

MINUTES
Advisory Board to
Memphis Animal Services

MAY 12, 2010

Present were:

Board Members:

Michelle Buckalew, Chairperson
Carol Katz, Secretary
Cindy Sanders
Allen Iskiwitz
Jackie Johns
Janet Hooks, Ex-Officio

Absent:

Frank James
Mathew Pepper, Ex-Officio

Michelle Buckalew called the meeting, scheduled for 10:00 a.m. at Central Library, to order at 10:25 a.m. The delay was due to absence of any administration representatives. Matt Pepper had emailed Michelle that morning at 9:30 a.m. that he had a meeting with Judge Sugarman and could not attend. Director Hooks and LaSonya Hall were contacted and Janet said she would get there as soon as possible.

The meeting proceeded with approval of April minutes. Approval of minutes of March meeting was held in abeyance.

Carol said that her two-year term was up in June and that she would be rotating off the advisory board. Michelle said that she would let Administration know and request filling vacancies on the advisory board as soon as possible.

Carol had asked for a status report on Ivan Russell. However, the newspaper reported that he had resigned. Matt indicated at last month's meeting that the primary thing holding shelter back is open staff positions, limited duty employees and employees on leave. Carol requested the administration to select people for vacant positions in the most expedient manner, especially the important positions of Kennel Operations Manager and Veterinarian. It is of utmost important that the shelter be properly staffed and we need to know when this will be accomplished. Carol said

the most important issue now is when will resources be going back into the shelter for working employees, rather than people on leave (referring to two indicted employees remaining on payroll) so that Matt is able to move forward with a full complement of staff to implement all the programs and policies that he needs for a well run shelter. Cindy pointed out that it has been seven months since the raid and the job descriptions should be ready to be posted. Both Ivan Russell's supervisor position and the Kennel Operations Manager position are vital to the shelter and should be filled without delay.

Jackie asked about the status of the inventory supplies for the ACOs (cameras, dog poles, kennels) that was brought up last month? Many of the trucks are not working. What is being done about that? Jackie also wanted to know if there is in place a schedule for feeding and cleaning the kennels? However, she said, obviously no one from the Administration is present to answer the questions.

Jackie said that no system is in place regarding leaving "Notice To Comply." ACOs are issuing citations, but when a notice is left on the premises, there is no follow up. Jackie suggested following this up by computer system, keying in NTCs to alert ACOs to follow up.

Jackie said that they are not seeing any citations in court for violations on roadside ban of sale of animals. Are the ACOs aware of the ordinance?

Problems are still occurring with subpoenas. A supervisor at the shelter accepted subpoenas for two ACOs but they were not informed of their subpoenas. Cindy suggested using a sign in book, similar to the one they use at the courthouse, to keep track of subpoenas at the shelter.

Jackie reported on two cases in court: First, in Judge Potter's court, business owner having more than four dogs. Code enforcement officer went to the defendant's house and an ACO showed up. Defendant had nine pit bulls chained in back yard and shed big enough for 4 vehicles. ACO did not check the shed for evidence of dog fighting, nor did she issue a citation. Jackie and Cindy checked out the person in the courthouse and he had previously been guilty of dog fighting and other felony charges. He is a known gang member and we would not have known about this if we had not been in court that day. The ACO spent not more than five minutes at the defendant's house.

Second case involved an ACO who charged defendant with no vaccination or license in a dog bite case. Defendant has choice to take dog to personal vet or the shelter, but either way the dog must be

quarantined. Defendant chose to use personal vet. However, ACO checked and found out the dog was not being quarantined. She asked her supervisor to issue arrest warrant. Supervisor never issued warrant. The defendant did not show in court and the judge had to issue an arrest warrant. The defendant now claims he no longer has the dog. The judge was shocked that the dog was never quarantined. The arrest warrant should have issued immediately upon knowledge that the dog was not in quarantine Michelle said if the shelter is not doing its job then we are allow criminality to occur. Employees need an evaluation system and need to be held accountable. Memphis is failing to protect its citizens.

Bryan Mauldin reported dog attack in her neighborhood. Alan said that three of the dogs were picked up by ACOs.

Cindy said she was In Division 14 and there were two state level cruelty cases of starved and frozen dogs. The ACO did not show for either case. The prosecutor had called the shelter prior to the hearing and the prosecutor's call was never returned. This is another incident of ACOs failing to appear and there is no excuse for this. The case had to be reset. It was a police transfer case. Cindy said that at last month's meeting Matt made it clear that he had procedures in place that would prevent failure to appear on the part of ACOs. Last month it was a supervisor, this month it was a senior office that failed to appear for two state level cruelty cases. What type of example does this set for the public and other shelter employees? Michelle said that accountability has to go up the ladder to Mr. Pepper. Cindy said that Matt said at the last meeting that he has no front line in place. But animals are being abused and tortured daily and this can't wait. His employees are being paid to enforce cruelty laws and we can't wait for his front line. Cindy said she is tired of going to court and the prosecutors asking, "Where are the ACOs?" Carol said that accountability goes beyond Matt if the city is not giving him the resources by filling the positions and getting rid of employees who are on inappropriate leave.

Beverly King asked how many officers have NACA training? Cindy said that NACA training is good, but this goes beyond NACA training. An ACO knows to appear in court; it's basic. These employees are in a cocoon of unaccountability because nothing happens to them for ignoring subpoenas. Michelle agreed with Bryan Mauldin that it was completely unacceptable.

Cindy said her next agenda item goes to waste of taxpayer's money as well. She watched the web cam at 11:23 p.m. when one of the dogs spilled dog food in the hallway. It was not picked up for over eight hours.

Cindy said it wasn't spilled food that she was upset about. Why are we paying employees to be at the shelter when they don't even walk through the kennels? Michelle felt these are the factors that are broken: (1) the staff. Matt has been at the shelter two months, Mayor Wharton six months. We gave the previous administrator a long time to correct things and it only got worse. The board needs to get serious with the continuing problems. Cindy said that last month we discussed ACOs with felonies in their backgrounds and they could not write citations. Cindy said she got an email from a volunteer that such an employee was assigned to the night shift. Her question was, "Why would an ACO who is not allowed to write citations be placed on the graveyard shift when they are the only employee on duty?" There may be some reasoning, which Cindy would have asked if anyone was here to explain.

Cindy also reported a heated argument at the shelter regarding a male Doberman puppy. She said volunteers reported this to her. An employee wanted the puppy, but he didn't want it processed into the system because he didn't want it neutered – he wanted a stud dog. The argument got aggressive. The dog was ultimately processed. Michelle said there are so many issues on the table that we need a representative from the Administration to respond.

Cindy said that Friends of Memphis Animal Shelter sent an email for donations requesting items for the shelter. She questioned whether the shelter is running low on food, etc. Carol said the donations go to people adopting dogs and cats who need items, not necessarily those who can't afford, but putting together people who no longer need the items with people who do.

Cindy wondered whether Matt has been able to put into place a uniform policy. On a recent visit to MAS, Jackie and Cindy observed a large group of employees not working, but standing at a table. No one offered to take them back to the adoption area. One volunteer was cleaning kennels while all the employees were just standing around laughing and talking. Cindy felt that it was not appropriate for volunteers to do job of shelter employees. Matt was not there. He was in the budget meeting downtown. Michelle said that MAS needs its administrator there at the shelter. Carol said that that was the job of the Kennel Operations Manager, not the Administrator. Cindy said that she thinks it comes down to an employee work ethic. People are paid to work.

Michelle complained about the fact that we have been in session for 1 1/2 hours and now we will have a representative from the administration to address all these items that we've gone over. We need to look for

another way to advise on all of these problems. Carol said we should go over the two most important issues we've gone over so far: Failure to appear and prosecute in court and reluctance to write up aggravated cruelty in the field. Michelle added their reluctance to show up once a month to address these issues.

Michelle criticized the new policy of having 25 – 35 adoptable dogs up front and the remainder in the stray room who are never given a chance for adoption. There is no access to the stray area unless you are a rescue group or looking for a lost dog, according to Cindy. Cindy said that people wanting to adopt are shown about 60 animals, when the shelter holds hundreds. On one hand, Cindy said the adoptable animals are screened and ready, which is good, but what about all the strays? Michelle said those are condemned to death. Carol pointed out the facility is poor and this procedure aids disease control. Mauldin said some people want the least desirable dog and should be able to adopt it. Cindy said let people go first to adoption area and then to stray and then leave and not go back through the adoption area. Carol thought it was best that the shelter decide which animals are adoptable and place them separately from the rest of the population, given that MAS must evaluate every animal for disease, temperament, heartworm, etc. prior to adoption. Carol said she sees many signs of improvement. Cindy agreed, and said the shelter has improved. However, she sees no improvement in the attitude of the staff. Further, operation of the kennel is not the only part of the shelter. Prosecution of cruelty cases is worse than it was. Michelle hoped that the same employees are not allowed to transfer out to the new shelter when it is built. Cindy said that failure to show up for court should be a verbal; it happens again, then written, and then suspension. Barbara Ballenger opined that there are no consequences to the employees for their bad behavior.

Director Hooks arrived at 11:35 a.m. Janet spoke to the issues as follows:

Matt Pepper is meeting with one of the judges to insure that scheduling of court appearances will be more in sync with the shelter.

Ivan Russell's position, as well as that of the Facility Operations Manager will be posted next Wednesday. Bryan Mauldin complained that the process for discharging Ivan Russell should not have taken six months. Carol expressed concern that the two indicted employees are squandering shelter resources and hampering Matt's desire to move forward. Janet said that there was not proper documentation to establish grounds for dismissal.

Michelle wanted the record to show, as we zero in on continuing problems, that Janet came on board August 2009, Mayor Wharton in October, and Matt on March 1, 2010.

Michelle asked Janet to address court cases and subpoenas. Janet said that there was an issue with an employee signing for subpoenas and not notifying the employee: We are trying to do some rescheduling of shifts and court times, and establishing policy to get subpoenas to the ACOs. The Attorney General is being requested to get set times for hearings so that we know when, and it will not be up to the ACOs to schedule.

Janet said that she was unaware of the pit bull/felon case and the failure to quarantine case. She asked that Jackie send her an email and she would investigate.

Michelle said two major problems facing this city are budget and crime. Janet said regarding these issues of the board, some old problems continue to surface. They cause management and the administration a great deal of concern. We are aggressively trying to change a climate that has existed at the shelter for some time. We have told the employees that if a policy was not written, then it does not exist. We are going to follow, from this time forward, written policy. Employees are signing the documents as they are promulgated. Violation of written policy will result in discipline.

Michelle said the agenda was sent out on Monday to you, Matt and LaSonya. The tone of leadership should start with you three. To advise us 24 minutes before the meeting that no one from the administration would be here does not set a tone of leadership. Janet said she apologizes for not being able to be here until now. But there was no intent not to be here. It was an unfortunate scheduling issue.

Cindy reiterated the problems involving two state level cruelty cases that had to be rescheduled and the ACO with felony offense who can't write citations on graveyard shift. Janet responded that Second Chance was a program that was cleared through Human Resources and that presently there were only two employees who are Second Change. "POST" has final authority and does not recognize that ACOs are not law enforcement employees. We are asking for clarification of charging language, "citation in lieu of arrest." This must be resolved through the legal department and POST, and based on what they determine, we may change the language of the ordinance. Cindy pointed out that the ACOs are writing for state level law and local law. Cindy clarified with Janet that currently ACOs cannot write citations. Jackie said this carries

over to a problem of testifying in court. Janet said that the advisory board is going to have to allow the administration to resolve this issue between legal and POST. Byran Mauldin pointed out that no one should be hired as an ACO with a dishonesty conviction, such as identity theft or fraud, because any statement made can be thrown out in court.

Janet said that ACOs have been issued their own equipment and cameras.

Allen asked, "How many disciplinary actions have been taken since Matt came on board?" Allen said there does not seem to be any employees replaced or suspended. And yet there are incidences that should be documented. One supervisor refuses to wear a uniform. This destroys supervisor authority. Why is she still there? If a supervisor says to a court subpoena, "I'm not going to show up," why is this employee not discharged? We need to get those people out who don't want to do their job. Allen said that he cannot understand it, no matter what Janet says. Janet said that there is a uniform that looks like a scrub. Matt reported that the employee was wearing a blue scrub, working in the kennel. Cindy went on record saying that the employee in the web cam was wearing skintight knit material. Janet said the employee has been told that she must wear a uniform. Janet also noted that numerous employees have received discipline since March 1. We are documenting and providing a paper trail for violations of policy.

Michelle concluded that it seems to her that Janet and the administration would want to address the problems that are not going away.

There being no further business, the meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Carol Katz, Secretary