiries of Division staff.
- Reviewed a sample of 20 bite complaints from the 107 complaints that appeared to fit the criteria for a dangerous dog investigation. For 10 sampled complaints, we reviewed the case files and the related dangerous dog files (if applicable). For all 20 sampled complaints, we reviewed the Clerk of the Courts on-line records and made inquiries of Division staff.



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Overall Evaluation

Based on the results of our testing, we found that the Division adequately monitored registered dangerous dog owners' compliance with Code requirements. However, the Division did not adequately investigate reported dog bites that caused severe injury. Opportunities for improvement are discussed herein.

1. Dangerous Dog Investigations Should Be Conducted for All Reported Dog Bites that Appear to Meet the Dangerous Dog Criteria

The Orange County Animal Services Division (Division) receives dog bite complaints from medical facilities, citizen reports using the Orange County 311 Customer Service Call Center, and calls made directly to the Division. Orange County Code (Code) Section 5-32(a) requires the Division to, "...investigate incidents involving any dog that may be dangerous or potentially dangerous..."

Each complaint received by the Division is assigned to an Animal Services Officer for investigation. Code Section 5-29 defines a dangerous dog as any dog that, "Has aggressively bitten, attacked or endangered or has inflicted severe injury on a human being on public or private property, including the owner's property other than in defense of the owner, or the owner's home, in response to an action of the person injured or attacked." This section defines a severe injury as "...any physical injury to a human being or animal that results in broken bones, multiple/repeated bite punctures, disfiguring lacerations or injuries requiring sutures or reconstructive surgery."

We reviewed over 13,000 bite complaints recorded in the Division's database to identify reported dog bites that met all of the following five criteria:

- The bite was classified as "severe" in the database.
- The reported treatment included stitches.
- The dog owner could be identified.
- The bite report was not associated with a dog that had previously been classified as a dangerous dog.
- The dog was not reported to be deceased.

There were 107 severe bite incidents that met all five of these criteria. We selected a sample of 10 of these bite reports for further analysis. We reviewed the available files to determine whether documentation existed to support the Division's actions taken with respect to the selected bite reports. Our review noted that a dangerous

dog investigation was ongoing at the start of the audit for two dogs that resulted in both being declared dangerous. Two other dogs, relating to one bite report, were surrendered to the Division by their owners. The investigations were stopped by the Division for the remaining seven bite reports after:

- The victim or victim's parent orally requested an investigation not be conducted in two instances; and,
- The victim or victim's parent signed a notarized Declination of Intent (DOI) form provided by the Division for five of the bites.

Division personnel were unsure when they began using the DOI form but stated that the form has been in use for more than five years. Neither the Division's written procedures nor the Code authorize the use of the DOI form.

We further analyzed the population of 107 bite complaints to determine whether multiple bite reports were filed with respect to any dogs included in this population. We found multiple bite reports for 19 dogs where one of the bites required stitches, was classified as severe, and the dog had not already been identified as a dangerous dog. We reviewed bite complaints for eight of the 19 dogs and found four instances where dogs had a second bite after an earlier victim had requested the Division forgo a dangerous dog investigation. Specifically, we noted the following:

- One dog bit three different people within a three-year period—one bite required staples and another required four stitches. Both of these severe bite victims either signed a statement or told Division personnel that they did not want to pursue the complaint.
- The Division reported that an additional dog was not declared dangerous because it was that dog's first offense - although the bite appeared to meet the classification for a dangerous dog. Just over a year later, the dog bit another victim. That victim also informed Division personnel that he/she did not want the Division to pursue a dangerous dog investigation.
- A third dog bit a five-year-old child in the face. The bite resulted in seven stitches. The child's mother stated she did not want any enforcement action taken. The same dog bit another person three years later.



- A 14-year-old child was bitten by a fourth dog and required stitches. However, the child's father signed a DOI form. One year later the same dog bit a 12-year-old child.

Our review focused on bites that Division personnel classified as "severe" in the database. While not recorded as "severe," 405 additional reported bite complaints included treatment descriptions with the words "surgery" and/or "stitches" without a notation of a dangerous dog declaration. Based on the treatment descriptions, these complaints possibly could have resulted in dangerous dog declarations.

All reported instances of a potentially dangerous dog that appear to meet the criteria for a dangerous dog classification should be investigated. Allowing victims or their guardians to determine whether a dangerous dog investigation is stopped could result in additional injuries to members of the public. The Division should review all available facts to conclude whether the investigation supports a dangerous dog declaration.

Recommendation No 1:

The Division should discontinue the practice of stopping a dangerous dog investigation based solely on a victim's request.

Management's Response:

Partially Concur. The Animal Services Division will review the Declination of Intent form with the County Attorney's Office and Risk Management and create a formal policy on its use in a dangerous dog investigation. The Division will also create a procedure that clearly outlines all steps taken in a dangerous dog investigation.

2. The Division Should Ensure Owners of Dangerous Dogs Comply with Registration Requirements

The owner of a dog classified as dangerous must obtain a Certificate of Registration (Certificate) from the Division. The Certificate must be renewed

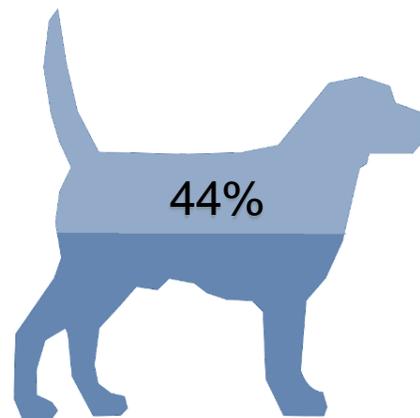
annually. To obtain and renew the Certificate, owners must provide the Division sufficient evidence of the following:

- A) A current certificate of rabies vaccination for the dog. The current rabies vaccination tag shall be displayed on the dog at all times.
- B) An approved enclosure to confine a dangerous dog and a posting on the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a dangerous dog on the property.
- C) Permanent identification of the dog, such as a tattoo on the inside thigh or electronic implantation.
- D) Landlord's written acknowledgment that a dangerous dog will be housed on the property owned by the landlord, if applicable.
- E) Completion of the County's responsible pet ownership class.

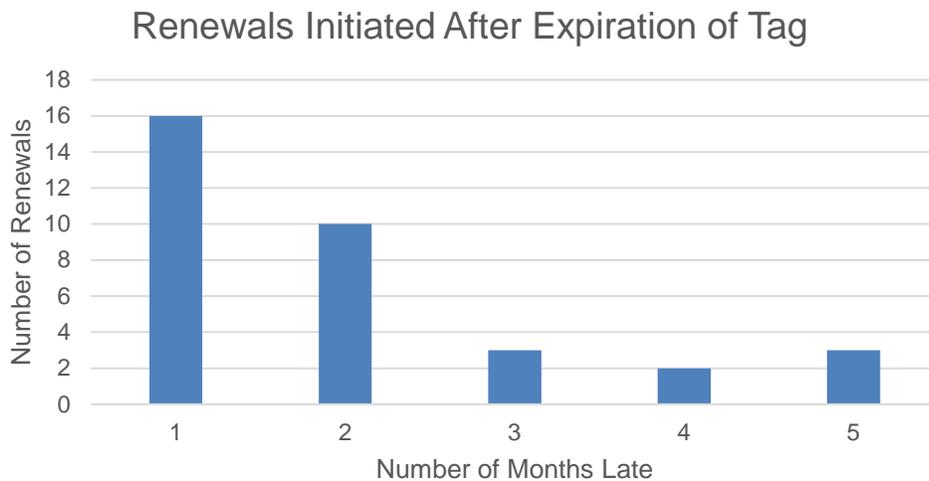
Code Section 5-51(a) allows, an Animal Services Officer, "...who has probable cause to believe that a person has committed an act in violation of this article to issue a citation to the person."

During our review of the Division's monitoring of the compliance requirements of the Code, we noted the following:

- A) Forty-four percent (34 of 78) of the annual renewals required for the 51 dangerous dog certificates issued during the audit period were not timely initiated by either the Division or the owner. The chart on the following page shows the number of late renewal cases and the number of months that passed before action was initiated by the Division.



Additionally, six of the 78 required annual renewals were never obtained. No action occurred between 2011 and 2015 on one of these cases until the previously designated dangerous dog was reported as, "...running loose and killing cats" in a phone call to the Division. None of these six dog owners were cited for failure to complete the annual certification requirements.



- B) The Division could not provide any documentation to evidence that 41 percent (21 of 51) of the dangerous dog owners had completed the required responsible pet ownership class. One of the 21 owners eventually completed the class—over five years after the classification of the dog as dangerous. The Division did not issue citations to the 21 owners who did not complete the required class.



 *Percent of owners who did not complete the required Responsible Pet Ownership Class*

Although dog owners are responsible for annually renewing dangerous dog registrations, the Division should ensure the renewals are submitted timely. If a

dangerous dog owner is not in compliance with the Code requirements, a citation should be issued. Not enforcing Code requirements affects the safety of County citizens and their pets.

Recommendation No 2:

The Division should ensure that owners comply with the dangerous dog registration and annual renewal requirements. A citation should be issued to owners not in compliance with the Code.

Management's Response:

Concur. Animal Services has taken steps to create a policy to ensure renewal notices go out before dangerous dog registrations expire and that citations are issued to owners who do not comply with registration. The Division is also researching the possibility of modifications to the computer system to better track registrations and pet ownership class attendance.

3. The Division Should Increase Compliance Efforts for Relocated Dangerous Dogs

For the safety of the public, the Code requires owners of registered dangerous dogs to notify the Division within 24 hours after a dangerous dog is moved to another address, sold, given away, or dies. In addition, if a dog is sold or given away, the registered owner is required to provide the new owner's name, address, and telephone number to the Division.

During our review of the 51 registered dangerous dogs, we noted the Division discovered that six registered dangerous dog owners and their dogs moved within the County without timely notifying the Division. All of the registered owners were eventually located by the Division. Four of the registered owners were issued a citation for the violation, but two were not. In another instance, a registered dangerous dog owner informed the Division during an annual inspection that the dog was lost out-of-state. Although the owner could not provide sufficient documentation to substantiate the accuracy of the reported event, the owner was



not cited. No documentation was recorded in the file to explain why the three registered owners were not cited.

Registered owners that relocate a dangerous dog within the Division's jurisdictional authority without providing the required notice should be issued a citation unless reasonable cause exists. Citations help mitigate the additional costs incurred for traveling to multiple inspection locations and should help deter future violations.

Recommendation No 3:

The Division should issue citations for owners that fail to notify the Division of a move within 24 hours unless reasonable cause exists.

Management's Response:

Concur. Animal Services has minimal recourse if an owner has moved without notification, especially if the move was outside Orange County, in which case Orange County has no jurisdiction. Locating an owner that has moved without proper notification is extremely challenging. If owners have relocated a dangerous dog, failed to notify the Division as required, and Animal Services is able to locate the owner, the Division will issue citations to the owner.

4. The Division Should Establish Procedures to Track Court Cases Related to Citations Issued

Each owner of a dog classified as dangerous receives a citation from the Division for the incident that led to the dangerous dog classification. Other Code violations at the time of the initial investigation or in the future can result in additional citations for the owner (e.g., no rabies vaccination, failure to renew certificate, etc.). Citations written by the Division are sent to the Orange County Clerk of Courts (Clerk's) Office for processing. The Clerk's Office is responsible for collecting the outstanding balances owed for citations and forwarding the amounts collected to the Division on a monthly basis.



As part of our testing, we reviewed the Division’s follow-up for the citations sent to the Clerk’s Office. We searched the Clerk’s Office public court records for the cases associated with the owners of the 51 dangerous dogs noted during the audit period. We identified 111 court cases related to citations sent by the Division for these dangerous dogs. The total amount assessed for these cases totaled \$42,660. That amount includes fines, court costs, restitution, and fees. Forty-one percent (46 of 111) of the cases still have unpaid assessments—with a total exceeding \$19,000. Some of the amounts have been unpaid since 2008. A breakdown of outstanding assessments is included below:

Year Citation was Issued	Number of cases with unpaid Assessments	Total Unpaid Assessments
2008	4	\$1,299
2009	5	\$1,561
2010	7	\$3,708
2011	4	\$2,888
2012	3	\$906
2013	1	\$288
2014	4	\$935
2015	11	\$5,258
2016	3	\$1,388
2017	4	\$1,422
Total	46	\$19,653

We noted that in some instances the Division monitored and participated in court cases. However, the Division does not have written standards and procedures to track court cases related to citations it has issued. After further review of the court cases, the following issues were identified:

- The Division issued a citation to an owner for failure to comply with dangerous dog requirements and interfering with a Division Officer. During the September 6, 2016 hearing, the Court ordered the owner to pay fines and fees to the Division and provide proof of payment to the Clerk’s Office by October 6, 2016. The Court further ordered that the owner’s driver’s license and all registrations would be suspended if the owner failed to comply with the payment order. We discussed this instance with the Division on January 6, 2017, and Division personnel informed us the owner

- still had not complied. Subsequent to this discussion, the Division contacted the Clerk's Office and requested the driver's license be suspended. The Clerk's Office initiated the suspension of the owner's driver's license on January 9, 2017.
- Numerous owners have received multiple citations related to the same dangerous dogs where the citations remain unpaid and the Division has taken no additional action. For example, one owner has eight court cases with unpaid fees totaling \$3,130 related to citations issued between 2008 and 2017. Another owner has six court cases with unpaid fees totaling \$4,105 related to citations issued since 2009. No subsequent actions have been taken by the Division to enforce these penalties.
 - After an investigation, the Division declared another dog to be dangerous on June 24, 2015. The owner appealed that decision. Therefore, a dangerous dog certificate was not issued at that time. On November 21, 2016, we inquired about the investigation's status and were informed by the Division that it was still under appeal. However, we found that the appeal had already been denied by the judge on October 13, 2015. After we discussed this issue with the Division, a letter was sent to the owner advising that the appeal had been denied. After two inspections of the owner's property in April and May of 2017, the Certificate of Registration was issued—nearly 2 years after the dog was first declared to be a dangerous dog.
 - Two instances were noted where the Clerk's Office initiated action with the Court to dismiss the charges related to citations issued because no action had been taken by the Division or its legal representative in over one year.

Written procedures for the follow-up of citations sent to the Clerk's Office should be implemented. The procedures should address how frequently the court cases are followed-up and include procedures to collect outstanding balances and ensure Code compliance. As noted above, an owner's driver's license can be suspended due to unpaid fees in certain circumstances. Timely follow-up by Division staff on actions taken in court hearings and the collection of amounts assessed by the Court could increase owner compliance and improve public safety.



Recommendation No 4:

The Division should:

- A) Implement written procedures addressing the timely follow-up of unpaid fees and court cases relating to citations issued.
 - B) Work with the County's legal department and the Clerk's Office to identify additional procedures that should be applied for non-compliance.
-

Management's Response:

Concur. Animal Services is not notified by the Clerk of Courts as to how citations are processed through the system, such as appeals, paid in full, etc. However, initial steps to develop the suggested procedures as well as an initial review of any additional resources that may be required to administer a tracking system are currently under way, including working with the Clerk of Courts for case tracking.

5. The Division Should Comply with the Indexed Fee Provision

The Board of County Commissioners resolution that establishes the Division's fees requires that the fees be reviewed each year and adjusted. Resolution 2005-M-17, Section 12, states that dangerous dog fees, "...shall increase October 1, 2006, and each year thereafter on October 1st, by three percent (3%) or the Consumer Price Index-All Urban Consumers, whichever rate is lower..."

We noted that the annual registration fee increased only once from \$500 to \$515, prior to the audit period. However, no other annual fee increases were initiated. The Division informed us that a decision was made that the benefit of annual fee increases would not exceed the costs of implementing the fee. However, as the following table shows, if the Resolution had been followed, the current fee would be \$617.



Fiscal Year	CPI Percent Change Prior Calendar Year	Lesser of 3 Percent or CPI	Annual Increase (Rounded)	Adjusted Fee Amount
2005	Base Year			\$500.00
2006	3.4%	3.0%	\$15.00	\$515.00
2007	3.2%	3.0%	\$15.00	\$530.00
2008	2.8%	2.8%	\$15.00	\$545.00
2009	3.8%	3.0%	\$16.00	\$561.00
2010	-0.4%	-0.4%	\$(2.00)	\$559.00
2011	1.6%	1.6%	\$9.00	\$568.00
2012	3.2%	3.0%	\$17.00	\$585.00
2013	2.1%	2.1%	\$12.00	\$597.00
2014	1.5%	1.5%	\$9.00	\$606.00
2015	1.6%	1.6%	\$10.00	\$616.00
2016	0.1%	0.1%	\$1.00	\$617.00

As a result, the Division has under collected potential revenue. This increases the taxpayers' burden of funding Division operations. Based on the annual increases that should have been in place each year, we calculated that an additional \$18,000 would have been collected by the Division during Fiscal Years 2010 through 2016. Our audit scope did not include the six additional fees¹ the Resolution also requires to be indexed for inflation.

Recommendation No 5:

The Division should implement the inflation adjustments enacted by the Board of County Commissioners.

Management's Response:

Partially Concur. During the economic downturn, County Administration directed that fees should not be increased. Based on this direction, Animal Services has held its fees constant over the last several years. However, the division is in the process of requesting a change to the resolution in order to give them more discretion on fee increases.

¹ Impoundment and Boarding, Disposal/Euthanasia, Veterinary and Additional Medical Services, Commercial Kennel and Pet Dealer Registration, County Trapping, and Violations and Penalties



ACTION PLAN

NO.	RECOMMENDATIONS	MANAGEMENT'S RESPONSE		
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR
1.	The Division should discontinue the practice of stopping a dangerous dog investigation based solely on a victim's request.		✓	
2.	The Division should ensure that owners comply with the dangerous dog registration and annual renewal requirements. A citation should be issued to owners not in compliance with the Code.	✓		
3.	The Division should issue citations for owners that fail to notify the Division of a move within 24 hours unless reasonable cause exists.	✓		
4.	The Division should:			
A)	Implement written procedures addressing the timely follow-up of unpaid fees and court cases relating to citations issued.	✓		
B)	Work with the County's legal department and the Clerk's Office to identify additional procedures that should be applied for non-compliance.	✓		
5.	The Division should implement the inflation adjustments enacted by the Board of County Commissioners.		✓	