

**ST. GEORGE POLICE DEPARTMENT
PROFESSIONAL RESPONSIBILITY COMPLAINT INVESTIGATION
REGARDING ANIMAL CONTROL**

Prepared by Deputy Chief Richard Farnsworth, SGPD

INTRODUCTION:

This investigation was initiated at the request of the Mayor and City Council after hearing from concerned citizens and animal advocacy groups regarding the operation of the St. George City Animal Control Shelter (“Shelter”). The focus of the investigation was on the daily operations at the Shelter and the conduct of Shelter employees. Additionally the investigation addressed the policies and procedures at the Shelter as well as adherence to, or violations of City policies and any applicable state or federal regulations.

The complainants alleged that the employees at the Shelter were not following acceptable protocols and practices while caring for the animals at the Shelter. Specific allegations were aimed at David Vane, Animal Control Supervisor, regarding his management of the Shelter, his methods of euthanasia of animals at the Shelter, and allegations of misconduct and theft. As Deputy Chief of the St. George Police Department, I was assigned to investigate this complaint and spoke with multiple witnesses and employees regarding the practices at the Shelter and the conduct of Vane.

The initial complaint was brought forward by Mr. Randy Fields who was chosen as a spokesperson for many in the group of concerned citizens and animal advocates. Mr. Fields brought forth information that was given to him by many in the animal advocacy groups as well as concerned citizens. Mr. Fields was not a witness to many of the matters that were being alleged but provided the names of several people that had reported the information to him regarding the allegations that were brought forward.

Interviews were conducted based upon the names provided by Mr. Fields as well as those that came up during the course of the investigation. Interviews were conducted not only for information regarding allegations of poor practices and misconduct, but also for suggestions and resources as to possible new procedures, practices and structure changes at the Shelter.

LIST OF INTERVIEWS:

Randy Fields (spokesperson and active animal advocate with several groups)
Robert Kirkland (former animal control officer at Washington City)
Robin Kirker (Best Friends employee and former shelter manager)
Rhonda Zappey (former volunteer with St. George VIPS)
Cheryl Berry (former animal control officer at Ivins Shelter)
Shimane Hamer (animal control officer at Ivins Shelter)
Aggie Smith (animal control officer at Ivins Shelter)

Kris Neil (St. George feral cat T-N-R program manager)
Carol Peckham (PAWS)
Mary Bemis (former member of PAWS and current animal advocate)
April McManus (St. George Shelter employee)
David Vane (St. George Shelter employee)

SUMMARY OF ALLEGATIONS AND FINDINGS

Rudeness:

Several people alleged that Vane has been very disrespectful and at times has been threatening or aggressive to people in the animal advocacy groups.

Findings:

The investigation uncovered several times when Vane has said things to people that are unprofessional and rude. It appears that he made no attempt to hide his disagreement with the trap, neuter and release (TNR) program or the people managing it. One complaint that has been verified by multiple people is that at times Vane has done a poor job with public relations. Many people have said that the atmosphere at the Shelter is not “friendly to volunteers” or “animal rights groups.” Many people with animal advocacy or rescue groups had a story about something Vane said to them that they felt was unprofessional. It appears that he regularly voiced his personal opinions, even when he should have known what he was saying might be offensive to some. I found no incidents where Vane made threats to people or specifically threatened to hurt an animal. I did find several examples of Vane making statements to animal advocacy groups regarding the pending euthanasia of animals in the Shelter if the groups did not come take custody of them.

The investigation revealed several people who claim to avoid Vane because of a comment he made to them in the past. I also found several people that really like Vane and enjoy working with him. The contrast between what is said about Vane from those who have only known him briefly or who have only had occasional contact with him, and those who work with him on a daily basis is very different. Those who know him personally find him hardworking, dedicated and describe him as someone they like. Those who don't know him on a personal level or have had conflict with him describe him as caustic and difficult to work with. Many people expressed displeasure with the way Vane manages the Shelter but did not accuse him of saying anything inappropriate to them or about them.

Abusive Treatment of Animals:

Allegations were made that Vane has been very rough in his animal handling skills and that he is physically aggressive with the animals.

Findings:

No specific information was found to support this claim. The claims of animal abuse have been separated from the complaints regarding euthanasia practices. The euthanasia practices are addressed later in this report.

Everyone I spoke to with firsthand knowledge of Vane's ability to handle animals has told me that he is extremely good with animals. He knows how to read their body language and is very capable when dealing with even the most difficult animals. Several people I spoke to who expressed a dislike for Vane told me that he is a very capable animal control officer. I spoke to several police officers and each said they are relieved when Vane shows up on an animal call with them. Each said they really like him and appreciated how willing he is to help them.

Although allegations have been made that Vane is abusive when dealing with animals at the Shelter, I have not found any information to support those statements. I believe many of the claims of "abuse" are related to the methods he uses when cleaning the kennels and his refusal to provide the animals comfort items such as bedding or toys. The investigation indicates that some statements he has made to people may have aggravated the perception of the alleged abuses. Many people have expressed displeasure that the kennels were being cleaned with the animals inside and the reports of Vane spraying dogs in the face with water to stop them from barking are also disconcerting. These incidents do not necessarily indicate abuse but are consistent with other poor management decisions.

A few people claimed that Vane refused to get medical treatment for the dogs in his care. I found a few incidents of animals requiring medical care that were taken to veterinarians for treatment by Shelter employees. I checked the budget sheets and found that there is money in the account for veterinarian services and that Shelter employees have taken animals to the veterinarian for injuries and illnesses this year as well as in previous years.

I did receive reports of animals with minor sores or illness that Vane called the rescue groups to come and retrieve, rather than seeking medical treatment for them. Several people told me the animal rescue groups often take animals from the Shelter for veterinarian treatment when they take custody of them but it appears they have done so willingly. It appears that Vane preferred to let the animal groups take the animal to the veterinarian to save the Shelter and the City from that expense.

Euthanasia Practices:

Allegations were made regarding the methods Vane used to euthanize unadoptable animals. It was alleged that Vane consistently euthanized animals using intra-cardiac injection, a process often referred to as a "heart stick" without first sedating the animal.

Findings:

A large portion of the investigation into euthanasia practices involved whether or not Shelter employees have done anything that is in violation of law or policy. I had Officer Tyrell Bangerter research state law, city ordinance, department policies, and several other resources for information on euthanasia practices. There are best practices publications from many credible sources that suggest sedation should be required before any intra-cardiac injection, however, it is not required by law or City policy. DOPL has introduced regulations regarding euthanasia medication, but the regulations appear to be more related to licensing and storage of euthanasia medication than to its usage.

Mr. Fields provided me with a resource manual produced in 2010 by The Association of Shelter Veterinarians. It is a very comprehensive guideline of best practices and what are now generally accepted guidelines in shelter management. I also researched state and local ordinances as well as DOPL requirements. Additionally, Capt. McCracken contacted several local veterinarians for their opinion regarding the euthanizing of domestic animals. I spoke with many people who have worked in animal control and received training regarding euthanasia.

I found that several employees at our Shelter have received training regarding euthanasia practices; however Vane administered almost all of the euthanasia for the last several years due to it being a very unpopular assignment. Vane openly admits that he hates to euthanize animals but he did it because it is what was expected of him. Vane has received formal training but most of his current practices come from 26 years of experience in the field. Many of the practices he currently uses are what he is comfortable with and what he believes to be quick and effective.

Most of the complaints regarding the euthanasia practices employed by Shelter employees surround the method of euthanasia which the people I spoke with referred to as a “heart stick.” As noted above, the correct term for that method of euthanasia is Intra-cardiac Injection. Every person I spoke to that has received training in Utah regarding euthanasia said they were taught the intra-cardiac injection technique and I did not find anyone that used only the intravenous method of euthanasia. The big source of concern is whether or not Vane consistently sedated the animals prior to using this technique. Vane has stated that he used sedation any time the animal “needed it” but he cannot accurately report the reason behind the decision for every case where he did not use sedation. I have reviewed the records and we have in fact regularly purchased the sedation medication as well as the euthanasia medicines, but the records of how they are used are not sufficient to determine the number of times sedation was used when euthanized. It is clear that any directives and policies regarding this practice must be very descriptive and regulatory. Policies vary state to state and even practices by veterinarians are not always consistent.

It has been several years since any of the Shelter employees have received training in this area and I found that opinions regarding this practice vary greatly. The fact that Vane euthanized animals using the intra-cardiac injection is not concerning to many of the people I spoke with; however, his use of that technique without sedation is. When speaking with people who either currently, or have in the past, been involved in the euthanasia process, there seems to be a debate as to the need for sedation. The “need” should be immaterial and I believe a comprehensive and restrictive policy regarding euthanasia and retraining on the method of euthanasia should be

completed before any St. George Animal Control Employee participates in animal euthanasia. I found that even local veterinarians handle this process differently. One veterinarian assistant Capt. McCracken spoke with at a local veterinary office said they did not “sedate” all animals before administering euthanasia medication via intra-cardiac injection. They said the decision was based on the calmness of the animal and the ability to quickly euthanize the animal. Other veterinarians euthanize animals by the intra-cardiac injection after the animal has been sedated.

It appears that Vane made the decision at times to proceed with euthanasia without first sedating the animal. I recommend that this practice be discontinued and be forbidden by policy, however, at this time there are no laws or policies directly governing that practice. It appears that Vane used this method of euthanasia for more than 20 years and he has been reluctant or unwilling to change or update his method of euthanasia. Training and opinions regarding euthanasia practices have advanced and it is clear that the practices of the Shelter are not consistent with current best practices. This is compounded by the generally held belief by some in the public that Vane “wants to euthanize animals.” I have not found any evidence during the course of my investigation to support this conclusion. Once again, I believe this misconception has been compounded by some statements Vane made to the people in the animal advocacy groups.

Poor Management Practices:

Allegations were made that the procedures Vane put in place as the Shelter Manager are inadequate and are not performed with the safety and dignity of the animals in mind. Specific complaints alleged the kennels were being cleaned with the animals inside and questioned the decisions made as to whether or not an animal should be provided comfort items such as bedding or toys. Additionally, allegations were made that puppies had been washed down the open drains inside the kennels.

Findings:

This is an area that requires immediate changes to practices and procedures at the Shelter. Vane has worked extremely hard to be efficient and control costs but many times he has done so at the expense of public relations and best practices in the industry. Vane made decisions that appear to be based on expediency which has caused many people concern and frustration. An example of this is the removal of the grates in the kennels to facilitate cleaning without removing the animal. The Shelter is extremely busy and I understand that the time constraints caused a situation that required Vane to look for ways to clean the kennels quickly. This is one of the issues that has caused people to become upset with him. Removing the grates also made it impractical for a pet to have a chew toy or a blanket because the drains could be easily plugged by a torn blanket or piece of a toy. This is a point where one poor decision led to another and compounded the situation. It is also a practice that clearly does not put the care and dignity of the animal as a priority.

The complaint regarding a puppy or puppies being washed down the drain was found to have occurred between 10 and 13 years ago. Kris Neil witnessed the incident while she was working with Shelter employees. I was told that a stray dog was taken into the Shelter and the animal

control officer did not know it was pregnant. During the night the animal gave birth to several puppies and a couple of them fell into the drain. When the animal control officers noticed the puppies in the morning they retrieved them from the drain, however, one of the puppies was deceased. Vane said the Shelter employees never knowingly place a dog that is pregnant in a kennel that did not have a grate over the drain. Ms. Neil mentioned another incident she was aware of that a puppy fell in the drain. This incident was also more than ten years ago and was handled by an employee that worked for St. George City many years ago. No current shelter employees had knowledge of that incident. I found that although this was caused by the grates being removed from the kennels for cleaning, it is not a practice to put a dog with puppies in a kennel that does not have a grate covering the drain. I found no evidence to support the allegations that “puppies were being washed down the drains.”

To understand what the Shelter employees faced when cleaning the Shelter, Capt. McCracken and I went to the Shelter and completed that task. It was an extremely time consuming, and at times, chaotic process to remove all the dogs and find a place for them while the kennels were cleaned. It appears that Vane made a decision to do the quickest and easiest thing he could rather than looking for a more appropriate solution. I do not believe that Vane made the decision to clean the kennels with the intent of mistreating the animals; however, I do not believe the decision was the most appropriate solution to that problem.

Another allegation that appears to be a reoccurring topic is that Vane has been very reluctant to work with volunteers and has in most cases shunned the idea. Many people have expressed a desire to donate time and work with the animals. It appears that Vane has seen this as a burden and has tried to all but halt the practice. Sgt. Ivor Fuller has been at the Shelter for two weeks now and has explained how volunteers, if not scheduled and managed, can present a real challenge to the Shelter employees. Sgt. Fuller has some great ideas about how to not only recruit volunteers, but how to schedule them and maximize their effectiveness.

There is clearly need for better and more comprehensive policies and directives regarding Shelter operations. Vane was left to make some decisions that probably should have been made by his direct supervisor or the Administration. Better supervision and policies would more than likely have eliminated some of the issues. During the course of this investigation I found several examples of statements that have been made regarding the operation of the Shelter by people who have not witnessed the things they were alleging, nor have they ever worked with Vane. It does not make the issues at the Shelter any better but I have found that some of the claims made about Vane are simply not true. Throughout this investigation I have found multiple areas where the decisions about management practices were not good.

Mismanagement of Funds:

It was alleged that Vane has misused or mismanaged public funds at the Animal Shelter.

Findings:

When I initiated this complaint investigation I was lead to believe that there were people that had detailed information regarding theft or misuse of public funds. I was given the names of two people that were reported to have information regarding the allegations of theft or mismanagement. Those two names were Robert Kirkland and Shimane Hamer. I interviewed both of them and found that neither had any reason to believe that Vane has ever committed theft or misused public funds. I questioned both directly about statements attributed to them and each denied that they had ever claimed to have knowledge that Vane is dishonest in any way. I have found no information to support this allegation in any way. On the contrary, those who have worked directly with Vane believe him to be very honest.

I did find that Vane has in the past used small cash donations made at the Shelter to make purchases such as Clorox or other cleaning solutions. He said on a few occasions people have left small donations of \$5 or \$10 and he has bought cleaning supplies with them. Vane admitted that he knew that was not consistent with purchasing policies but he felt since he used it for the Shelter it was not a serious problem. Vane was adamant that he has never taken a single cent from the Shelter for his own use. He stated that every adoption and cash transaction has been receipted. The acceptance of any donations at the Shelter has been addressed and donations are no longer taken at the Shelter and all purchases are made with a credit card or through City purchasing policies. Vane said that on occasion people have requested to make a fairly large (\$50 or \$100) donation to the Shelter and he has referred them to City Hall.

PERSONNEL ACTION

Administrative Leave:

In accordance with a resolution adopted by the Mayor and City Council, Chief Stratton issued a directive to the shelter employees on Friday, July 26, 2013 prohibiting all euthanasia without authorization from the Deputy Chief until further notice. A copy of the memo is included with this investigation. Earlier the same day, Chief Stratton issued a verbal directive that the animals were to be removed from the kennels prior to cleaning in every case unless the animal posed a risk to the shelter employee. Capt. McCracken spoke to Vane on July 26, 2013 and told him that the practice of cleaning kennels with the animals inside was to be halted immediately.

On Saturday July 27, 2013, we received a report that shelter employee, Kristeen Checketts, cleaned the kennels with the animals still inside. Capt. McCracken spoke with the employees at the shelter and it appeared that Vane had not changed the cleaning processes at the shelter. Due to that fact and the seriousness of the allegations made against Vane, the decision was made to place him on administrative leave while this investigation was conducted.

Administrative Disciplinary Review:

On Wednesday, August 14, 2013 at the direction of Chief Stratton a disciplinary review board was convened to discuss the allegations of violations of Department Policy by Vane. It had been previously determined that no criminal violations had occurred. The following were identified as possible policy violations and all were related to the St. George City Police Conduct Policy (Lexipol policy 340):

Lexipol 340.3.2

k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of the Department or any other law enforcement agency.

Lexipol 340.3.5

(c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.

Lexipol 340.3.5

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with it and be responsible for compliance with each of the policies.

Additionally the Board reviewed the failure to follow directives given by supervisors, specifically cleaning practices at the kennel, and failure to comply with City purchasing policies.

Members on the Disciplinary Review Board:

Captain Scott Staley
Captain Kyle Whitehead
Captain Michael Giles
Sergeant Jared Parry

Also Present:

Human Resource Manager Judith Mayfield
City Attorney Shawn Guzman
Deputy Chief Rich Farnsworth (Case Presenter)

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Board Disciplinary Recommendation:

The Board reviewed the findings of the investigation and interviewed Vane. Vane was questioned directly about some of the practices at the Shelter and some of the decisions he has made as manager. He was also questioned about his relationship with local animal advocacy groups and his treatment of volunteers.

The board reviewed the findings of this investigation and made a recommendation to the Chief of Police for discipline. The Board agreed unanimously that Vane had not done anything that would warrant termination. The Board said unanimously that he should be removed as Shelter Manager and should be re-assigned as an Animal Control Officer. The Board suggested that Vane be removed from the decision making process of any managerial issues and should not be the contact person for any of the groups that the Shelter works with on a day to day basis. The Board also expressed concern for the manner in which Vane has interacted with members of the community involved in community cat programs and other animal advocacy groups. The Board discussed the failure to follow directives and purchasing policies. In addition to the demotion, the Board made a recommendation of a two day suspension without pay and an on-going action plan detailing the expectations of Vane moving forward. Once placed on an action plan, any violation of the expectations of the plan could result in more discipline up to and including termination.

Disciplinary Action:

In accordance with Police Department and City policies, Chief Stratton reviewed the recommendations from the Board and concurred with the recommendation. Chief Stratton made the recommendation of discipline to City Manager, Gary Esplin. Mr. Esplin reviewed and approved the recommendation of discipline. The following discipline was implemented:

Vane was demoted and removed from his position of Manager at the St. George City Animal Shelter. He will be re-assigned as an animal control officer.

Vane was suspended for two days without pay.

Upon return to work he will be placed on a performance action plan monitored by his direct supervisor and Human Resources.

Recommendations for Shelter Improvements:

In accordance with a Resolution adopted by the Mayor and City Council several changes have been made at the St. George Animal Shelter. Many of the changes have already been completed and others will be addressed through new policies and directives. Any practices that were in violation of the Resolution adopted by the Mayor and City Council were halted immediately. The following is a summary of the changes that have been implemented at the Shelter:

- A. Sgt. Ivor Fuller has been assigned to the Shelter and has taken over the day to day management of the facility. All management decisions are being made by Sgt. Fuller and he has been consulting members of the animal advocacy groups for suggestions as changes are made to the day to day practices at the Shelter. Sgt. Fuller and Officer Tyrell Bangerter are evaluating new software to help track intake and adoption of all animals at the Shelter. Two new computers are being installed and all intake and care of animals will be tracked through new software and through the Police Department's Spillman program. Policies detailing the vaccination of all animals that are brought into the Shelter are being reviewed and a suggestion for those practices will be submitted in the near future. Sgt. Fuller is evaluating all of the practices and procedures at the Shelter and is making changes that put the best care and dignity of the animals as a priority.
- B. Food provided to the animals is being selected for them based on their size and age.
- C. Drain covers have been ordered and are being manufactured that will keep any item from falling into the drain, in order to prevent clogging the plumbing. Once this is completed the animals can be given treats or toys while inside the kennels without the problem of clogged drains.
- D. An investigation into the policies, procedures and operation of the Shelter has been conducted and recommendations for improvements are being prepared. Multiple changes have been made regarding every critical function of the Shelter. Intake and adoption fees are being reviewed. Programs to promote volunteerism and adoption are being suggested and many will be implemented in the near future. Internet sites such as Facebook are being used to reach out to the public and promote adoptable animals. Sgt. Fuller will be working closely with local rescue and adoption groups to place adoptable animals and avoid unnecessary euthanasia.
- E. An evaluation of the physical structure has been completed and several projects have been initiated to improve the facility and the ability to care for the animals. City crews are currently re-landscaping the entire exterior of the facility to facilitate the changes to the exterior of the building.
- F. Exterior kennels have been installed and will be used to house animals while the interior kennels are properly cleaned. City employees have been assigned to design and install areas consistent with other city maintained dog parks to allow animals at the kennels the opportunity to get out of kennels for hours at a time. This will also provide a great area for volunteers to play with the animals and for someone looking to adopt an animal to bond with that pet. Two parks are to be installed for dogs and will be used based on the size of the animals. Additional kennels will be installed outside and bids have been sought for awnings that will allow the exterior kennels to be used during inclement weather.
- G. Plans are being made for upgrades to the cat room and for structural changes that will provide an inside play area with a pass-through door to an outside play area. Input has been solicited from local animal advocacy groups that work with cats on a daily basis. Suggestions from these people will be used to help design the plan for the cat room once the exterior construction is completed.
- H. New and more cat cages for inside the cat room have been suggested as a needed improvement and is being evaluated.

- I. All animals are removed from cages prior to cleaning unless the animal poses a threat to Shelter employees. The cages are cleaned and dried before the animal is placed back into the kennel.
- J. Beds have been provided for all animals upon their entry into the Shelter. Once an animal chews on or destroys a bed, the bed is removed and another is not provided. Mr. Fields and others in the animal advocacy groups have generously donated a supply of beds for the kennel and we have not yet needed to purchase beds for the Shelter.
- K. Owner-requested euthanasia services have been halted and citizens seeking that service have been provided a list of local veterinarians that provide those services. Additionally, euthanasia at the Shelter has been halted for all animals and currently no euthanasia will be performed except under extreme circumstances such as a badly injured or vicious animal. Any euthanasia must be approved in advance by Deputy Chief Farnsworth and it must be done by a licensed veterinarian. A Request for Proposal (RFP) is being sent to local veterinarians to obtain an agreement with a local veterinarian to provide all medical care, treatment, and any needed euthanasia services at the Shelter. Currently the Shelter employees have been directed to get medical treatment for any animal at the Shelter that appears to need it. They have been directed that they should not solely rely on rescue groups to get treatment for animals in the Shelter.
- L. Plans are being designed for interior improvements to the rear of the Shelter that will provide a bathing area for the animals and a room to be used for a quarantine intake of cats to prevent cross contamination and spread of disease in the cat room inside the Shelter.
- M. A review of all training with a suggestion for re-training for all animal control officers is being completed by Sgt. Fuller.
- N. Chief Stratton is reviewing policies, directives, and suggested best practices to be included in a directive that will instruct all day to day activities at the Shelter.

SUMMARY

After a careful review of the interviews and complaints from animal advocacy groups and a comprehensive review of the practices at the Shelter, it is clear that changes were required in many areas. Specifically, the physical structure, management practices, policies and procedures needed to be updated. Many of the issues are being addressed and the Shelter is currently in compliance with every requirement of the Resolution adopted by the St. George City Council. Euthanasia practices will be addressed through policies and directives to conform with best practices. Additionally Shelter Manager, Sgt. Ivor Fuller, is working closely with animal advocacy groups and experts in shelter management to make changes in the management of the St. George Shelter that put the care of the animals as a top priority.