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OFFICE OF THE STATE COMPTROLLER

June 18, 2019

Mr. Richard A. Ball  
Commissioner  
Department of Agriculture and Markets  
10B Airline Drive  
Albany, NY 12235

Re: Safety of Seized Dogs  
Report 2019-F-5

Dear Mr. Ball:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law, we have followed up on the actions taken by officials of the Department of Agriculture and Markets to implement the recommendations contained in our audit report *Safety of Seized Dogs* (Report [2017-S-49](#)), issued April 16, 2018.

**Background, Scope, and Objective**

Article 7 of New York's Agriculture and Markets Law (Law) empowers the Department of Agriculture and Markets (Department) to set standards for the humane care of seized dogs and inspect municipal dog shelters outside of New York City. The Law mandates that a dog must be seized if it: is unlicensed; poses an immediate threat to the public safety; does not have an official identification tag while not on the owner's premises; or is licensed but not in control of or on the property of the owner or custodian and is believed to be dangerous. Municipalities that issue dog licenses are required to establish and maintain a shelter for dogs or contract for those services. Municipalities are also required to appoint at least one dog control officer (Officer) or contract with another municipality for dog control services. The Law sets specific time periods that shelters must hold seized dogs, known as the redemption period, during which time the dog may be redeemed by its owner. The minimum period a seized dog must be held is five days. Dogs that are not claimed during the redemption period are put up for adoption, transferred to another shelter, or euthanized. The Law requires that seized dogs be properly sheltered, fed, and watered and receive proper care for the redemption period. Department guidelines specify that seized dogs must be properly cared for, including veterinary care.

The Department performs inspections of shelters to ensure that seized dogs are being treated correctly and held for the appropriate length of time. The Department also

performs inspections of Officers' records and equipment to ensure owners of seized dogs are properly notified and seized dogs are safely captured and transported. Department inspections are typically performed annually but may occur more frequently if necessary, such as when a shelter has received an unsatisfactory rating.

Our initial report, covering the period January 1, 2015 through October 20, 2017, examined whether the Department was adequately overseeing the seizure of dogs to ensure their safety and protect the rights of owners. Our audit found that the Department provided adequate oversight to ensure the safety of seized dogs and protect the rights of owners. The 48 shelters we visited generally provided dogs with appropriate shelter, food, water, and care. However, we identified four relatively minor deficiencies at four of them, including peeling paint, undersized cages, a leaking roof, and recently expired food. We also determined nine seized dogs were not held for the full redemption period at eight shelters. The majority of the instances of premature disposition of the dogs were not identified in the Department's most recent inspection reports for the respective shelters. The audit also found 290 shelter and Officer inspections that exceeded the time frame for completion by 30 days or more, including 100 that followed a prior inspection with an unsatisfactory rating.

The objective of our follow-up was to assess the extent of implementation, as of April 4, 2019, of the three recommendations included in our initial audit report.

### **Summary Conclusions and Status of Audit Recommendations**

Department officials made significant progress in addressing the problems we identified in the initial audit. Of the three prior audit recommendations, two were implemented and one was not implemented.

#### **Follow-Up Observations**

##### **Recommendation 1**

*Review the specific deficiencies we identified and work with the shelters to take corrective action.*

Status - Implemented

Agency Action - The Department subsequently inspected the four shelters we identified as having deficiencies and, as of July 2018, corrective action was taken at the three shelters with minor deficiencies (including undersized cages, a leaking roof, and recently expired food). The remaining shelter, with the deficiency of peeling paint, is currently in the process of building a new facility. Therefore, shelter officials will not be investing resources to fix the existing facility, as it will no longer be used. The new facility will address the identified deficiency.

##### **Recommendation 2**

*Evaluate the current dog record sampling process to determine ways to improve the detection of dogs not held for the required redemption period.*

## Status - Not Implemented

Agency Action - Although the Department has taken steps to ensure seized dogs are held for the proper redemption period, it has not evaluated its sampling process. However, Department officials state they now compare records from the Officers against the municipal records to help them improve the detection of dogs not held for the required redemption period. They have reminded inspectors of the importance of distinguishing on the inspection form between seized dogs and other hold types (e.g., owner surrenders), which have different redemption periods. The Department also updated its Officer and Shelter Standard Operating Procedures (Procedures) – which the shelters must keep as part of their records, along with the veterinarian's written authorization – to note if a seized dog is euthanized before the end of the redemption period.

### **Recommendation 3**

*Take steps to ensure that inspections are completed within the designated time period, particularly those following an unsatisfactory rating.*

## Status - Implemented

Agency Action - The Department has implemented a new process and updated its Procedures to help ensure inspections are being completed in the designated time period, particularly inspections following an unsatisfactory rating. The Department now requires inspection supervisors to maintain documentation for unsatisfactory inspections and review it on a weekly basis to ensure that re-inspections are occurring in a timely manner.

Furthermore, the Department updated its Procedures to require that inspectors re-inspect the shelters at the interval set at the last inspection. For example, if a re-inspection interval is set for 30 days, inspectors are now required to re-inspect within that time period. Also, where inspectors' scheduling attempts are unsuccessful, the procedures now require them to submit a pending inspection report in their inspection database, allowing the Department to monitor these facilities.

Major contributors to this report were Heather Pratt, Theresa Podagrosi, Melissa Davie, Matthew Conway, and Nolan Lewis.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issue discussed in this report. We thank the management and staff of the Department for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Brian Reilly, CFE, CGFM  
Audit Director

cc: Division of Budget  
Michael Grosso, Department of Agriculture and Markets