

PART 2: DELAWARE ANIMAL CONTROL RECOMMENDATIONS



10/31/2014

Animal Control Transition Plan

A plan to transform animal care and control services to ensure a safe, humane community through enhanced service, coordination, and fiscal responsibility.



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Office of Animal Welfare

Part 2: Delaware Animal Control Recommendations

ANIMAL CONTROL TRANSITION PLAN

BACKGROUND

Animal control management has changed significantly over the past several years. Prior to 2010, the responsibility of dog control enforcement fell to the Department of Natural Resources and Environmental Control (DNREC) and was a state-wide, state-funded function. DNREC contracted with local non-profit organizations to carry out enforcement and sheltering responsibilities mandated by the Delaware Code and expected by the public. Those contracted agencies provided comprehensive animal control, including services for stray cats, nuisance wildlife, and stray livestock, and these services were in addition to animal cruelty enforcement the agencies were providing to the state at no cost.

In 2010, after a transitional phase, DNREC turned over dog control to each county. This transition was the result of several years of discussions amongst DNREC, state, and county officials. In the end, New Castle, Kent, and Sussex counties, as well as the City of Wilmington, assumed jurisdiction over dog control responsibilities outlined in Title 9, Chapter 9 including, but not limited to, picking up of dogs running at large, managing dog licenses, enforcing housing and care requirements, and management of the State Dog Control Panel.

Since this transition, the public has experienced service erosion and fragmentation at an increased cost, resulting in frustration and dissatisfaction. County and city governments have struggled with a limited marketplace of enforcement providers, creating vulnerability during contract negotiations, and a lack of authority over business practices and constituent relation activities. Delaware State legislators and agencies have grappled with public discontent, jurisdictional issues regarding animal-related services, and missed opportunities for cost savings through consolidation of state and county-funded services. Finally, and most importantly, government entities are continuously threatened with the possibility that service providers will suddenly end service, disabling enforcement of animal control and cruelty laws. This has been the case a number of times since 2010, leaving the government scrambling to find other options, usually at an increased cost.

Per the recommendations of the 146th General Assembly Animal Welfare Task Force, and as required by the 2014 state appropriations epilogue, the newly formed Division of Public Health's Office of Animal Welfare analyzed cost and capacity issues associated with animal control and made recommendations on which government entity should have jurisdiction over these services. The first report, which was filed in April, 2014, concluded that the current animal control and cruelty enforcement model is unsustainable and costly and recommended the responsibility for Title 9, Chapter 9 (dog control and management) and other animal welfare services transition from the county and city governments to the State of Delaware. The report also assigned the Office of Animal Welfare to identify an animal control model and transitional plan that would support those recommendations. This report fulfills that assignment.

Current Cost and Revenue

In 2013, animal control officers responded to approximately 11,300 calls concerning Title 9 violations. More than 4,400 dogs were picked up by animal control officers and either taken to shelters or returned to the owner in the field. These services were provided by 14 - 20 animal control officers across the state. Cost for this service is currently \$3,136,588, or \$3.42 per capita, which is paid to one non-profit organization by the three counties and the City of Wilmington.

In addition to county contracts for animal control, the State of Delaware pays an annual total of \$275,000 for rabies control and \$106,000 for animal cruelty enforcement. All of these funds are paid to the same organization that provides animal control services to the counties and City of Wilmington.

In total, the current cost for animal-related services in the state is \$3.5 million.

The only earmarked sources of revenue for animal control services are dog and kennel licensing fees, and court-issued fines. License fees and the duration of licenses may differ as they are defined separately by each county and the City of Wilmington. In 2013, 19,081 dog licenses and 112 kennel licenses were sold in Delaware, covering only 9.3% of the estimated dog population of 206,000.¹ The same year, license sales amounted to approximately \$236,000 in revenue and citation revenue was less than \$40,000. The remaining cost for dog control services has been paid for by county or city general funds.

Fragmentation of Services = Increased Cost

Since the transition from state-managed animal control to county-managed animal control in 2010, the cost for animal-related services has increased 35%, while animal control services have eroded significantly.

Challenges with the Current Model

There are several reasons the current animal services model in Delaware is unsustainable.

- **Limited market competition.** There is currently only one provider willing to bid on animal-related enforcement contracts in Delaware, placing the public in a vulnerable position during contract negotiations or should the provider decide to end service at the end of a contract term.
- **Market instability threatens continuity in service.** Reliance on private entities to provide law enforcement causes the current model to be extremely unstable. As experienced by county, city, and state governments in recent years, the ability of the government to ensure public service hinges on the whims of changing Boards of Directors and management teams of private, non-profit organizations.

¹ American Veterinary Medical Association Pet Ownership Calculator.

<https://www.avma.org/KB/Resources/Statistics/Pages/US-pet-ownership-calculator.aspx>. Based on 2012 census population of 917,000 citizens of Delaware, <http://quickfacts.census.gov/qfd/states/10000.html>

- **The public does not have adequate control over the quality of service or business practices of the contracted agency.** Because of a limited marketplace characterized by a contract-for-service model, there is little opportunity for recourse when business practices conflict with public expectations.
- **Public animal control services are incomplete.** Since 2010, while costs for services have increased, services have been cut. There are currently no services offered for injured or stray cats, stray livestock, and limited services for criminal animal cruelty enforcement.

RECOMMENDATIONS

Guiding Principles

To achieve an effective and sustainable animal control model, the following principles should be applied:

- Services should be clearly defined and delivered in a way that meets **broadly-recognized community expectations** for animal care and control.
- The animal control model should demonstrate **strong collaboration** between state, county, and city governments, as well as the non-profit animal welfare sector.
- The government should have **control over the quality of services** provided to its constituents and the power to effectively investigate and handle constituent complaints.
- The animal control structure should allow for **market competition**. A system that is hindered by a limited number of providers or that does not promote, and allow, market competition is not sustainable.

Research

A review of animal control divisions throughout the country identified three primary structures that are utilized to deliver services. The first is the contract-for-service model, similar to the structure Delaware currently utilizes. Under this structure, the government establishes a full service contract with a business or non-profit organization. The contracted agency provides enforcement and animal care/sheltering services per contract parameters. As applied in Delaware, this model is unsustainable and costly for reasons outlined earlier in this report, and therefore does not meet the four guiding principles for effective animal control.

The second model provides animal control as a complete government function, meaning that the government owns and operates municipal shelters and employs officers to enforce laws, sometimes under the police department and sometimes as a separate animal control division. The Office of Animal Welfare reviewed this model as applied in San Jose, California and Austin, Texas, two areas with similar population sizes of Delaware. While this model would offer complete control over services provided, it is very costly to establish and maintain. Of the four guiding principles for effective animal control, this model did not meet the principle requiring strong collaboration between public and private sectors. When applied, the government was limited in how they could utilize local organizations that had animal

care and handling expertise to ensure homeless animals are given rehabilitation and the best chance for adoption.

The final model reviewed was a blend of the first and second options, where the government employed an enforcement division but contracted for animal sheltering services with local non-profit organizations possessing animal care expertise. This seemed to be the most common model utilized in surrounding states such as New Jersey and Pennsylvania, and is the model employed in Asheville, North Carolina, an area known nationally for innovations in animal control. In Asheville, animal control officers were employed by the county to enforce all animal-related laws, including laws concerning animal cruelty, stray and nuisance animals, and dangerous animals. The enforcement division worked closely with the contracted shelter provider, Asheville Humane Society, which housed and cared for animals, rehabilitated animals with medical or behavioral needs, and managed a county adoption center. Upon review of this model, the Office of Animal Welfare concluded that it meets all four principles for effective animal control.

The Solution

The Office of Animal Welfare recommends the creation of a centralized animal control enforcement division within the Division of Public Health to carry out appropriate animal-related duties currently outlined in Title 9, Title 3, and Title 11 of the Delaware Code. See section titled “Detailed Plan” for specific laws pertaining to animals that the enforcement agency should be responsible for.

Animal care and control enforcement services should be provided by certified officers and the cost for enforcement should be shared between New Castle, Kent, and Sussex Counties, the City of Wilmington, and the State of Delaware. Animal care and sheltering needs associated with the enforcement of Delaware animal care and control laws should be obtained, through contract, from local non-profit agencies with expertise in animal sheltering and care.

The cost-neutral consolidation of animal care and control services at the state level will satisfy all four principles of an effective and sustainable animal control model.

How this Approach Meets Guiding Principles

Services would meet broadly-recognized community expectations for animal care and control.

- The public expects services for all stray and abused animals, not only for dogs. This includes immediate response for injured or ill animals and animals that need protection from cruelty. Likewise, the public expects to be protected from dangerous animals, regardless of species, including the availability of comprehensive rabies prevention and control services. The proposed model will accomplish comprehensive service that will satisfy the public need while not increasing the annual total overall cost.

The model incorporates strong collaboration between state, county, and city governments, as well as the non-profit animal welfare sector.

- City, County, and State entities will share the cost for service, enabling collaborative planning and ensuring shared interest in success.
- The proposed model allows more appropriate delegation of duties: the government can provide consistent enforcement and oversight while contracted sheltering organizations can provide expert animal care and adoption services to animals in need.

The State would have control over the quality of services provided to its constituents and the power to effectively investigate and handle constituent complaints.

- A state-managed enforcement division will ensure high standards during the hiring, training, and performance oversight of animal care and control officers.
- Consolidation of services will remedy public confusion and uncertainty about services.

This model is sustainable and competitive.

- In this model, the government will no longer be threatened with the sudden loss of service due to changing priorities of a private organization. The public will be assured that they will receive the enforcement services they expect.
- The proposed model promotes market competition. Sheltering organizations previously unable to provide comprehensive enforcement and sheltering activities will now have an opportunity to bid only for sheltering services, which keeps in line with their organizational mission.
- Increased market competition gives the government negotiating power and an opportunity to cut costs. Consolidation of services will allow for economies-of-scale.

Detailed Proposal

This section outlines a proposed structure, function, and cost to deliver on the recommendations within this report.

PROPOSED STRUCTURE:

- Delaware Animal Services (DAS) should be a new section within the Division of Public Health Office of Animal Welfare.
 - DAS should be responsible for enforcement of current Title 9, Chapter 9 (dog control and dangerous dog laws); Title 3, Chapter 82 (rabies control), Chapter 77 (stray livestock), and Chapter 79 (miscellaneous provisions concerning animals); and Title 11, Chapter 5 (animal cruelty) provisions of the Delaware Code.
 - DAS should also support the Delaware Animal Response program in emergencies.
 - The new section should include:
 - Three (3) DAS Sergeant's (merit employees), reporting to the Office of Animal Welfare Enforcement Officer

- Two (2) DAS Animal Cruelty Investigators (merit employees) reporting to the DAS Sergeants
 - Fourteen (14) DAS Officers (seasonal/casual) and six (6) part time seasonal DAS Officers, reporting to DAS Sergeants
- DAS should develop a centralized dispatch function within county non-emergency communication systems. Additionally, DAS should acquire a designated communication frequency within the Regional Communications System to ensure proper collaboration with law enforcement.
 - Up to four (contract) dispatchers may be required. Dispatch personnel may not be required, depending on agreements with the county non-emergency dispatch center
 - DAS Officers will be dispatched according to county. Ideally, officers would be headquartered in state offices in each county to ensure short response times and adequate coverage across the state.
 - DAS should enter into a competitive contracting process with local animal sheltering organizations for the intake, sheltering, and care for stray and abused animals serviced by DAS. Sheltering organizations will also provide veterinary care, rabies quarantine, stray-owner reunification, spay/neuter, and adoption services.
 - DAS should ensure all officers are adequately trained and certified according to state law. DAS should also maintain a state animal tracking database.

PROPOSED SERVICES:

The following services should be provided by Delaware Animal Services:

- Enforcement of current animal welfare laws or parts of the following chapters appropriate for animal control agencies to enforce:
 - Title 9, Chapter 9 (dog care and control, licensing, kennels, and dangerous dog management)
 - Title 3, Chapter 82 (appropriate provisions for human exposure rabies control)
 - Title 3, Chapter 77 (stray livestock)
 - Title 3, Chapter 79 (misc. provisions concerning animals)
 - Title 11, Chapter 5, Subchapter VII (provisions associated with animal cruelty)
- Limited² animal control services for non-dog species such as cats, exotics, and stray livestock.
- DAS should provide support to the Delaware Animal Response Program in emergencies.

² Limited services will be provided based on the need and type of species. DAS will partner with local animal welfare organizations, the Department of Agriculture, and the Department of Natural Resources and Environmental control to determine appropriate action depending on the species and need.

- DAS should provide services 24-hours a day, 7-days a week. Officers should be available from 7:00 am – 8:00 pm 7-days a week. Off-hour services should be available as on-call services.
- Humane education is an important component to animal care and control. DAS should be a resource for educational programs, public meetings, and events.

PROPOSED COST AND REVENUE:

Cost of Services

The Office of Animal Welfare recommends a cost-neutral budget for annual services, meaning that costs should not exceed current budget allocations for animal-related functions. The current annual cost equals \$3.5 million, which is shared between state and county/city governments.

To accomplish this goal, the Office recommends a continued cost-sharing approach between the State, Counties, and City of Wilmington during start-up and for annual DAS services. To adjust for annual price changes, the Office of Animal Welfare recommends the use of the annual Consumer Price Index (CPI-U) so the price escalation for each government entity would not exceed the annual CPI-U. Additional costs for the program over time (due to inflation) should be funded from increased dog licensing compliance.

A sample budget for start-up and annual costs has been captured in Appendix A.

Appendix B illustrates the recommended cost sharing approach for start-up and annual cost for DAS.

Revenue:

Current annual revenue for dog licensing and citations is around \$270,000, which represents only 9% of Delaware dog population as licensed. To increase animal control revenue, the Office of Animal Welfare should develop a plan to ensure higher compliance with dog licensing laws, starting during the transition. The plan should consolidate licensing services into a statewide, consistent service; identify efficiencies and reduce barriers to increase compliance; create incentives for compliance; and create strategic partnerships to promote licensing. These activities have been proven effective in other states at increasing compliance.

The Office of Animal Welfare should establish goals for higher dog licensing compliance each year after assumption of services. Increased revenue through increased compliance will support cost of inflation or other increases in costs associated with DAS services over time.

TRANSITION: PROPOSED NEXT STEPS

Recommended Legislation

To realize this plan, legislation would be required. The following Delaware Code would need to be updated with new responsibility assigned to the Delaware Department of Health and Social Services Office of Animal Welfare:

- Title 9, Chapter 9, Subchapter I & II: Laws concerning dog care and control, licensing, kennel and retail inspections authority, and dangerous dogs
- Title 11, Sections 1325 – 1327: Animal cruelty. DHSS should become the primary enforcement agency for animal cruelty.
- Title 3, Chapter 77: DHSS should be given the authority to enforce the chapter prohibiting livestock running at large
- Title 3, Chapter 79: Animal cruelty enforcement powers. DHSS should become the primary enforcement agency for animal cruelty.

Additionally, legislation would be required to establish 19 new state positions for the establishment of an enforcement division (5 merit and 14 seasonal/casual), and to assign start-up costs needed to deliver on the recommendations in this report.

Timelines

The Department of Health and Social Services should be allowed 6-12 months after the passage of enabling legislation to develop the enforcement function outlined in this report. See Appendix B for a proposed timeline.

APPENDIX A

The following sample budget outlines estimated costs for initiating Delaware Animal Services and the annual cost for providing comprehensive animal control and cruelty services for the state.

SAMPLE Delaware Animal Services Budget		
Start-Up Costs		
Need	Details	Estimated Cost
Vehicles	17 Animal Control Trucks and 2 Cars	\$380,000
Laptop computers and car mounts	19 Laptop computers and mounts	\$66,500
Radios/communication equipment	19 Radios with equipment	\$31,900
Microchip scanners and GPS transponders	19 Scanners and 19 transponders	\$8,930
Uniforms	Tactical Uniforms and all weather gear	\$16,000
Animal control and handling equipment	Field equipment	\$9,500
Officer onboarding and training	Staff onboarding, training, and constable certification	\$50,000
Office equipment and software	Printers, cameras, office materials, animal control software	\$18,400
Total Start-Up Cost		\$581,230
Annual Costs		
Need	Details	Estimated Cost
Staff	5 Merit, 14 seasonal/casual, 4 contract, 6 seasonal PT	\$730,000
Cell/USB Service	19 Phones and USB	\$22,800
Vehicle and equipment maintenance	Gas, vehicle maintenance, new equipment purchases	\$155,000
Shelter contracts	Annual cost of contract for sheltering services	\$2,600,000
Software licenses and GPS service	20 licenses and GPS services for 19 vehicles	\$12,200
Office Supplies	General office supplies	\$8,000
Total Annual Cost		\$3,528,000

APPENDIX B

The following timeline outlines proposed milestones in the development of Delaware Animal Services and the cost sharing model for services rendered.

