



NAPIER CITY COUNCIL ANIMAL CONTROL AND POUND INVESTIGATION REPORT

Review of allegations made in relation to animal welfare issues within the Animal Control Unit of the
NAPIER CITY COUNCIL.

Report – MARCH 2017

Senior Investigator s 9(2)(a)
Central Region Investigations
Ministry for Primary Industries

In Confidence

Executive Summary

This report provides an overview on the investigation and assessment of the allegations made by staff from the NAPIER CITY COUNCIL (NCC) Animal Control Unit.

Investigation of the allegations has been made in accordance with the provisions of the Animal Welfare Act 1999 (AWA 99) to support or negate breaches that may have been committed by any individual in the course of their handling or dealing with the alleged incidents.

This enquiry was conducted under the Animal Welfare Act 1999 by officers warranted under that Act. All allegations relate to incidents within the time period of August 2015 until October 2016.

The investigation phase was conducted between the dates of October 2016 to January 2017, undertaking interviews with all current and previous Animal Control staff, CARLYLE VETERINARY CENTRE staff and other persons from organisations including NAPIER SPCA and ADOPT-A-DOG.

The report concludes that there is either **no or insufficient evidence** of breaches of the AWA 1999 in relation to the NAPIER CITY COUNCIL, the Animal Control Unit Team Leader ^{s 9(2)(a)} or Animal Control Officer ^{s 9(2)(a)} in the eleven incidents investigated.

The report notes the improvements made in the management and day to day running of the Animal Control Unit and Pound prior to and after the start of this investigation.

Evident throughout this investigation was the cross-over between alleged *criminal* activity and *employment* issues. This report focusses solely on the alleged breaches of the Animal Welfare Act 1999 by following a process of identifying the components of an offence and whether there is evidence to support the allegations.

Hearsay in the form of rumour and supposition about these incidents has often been the predominant evidence of allegations amongst the large amount of material provided to this investigation. Therefore the investigation has been limited to allegations which have direct evidence available in the form of either witnesses, CCTV or other evidence.

Background

In May 2016, Barrister s 9(2)(a) of s 9(2)(b)(ii) acting on behalf of the NAPIER CITY COUNCIL Staff Association wrote to the NCC Chief Executive Wayne JACK with instructions from four members of the Animal Control team. In this letter they outlined a number of serious concerns about the situation at the Animal Control Unit.

The concerns raised predominantly related to relationship issues between the team and the Team Leader s 9(2)(a). They also raised concerns in the manner in which some Dog Control Policies were being implemented.

The issues raised were addressed in a letter from Wayne JACK in reply to s 9(2)(a) dated 27th June 2016. In September 2016 MPI received a letter from s 9(2)(a), Chairperson of the Lobby group "Watchdog!" requesting a formal investigation into ***"...breaches of the Animal Welfare Act, policies and procedures at the Napier City Dog Pound"***.

Initially, the letter provided by s 9(2)(a) contained insufficient detail to launch an investigation under the Animal Welfare Act 1999. Subsequently a copy of s 9(2)(a) letter was forwarded to MPI on the 7th October 2016 and an investigation and audit commenced on the basis of the wide ranging allegations made within the letter.

The three allegations of animal welfare issues mentioned in the letter that were identified as requiring further investigation were:

1. *On some occasions s 9(2)(a) had failed to treat animals in his care appropriately.*
2. *On some occasions he has treated dogs with inadequate consideration, for example leaving a dog chained up for some hours without food or water.*
3. *Claim that s 9(2)(a) seized the two dogs which had mange and had not organized any treatment for them in the 10 days they were in the pound.*

The investigation was commenced in October 2016.

Terms of Reference

Goal(s)

1. Enquire into allegations made in letter from ^{s 9(2)(b)(ii)} [REDACTED], Solicitor for the NAPIER CITY COUNCIL (NCC) Staff Association to the Chief Executive Officer of NCC.
2. To investigate the three allegations of animal welfare issues mentioned in the letter that may require further investigation, namely that:
 - a. On some occasions ^{s 9(2)(a)} [REDACTED] had failed to treat animals in his care appropriately.
 - b. On some occasions he has treated dogs with inadequate consideration i.e. leaving a dog chained up for some hours without food or water.
 - c. Claim that ^{s 9(2)(a)} [REDACTED] seized two dogs which had mange and had not organised any treatment for them in the 10 days they were in the pound.
3. To investigate the processes and systems operating in the NAPIER CITY COUNCIL Pound to ensure those processes are suitable and are being followed.
4. To investigate any other animal welfare offences that may be discovered in the course of the enquiry.

Scope

1. Shall investigate the three incidents aforementioned to determine whether breaches against the AWA 1999 are substantiated.
2. Shall conduct statements / interviews with the complainants, NAPIER CITY COUNCIL staff and independent Veterinarians to assess policies, procedures and records relating to the duty of care of the animals mentioned in the three incidents above.
3. Shall include a review of records and statements from relevant staff pertaining to obligations of approved organisations in accordance with the AWA 1999.

Enquiry

This MPI investigation included all parties being interviewed and statements taken. Co-operation has been sought on a voluntary basis and all efforts have been made to provide the parties and witnesses with the opportunity to be heard.

Legislation / Source Documentation

- Animal Welfare Act 1999
- Solicitor-General's Prosecution Guidelines 2013
- Animal Welfare (Dogs) Code of Welfare 2010.
- Animal Welfare (Temporary Housing of Companion Animals) Code of Welfare (Currently under Consultation).
- Dog Control Act 1996

Key Legislative Provisions

Animal Welfare Act 1999

Central to the Animal Welfare Act 1999 ("the Act") is the definition of physical, health, and behavioural needs of all animals, companion or otherwise. The physical, health and behavioural needs provide a basic right for all animals within New Zealand's Sovereign Territory. These needs underpin this enquiry and all matters that relate to Animal Welfare and the actions of the NAPIER CITY COUNCIL and its employees; namely the Animal Control officers.

These are defined in Section 4:

4 Definition of physical, health, and behavioural needs

*In this Act, unless the context otherwise requires, the term **physical, health, and behavioural needs**, in relation to an animal, includes—*

- (a) *proper and sufficient food:*
- (ab) *proper and sufficient water:*
- (b) *adequate shelter:*
- (c) *opportunity to display normal patterns of behaviour:*
- (d) *physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress:*
- (e) *protection from, and rapid diagnosis of, any significant injury or disease,—being a need which, in each case, is appropriate to the species, environment, and circumstances of the animal.*

Part 1 of the Act (s9) relates to the care of animals. This part reinforces the purpose of the Act in stating that:

Part 1 Care of animals

9 Purpose

- (1) *The purpose of this Part is to ensure that owners of animals and persons in charge of animals attend properly to the welfare of those animals.*
- (2) *This Part accordingly—*
 - (a) *requires owners of animals, and persons in charge of animals, to take all reasonable steps to ensure that the physical, health, and behavioural needs of the animals are met in accordance with both -*
 - (i) *good practice; and*
 - (ii) *scientific knowledge; and*
 - (b) *requires owners of ill or injured animals, and persons in charge of such animals, to ensure that the animals receive treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering; and*
 - (c) *imposes restrictions on the carrying out of surgical procedures on animals; and*
 - (d) *provides for the classification of the types of surgical procedures that may be performed on animals; and*
 - (e) *specifies the persons or classes of persons who may perform each class of such surgical procedures; and*
 - (f) *specifies certain minimum conditions that must be observed in relation to the transportation of animals.*

Section 10 goes further by outlining the obligations of owners and of persons in charge of animals in that:

10 Obligation in relation to physical, health, and behavioural needs of animals

The owner of an animal, and every person in charge of an animal, must ensure that the physical, health, and behavioural needs of the animal are met in a manner that is in accordance with both—

- (a) *good practice; and*
- (b) *scientific knowledge.*

With these two sections as a background, the most pertinent section in relation to this enquiry is section 11 under Part 1 of the Act. Section 11 outlines the obligations of an owner or Person in Charge (PIC) to alleviate pain or distress of ill or injured animals.

11 Obligation to alleviate pain or distress of ill or injured animals

- (1) *The owner of an animal that is ill or injured, and every person in charge of such an animal, must ensure that the animal receives treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.*
- 2) *This section does not-*
 - (a) *limit section 10; or*
 - (b) *require a person to keep an animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress.*

The key tenets of these sections are around identifying the responsibilities that should be expected as a minimum for those that either own or are in charge of animals whether they be companion and /or production animals. Central to the allegations made is the distinction of whom the "owner or PIC" is when companion animals are abandoned, surrendered or found injured.

The Act denotes by way of interpretation that an:

***Owner**, in relation to an animal, includes the parent or guardian of a person under the age of 16 years who—*

- (a) *owns the animal; and*
- (b) *is a member of the parent's or guardian's household living with and dependent on the parent or guardian*

Further to this; a:

***Person in charge**, in relation to an animal, includes a person who has the animal in that person's possession or custody, or under that person's care, control, or supervision.*

The sections outlined above are important in this enquiry. They provide the basis for a number of the elements which provide the answers to a number of questions when assessing the accuracy of the allegations; in balance with either witness or documentary evidence. Ultimately, these either negate or support breaches under the Act.

The purpose for highlighting the sections above is to create an awareness that the allegations made by various persons must be balanced against the overarching requirements of the Act. Before the individual allegations have been investigated, it has been necessary to understand and answer the key elemental facts in accordance with the Terms of Reference:

- In all cases – who is the owner or Person in Charge (PIC)?
- Have the physical, health and behavioural needs been met when an animal is in the care of the NAPIER CITY COUNCIL?
- Have reasonable steps been taken to ensure that the physical health, and behavioural needs of the animals are met in accordance with both -

- (i) good practice; and
 - (ii) scientific knowledge
- Has, in all cases, an animal received treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal.

Dog Control Act 1996. (Administered by the Department of Internal Affairs)

Dog Control Officers (known as Animal Control Officers by Councils) are appointed under Section 11 of the Act, and are defined in the Act as:

- *Dog Control Officer means a dog control officer appointed under section 11; and includes a warranted officer exercising powers under section 17*

By exercising the powers conferred on officers in the Act to seize dogs under the various provisions of the Act, the Animal Control Officers therefore become the PIC of that particular animal. The duties and requirements of the Animal Welfare Act including the relevant Codes of Welfare are required to be met by those officers.

Statutory Requirements

The Dog Control Act 1996 give Dog Control Officer's powers to seize and retain dogs under various provisions of the Act. The validity of any seizures and the attendant requirements were not part of this enquiry.

However once a dog is seized there are responsibilities placed on the Territorial Authority and its employees. The appointment of Dog Control Officers and provision of facilities fall on the Authority.

Dog control officers and dog rangers

11 Dog control officers

- (1) *Every territorial authority shall appoint 1 or more dog control officers or enter into an agreement under [section 16\(2\)](#) for the provision of the services of a dog control officer in its district, and may appoint such other staff as it considers necessary for the purposes of this Act.*
- (2) *No person shall be appointed as a dog control officer unless the territorial authority or the person making the appointment on behalf of the territorial authority is satisfied, having regard to the education and experience of the person to be appointed, that that person is competent to perform the duties and exercise the powers of a dog control officer under this Act.*

Custody of dogs

67 Provision of pound facilities

Every territorial authority, either singly or jointly with any 1 or more other territorial authorities, shall make such provision as is necessary for the proper custody, care, and exercise of dogs impounded, seized, or committed to its custody or the custody of a dog control officer or dog ranger under this Act, and for that purpose may—

- (a) establish, maintain, and operate a dog pound either separately or in association with any pound established under any other Act;*
- (b) enter into an agreement with any person, upon such terms and conditions as it thinks fit, for that person to provide proper custody, care, and exercise for such dogs.*

Animal Welfare Act 1999.

The Animal Welfare Act 1999 (the Act) imposes obligations on every person who owns or is in charge of an animal. This Code has been issued pursuant to Section 75 of the Act and will provide guidance on how to comply with the legislative requirements. However, this Code does not provide an exhaustive list of the Act's requirements, and owners and those in charge of animals should note that they must comply with the minimum standards in this Code and the general provisions in the Act.

A copy of the Act is accessible at: www.legislation.govt.nz.

A copy of the 'Guide to the Animal Welfare Act 1999' is available at www.biosecurity.govt.nz/animal-welfare.

Contents of Codes

Section 69 of the Act provides that a Code of Welfare may relate to one or more of the following:

- a species of animal
- animals used for purposes specified in the Code
- animal establishments of a kind specified in the Code
- types of entertainment specified in the Code (being types of entertainment in which animals are used)
- the transport of animals
- the procedures and equipment used in the management, care or killing of animals or in the carrying out of surgical procedures on animals.

In deciding to issue a Code of Welfare, the Minister must be satisfied as to the following matters set out in,

Section 73(1):

- *that the proposed standards are the minimum necessary to ensure that the purposes of the Act will be met ;*
- *and that the recommendations for best practice (if any) are appropriate.*

Despite the provisions of Section 73(1), Section 73(3) of the Act allows the National Animal Welfare Advisory Committee (NAWAC), in exceptional circumstances, to recommend minimum standards and recommendations for best practice that do not fully meet the obligations of:

- **Section 10 or Section 11** – obligations in relation to physical, health and behavioural needs of animals
- **Section 12(c)** – killing an animal
- **Section 21(1)(b)** – restriction on performance of surgical procedures
- **Section 22(2)** – providing comfortable and secure accommodation for the transport of animals
- **Section 23(1) and (2)** – transport of animals
- **Section 29(a)** – ill-treating an animal.

In making a recommendation under Section 73(3), Section 73(4) requires NAWAC to have regard to:

- the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition
- the requirements of religious practices or cultural practices or both
- the economic effects of any transition from current practices to new practices.

This Code provides for the physical, health and behavioural needs (as defined in Section 4 of the Act) of dogs. These needs include:

- proper and sufficient food and water;
- adequate shelter;
- opportunity to display normal patterns of behaviour ;
- physical handling in a manner which minimises the likelihood of unreasonable or unnecessary pain or distress;
- protection from, and rapid diagnosis of, any significant injury or disease, being a need which, in each case, is appropriate to the species, environment and circumstances of the animal.

This Code also takes account of:

- good practice
- scientific knowledge
- available technology.

"Significant surgical procedures", including "controlled" or "restricted surgical procedures", are defined and covered by the Animal Welfare Act. They are not covered separately by this Code (see Section 7.11 Surgical Procedures for further information).

Legal obligations of Owners and Persons in Charge of Animals under the Animal Welfare Act 1999

"Owner" and "Person in Charge" are defined in Appendix II: Interpretation and definitions above. Under the Act, the "Owner" of an animal or the "Person in Charge" is responsible for meeting the legal obligations for animal welfare. It should be noted that the "owner" is not always the same person as the "person in charge", according to the particular circumstance/s this may change (e.g. when responsibility for the animal is assumed by a person/s who is not the owner e.g. in boarding kennels or is under the instruction of a trainer).

The Owner or Person in Charge of a dog has overall responsibility for the welfare of the dog(s) in his or her care. The legal obligations set out below are taken from the Act but are not an exhaustive list of the obligations contained in the Act.

The Owner or Person in Charge of dogs must:

- (iii) ensure that the physical, health and behavioural needs of the dog are met in a manner that is in accordance with both good practice and scientific knowledge
- (iv) where practicable, ensure that a dog that is ill or injured receives treatment that will alleviate any unreasonable or unnecessary pain or distress being suffered by the dog or that it is killed humanely.

The Owner or Person in Charge of a dog must not without reasonable excuse:

- (i) keep a dog alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress
- (ii) sell, attempt to sell or offer for sale, otherwise than for the express purpose of being killed, a dog, when it is suffering unreasonable or unnecessary pain or distress
- (iii) desert a dog in circumstances in which no provision is made to meet its physical, health and behavioural needs

No person may:

- (i) ill-treat a dog
- (ii) release a dog that has been kept in captivity, in circumstances in which the dog is likely to suffer unreasonable or unnecessary pain or distress
- (iii) perform any significant surgical procedure on a dog unless that person is a veterinarian, or a veterinary student under the direct supervision of a veterinarian or, in the case of a controlled surgical procedure, a person approved by a veterinarian
- (iv) perform on a dog a surgical procedure that is not a significant surgical procedure (as defined by the Act) in such a manner that the dog suffers unreasonable or unnecessary pain or distress
- (v) kill a dog in such a manner that the dog suffers unreasonable or unnecessary pain or distress.

It is an offence under Section 31 of the Animal Welfare Act 1999 to allow animals (including dogs) to participate in fighting ventures or to aid in providing animals for such ventures.

Dog Control Officers as the Person in Charge are bound by the Animal Welfare Act 1999 of which the Codes of Welfare are a part.

The Codes are separate from the Act because with so many different types of animals and situations, it is impractical to include them all in the Act – it would make for lengthy and unwieldy legislation.

The Code applies to all persons responsible for the welfare of dogs, including dog breeders, those who show dogs, keep dogs as companions (pets), and use dogs for sport, as working animals, or for any other reason.

Owners and persons in charge of dogs have a responsibility to understand and meet the welfare needs of their dogs. The purpose of the Code is to encourage all those responsible for dogs to adopt the highest standards of husbandry, care and handling. The Code sets minimum standards for the care and management of dogs. It includes recommendations for best practice to encourage standards of care better than just the minimum.

Failure to meet a minimum standard in this Code may be used as evidence to support a prosecution for an offence under the Animal Welfare Act.

A person who is charged with an offence can defend him or herself by showing that he or she has equalled or exceeded the minimum standards in this Code.

The recommendations for best practice in this Code have no legal effect and are included to encourage higher standards of animal welfare.

Minimum Standards (Relating to seized dogs)

Minimum Standard No. 1 – Food and Feeding

Dogs must receive adequate quantities of nutritious food to enable each dog to:

- (i) maintain good health;
- (ii) meet its physiological demands, including those resulting from the level of physical activity, growth, pregnancy, lactation and exposure to cold; and
- (iii) avoid metabolic and nutritional disorders.

Minimum Standard No. 3 – Water

Dogs must have frequent access to water, appropriate to their needs, that is palatable to the dog, not harmful to health and available in quantities sufficient to maintain vital bodily functions.

Minimum Standard No. 4 – Containment and Tethering

- (a) Dogs must not be contained or tethered in a way that causes them injury or distress.

- (b) Collars must fit comfortably without damaging the skin or restricting breathing.

Minimum Standard No. 5 – Kennelling, Shelter and Ventilation

- (a) Dogs must be provided with sheltered and dry sleeping quarters.
- (b) Measures must be taken to enable dogs to keep warm in cold weather.
- (c) Sleeping quarters must be large enough to allow the dog to stand up, turn around and lie down comfortably.
- (d) Dogs must be able to urinate and defecate away from the sleeping area.
- (e) Ventilation and shade must be provided in situations where dogs are likely to experience heat distress.

Minimum Standard No. 6 – Sanitation

- (a) Faeces and urine must not be permitted to accumulate to such an extent that they pose a threat to the health or welfare of the dog.
- (b) Food and water containers must be kept clean of contamination that may pose a threat to the health or welfare of the dog.

Minimum Standard No. 10 – Ill Health and Injury

- (a) Owners, or persons in charge of dogs, who observe their dogs to be showing:
 - (i) signs of significant acute pain, suffering and distress; or
 - (ii) signs of chronic pain, suffering and distress; or
 - (iii) signs of rapidly deteriorating health; or
 - (iv) serious injury must seek immediate attention from a veterinarian or appropriately trained animal health practitioner.
- (c) If a dog is suffering from pain or distress that is extreme or untreatable, then the animal must be euthanised.

Minimum Standard No. 11 – Prevention of Infectious Disease

Dogs known to be infected with an infectious disease must be carefully supervised and securely isolated so as to prevent infecting other dogs.

Minimum Standard No. 20 – Transportation

- (a) Dogs must be provided with adequate ventilation when being carried in a vehicle.
- (b) Dogs must not be transported loose in a stock crate with livestock.
- (c) If dogs are carried in a purpose-built transport box fixed to a vehicle, it must be well-ventilated and free from exhaust fumes and road dust.
- (d) Except for working dogs at work, dogs must not be carried on the open rear of a moving vehicle unless they are secured or enclosed in a crate.
- (e) Dogs must not be left unattended in a vehicle in conditions where the dog is likely to suffer from heat stress.

Minimum Standard No. 21 – Euthanasia

- (a) When a dog is euthanised it must be carried out in such a way as to ensure that death occurs quickly and that pain and distress is minimised.
- (b) Dogs of any age must not be killed by drowning.

Offences

Given the provisions of the Animal Welfare Act 1999 (the Act), the offences outlined below have been considered as a consequence of the allegations made. Offences under the Animal Welfare Act 1999 have a statute of limitations of 5 years unless stated otherwise.

For the purpose of this report it is not practical to replicate all offence provisions under the Act in this section. The elements of the offence provisions differ little between all sections of the Act other than some offences being strict liability offences and others requiring the intent or *mens rea* to be proven.

Strict liability offences – s12, s29 (a) are offences under the Act whereby it is not necessary for the prosecution to prove that the defendant intended to commit an offence.

Sections 28 and 28A both carry the elements of wilful and reckless respectively. Both of these sections require the prosecution to show the intent (*mens rea*) in relation to the offence that has been committed. The elements as they relate to each allegation will be outlined further in this report.

The offences reviewed throughout this enquiry are set out in the table below.

Section	Offence	Penalty
12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10	A person who commits an offence against section 12 is liable on conviction,— (a) in the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50,000 or to both; or (b) in the case of a body corporate to a fine not exceeding \$250,000.
12(b)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11;	A person who commits an offence against section 12 is liable on conviction,— (a) in the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50,000 or to both; or (b) in the case of a body corporate to a fine not exceeding \$250,000.
14	Further animal welfare offences (1) A person commits an offence who, being the owner of, or a person in charge of, an animal, without reasonable excuse,— (a) keeps the animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress; or (2) A person commits an offence who, being the owner of, or person in charge of, an animal, without reasonable excuse, deserts the	A person who commits an offence against section 14(1) or section 14(2) is liable on conviction,— (a) in the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50,000 or to both; or

	animal in circumstances in which no provision is made to meet its physical, health, and behavioural needs.	(b) in the case of a body corporate to a fine not exceeding \$250,000.
28	<p>Wilful ill-treatment of animals</p> <p>(1) A person commits an offence if that person wilfully ill-treats an animal with the result that—</p> <p>(a) the animal is permanently disabled; or</p> <p>(b) the animal dies; or</p> <p>(c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or</p> <p>(d) the animal is seriously injured or impaired.</p> <p>(2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment—</p> <p>(a) involves—</p> <p>(i) prolonged pain and suffering; or</p> <p>(ii) a substantial risk of death; or</p> <p>(iii) loss of a body part; or</p> <p>(iv) permanent or prolonged loss of a bodily function; and</p> <p>(b) requires treatment by or under the supervision of a veterinarian.</p>	<p>28(3) A person who commits an offence against this section is liable on conviction,—</p> <p>(a) in the case of an individual, to imprisonment for a term not exceeding 5 years or to a fine not exceeding \$100,000 or to both;</p> <p>(b) in the case of a body corporate, to a fine not exceeding \$500,000.</p>
28A	<p>Reckless ill-treatment of animals</p> <p>(1) A person commits an offence if that person recklessly ill-treats an animal with the result that—</p> <p>(a) the animal is permanently disabled; or</p> <p>(b) the animal dies; or</p> <p>(c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or</p> <p>(d) the animal is seriously injured or impaired.</p> <p>(2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment—</p> <p>(a) involves—</p> <p>(i) prolonged pain and suffering; or</p> <p>(ii) a substantial risk of death; or</p> <p>(iii) loss of a body part; or</p> <p>(iv) permanent or prolonged loss of a bodily function; and</p> <p>(b) requires treatment by or under the supervision of a veterinarian.</p>	<p>28A(3) A person who commits an offence against this section is liable on conviction,—</p> <p>(a) in the case of an individual, to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$75,000 or to both;</p> <p>(b) in the case of a body corporate, to a fine not exceeding \$350,000.</p>
	<p>Further offences</p> <p>A person commits an offence who—</p> <p>(a) ill-treats an animal;</p> <p>(g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress;</p> <p>(h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.</p>	<p>30(a) in the case of an individual, to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$50,000 or to both; and</p> <p>(b) in the case of a body corporate, to a fine not exceeding \$250,000.</p>

Schedule of Statute changes - post 01.07.2013

AWA offence Penalties, Category & Timeframes					
Offence	Max Penalty on/before 6.7.10	Max Penalty on/after 7.7.10	Statute of Limitations 15.12.05 - 30.6.13	Offence Category on/after 1.7.13	SOL on/after 1.7.13
Wilful ill-treatment (s.28)	Individual: 3yrs prison &/or \$50,000 fine. Body Corporate: \$250,000 fine	Individual: 5yrs prison &/or \$100,000 fine. Body Corporate: \$500,000 fine	2yrs	3	Any time
Reckless ill-treatment (s.28A)	n/a New offence	Individual: 3yrs prison &/or \$75,000 fine. Body Corporate: \$350,000 fine	2yrs	3	5yrs
Ill-treatment (s.29a)	Individual: 6mths prison &/or \$25,000 fine. Body Corporate: \$125,000 fine	Individual: 1yr prison &/or \$50,000 fine. Body Corporate: \$250,000 fine	2yrs	2	5yrs
Neglect/conduct animal offences (Covered by Penalties s.25 & s.37)	Individual: 6mths prison &/or \$25,000 fine. Body Corporate: \$125,000 fine	Individual: 1yr prison &/or \$50,000 fine. Body Corporate: \$250,000 fine	2yrs	2	5yrs
Obstruction or impersonation (s.159 & s.160)	Individual: 3mths prison &/or \$5000 fine. Body Corporate: \$25,000 fine	Individual: 3mths prison &/or \$5000 fine. Body Corporate: \$25,000 fine	2yrs	2	6mths
New offences May 2015	n/a	Max Penalty on/after 10.5.15	n/a	Offence Category on/after 1.7.13	SOL on/after 1.7.13
Wilful ill-treatment of wild animals (s.30A(1))		Individual: 5yrs prison &/or \$100,000 fine. Body Corporate: \$500,000 fine		3	Any time
Reckless ill-treatment of wild animals (s.30A(2))		Individual: 3yrs prison &/or \$75,000 fine. Body Corporate: \$350,000 fine		3	5yrs

ALLEGATIONS.

The following eleven allegations were investigated either from the original complaint or came to light during the investigation.

1. TITAN. (June 2016)
2. MARLOW (September 2016)
3. MANGE DOGS (May 2016)
4. BULL DOG, LIL PIG (31 August 2016)
5. GOAT. (November 2016)
6. CRUZE (Oct/Nov 2015)
7. COCO (22 December 2015)
8. JOKER (Date Unknown)
9. LAB (Aggressive)
10. PINKY (Staffy/Bull Terrier X)
11. PARVO & dirty Kennels (2015)
12. General complaints of ill-treatment of dogs by s 9(2)(a).

Released Under The Official Information Act 1982

1.0 Dog TITAN – June 2016

Allegation

The allegations in regards to TITAN are:

- Received a cut to his paw while in the pound.
- s 9(2)(a) had hit the cage door with a rope which caused the cut.
- Insufficient treatment for cut.
- Not given anti-biotics.
- Not receiving sufficient food.
- Left in the front part of the kennel.

Potential Breaches

12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10
12(b)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11;
14(1)(a)	Further animal welfare offences (1) A person commits an offence who, being the owner of, or a person in charge of, an animal, without reasonable excuse,— (a) keeps the animal alive when it is in such a condition that it is suffering unreasonable or unnecessary pain or distress;
28	Wilful ill-treatment of animals (1) A person commits an offence if that person wilfully ill-treats an animal with the result that— (a) the animal is permanently disabled; or (b) the animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or (d) the animal is seriously injured or impaired. (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment— (a) involves— (i) prolonged pain and suffering; or (ii) a substantial risk of death; or (iii) loss of a body part; or (iv) permanent or prolonged loss of a bodily function; and (b) requires treatment by or under the supervision of a veterinarian.

29	<p>Further offences</p> <p>A person commits an offence who—</p> <p>(a) ill-treats an animal;</p> <p>(g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress;</p> <p>(h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.</p>
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Discussion

There are a number of aspects to this incident comprising of how the injury occurred, what treatment was offered and what care was put in place for the dog. It should also be noted that there were a number of concerns raised around the circumstances in which TITAN was seized and released. These concerns relate to the provisions of the Dog Control Act 1996 and were not included in this investigation.

Cut to Foot:

TITAN was first impounded in June 2016.

On the 23rd June 2016 TITAN received a cut to his paw. CARLYLE VET CENTRE was consulted and the advice given was to cover the cut with a water proof cover. Subsequently the foot was bandaged and covered with a plastic bag.

- Not long after this occurred the pound was contacted by a person who stated their Mastiff had been missing for 3 or 4 weeks. They were advised to come down to the pound and subsequently identified TITAN as their missing dog. They took the dog to their personal vet clinic and had the foot treated.

Locking in front of kennel/insufficient feeding.

TITAN was picked up roaming a few days later and impounded. It was during this impounding that the hosing, under feeding and failure to administer anti-biotics allegedly occurred.

Facts

- TITAN received a cut to his paw on the pad while housed in cage 8/9 (double cage) at the NAPIER CITY COUNCIL Pound on 23rd June 2016.
- TITAN was due to be euthanised the next day.
- s 9(2)(a) sought advice from vets and was told to cover and keep dry.
- Owners contacted the Pound and TITAN was returned to them and they took him to their own Vets and the cut was treated.
- TITAN was picked up roaming two days later and was impounded over the weekend and was picked up by the owners.
- Pound fees were waived as the owners had paid for veterinary treatment.
- It was this impounding where TITAN ended up locked in the front part of Cage 1.

- No evidence of antibiotics being administered.
- s 9(2)(a) was seen to hose cage with TITAN in the cage.

Enquiry

Interviews were conducted with all current and previous ACOs. s 9(2)(a) supplied CCTV footage taken from the pound CCTV system of which he had recorded by cell phone as well as photos of the inside of the cage, around the lock and front door.

The CCTV footage for TITAN consisted of: (Notes made at viewing)

1. s 9(2)(a) feeding TITAN 2 26/06/2016.
 - a. Green cup scoops from stainless bowl. Unable to see amounts.
 - b. Goes to first cage and leaves and returns with a cup of food that he places in a bowl in the cage.
 - c. Takes the bowl he had from feeding the other dogs and takes it to the fifth cage.
 - d. Unknown which cage TITAN is in.
 - e. 0958 hrs
2. s 9(2)(a) passes locked TITAN cage. 26/10/2016.
 - a. Walks past first cage dogged locked in front.
 - b. Has green bandage on front left leg
 - c. Does not appear to look into cage.
 - d. 1108hrs.
3. s 9(2)(a) putting dirty bowl back 25/06/2016
 - a. s 9(2)(a) hangs up a stainless bucket while cleaning cages.
 - b. 0851hrs
4. s 9(2)(a) locking door back 26/06/2016
 - a. s 9(2)(a) locks internal door back of first cage.
 - b. 1005hrs.
5. s 9(2)(a) hitting TITAN CCTV. 23/06/2016
 - a. s 9(2)(a) takes dog from front kennel to rear of building, jumping at other dogs.
 - b. Walks back in.
 - c. Stops around cages 8 to 12 looks into cage.
 - d. Hits grill with lead.
 - e. Walks off, Stops looks into cage and walks off.

6. TITAN getting hosed 26/06/2016
 - a. s 9(2)(a) hosing out first cage.
 - b. Dog jumping at hose.
 - c. Dog has bandage on front left foot.
 - d. s 9(2)(a) locks dog in back of cage.
 - e. Carries on hosing.
7. Door closes on TITAN CCTV. 26/06/2016
 - a. Internal door closed on dog in first cage.
 - b. 1016hrs

The photographs provided by s 9(2)(a)

1. TITAN Cage.

- a. Photo of cage door possible blood on it.



2. TITAN Cage.

a. Photo of corner of cage.



3. TITAN Cage 3

a. Photo of door.



The pound was visited as part of the Audit and cage 8/9 was inspected and photographed.

§ 9(2)(a) and § 9(2)(a) were spoken too under caution in regards to these matters.

- Stated
 - “I was actually on duty in the pound and it cut its paw. It was quite a bad cut. It was quite deep. It was on the pad. It was bleeding quite profusely. It caught it somewhere on one of the kennels. I actually was walking past with another dog and it jumped up and I’m sure it caught its paw on the edge of a grate or bolt.”
 - “I came back and there was quite a lot of blood. I believed it needed to go to the Vet. § 9(2)(a) said no. I went away and came back and went oh well look, we’re going to euth [sic] that dog tomorrow so it doesn’t really matter. We’ll sort that out. We’re not going to treat it.”

- Referenced the cut during interview stating that:
 - “So the dog was in the pound, I went in the pound and I said this dog will be euthanised on Friday, I went into the pound on, I was down the pound on Wednesday, I walked down the pound, I noticed some blood on the floor in a kennel and I wandered down the back, § 9(2)(a) was putting a dog in the day kennel and I says oh what’s the blood on the floor and then I noticed that this dog, we’ll call him TITAN, had a bleeding foot and I says what’s happened?
He says oh I don’t know, he was just, it was just bleeding, he must have torn something. So I looked at, I didn’t want to go too close to him because this dog has a previous history of aggression, so I looked at his paw and it looked like one of his nails had been pulled. I thought okay well that’s fine, what are we going to do, so I, because the dog was due to be euthanised the next day.

Must have been a Thursday cause due to be euthanised on the Friday. So I went out, I rang our vets, spoke to the vet nurse explained to her the situation and said, hey look we’ve got this dog due to be euthanised tomorrow, it looks like it’s pulled it’s claw, I could bring it down to be euthanised now but I don’t to be seen to be over zealous in doing it, and she goes what do we do in the meantime, she says oh I’ll talk to the vet, came back said just wrap it up keep it dry and we’ll come down tomorrow and euthanise the dog.

So I spoke to § 9(2)(a) and then we decided that, so § 9(2)(a) wrapped it up, put a plastic bag over it. I then left the pound went back to the main building. About an hour later got a phone call saying that the owners of that dog had turned up.”
 - “And then probably, I was on call that week, and then that weekend which was, might have been the next day or Saturday or the Sunday I got a phone call to say there was dog in Harold Holt Avenue that had wandered onto the property, could you go around and pick it up. So I went round to pick it up, the micro, the dog records had not been updated at that stage, so the new owner’s new address wasn’t on the dog record.

But that was immaterial anyway because the dog would have been impounded because it had been impounded in the last 12 months. So I picked the dog up, took it back to the pound, queried the microchip number on the national dog database, it came up with a cell phone, rang the cell phone number it was answered by a woman, who is the partner of the registered owner and told her that TITAN, I’d just picked

TITAN up in Harold Holt Avenue, he was in the pound, the impound fee was \$60, must have been Saturday morning cause I said to her, might have been Sunday not sure, I said to her yeah \$60 are you going to come down, you know do you want to come down and pick him up? And she said no my partner's in Rotorua we can't come. And I said okay he'll be here on Monday morning then and I was on days off on Monday, he had a bandage around his foot obviously a vet had put it on, I put him in a kennel, I fed him, watered him and then must have been the Sunday morning went in and cleaned the kennels out and once again because TITAN had already shown aggression I didn't want to go into the kennel with him by myself if I didn't have to so I cleaned his kennel from the outside the best I could, which basically means you got to get down, at that stage the bedding are only 100mls off the floor, now they're 300, so you had to get down and try and hose the faeces out the back"

CCTV Analysis

The only CCTV footage available for analysis was the footage supplied by ^{s 9(2)(a)} which was taken using a cell phone to film a CCTV monitor within the kennels.

There is no actual footage from the CCTV as the system over writes recorded data after about 3 months. Therefore the quality and ability to enhance the footage has been restricted.

1. ^{s 9(2)(a)} hitting TITAN CCTV. 23/06/2016
 - a. 0836:04 ^{s 9(2)(a)} takes dog from front kennel to rear of building jumping at other dogs.
 - b. 0836:21 Dog ^{s 9(2)(a)} is taking to yard jumping up at TITAN
 - c. 0836:47 ^{s 9(2)(a)} returns to access way and walks towards kennel 1
 - d. 0836:52 Stops around cages 8 to 12 looks into cage.
 - e. 0836:55 Hits grill with lead. Unable to determine which cage is in the region of 9 to 11.
 - f. 0836:56 carries on walking, takes four steps.
 - g. 0836:59 Stops looks back into cage into cage for about 7 seconds, action indicates he is trying to look at something of interest in the cage.
 - h. 0837:09 walks off towards the front of the kennels and footage ends.
2. TITAN getting hosed 26/06/2016
 - a. 0927:42 ^{s 9(2)(a)} pulls hose to front of first cage(no1)
 - b. 0927:44 ^{s 9(2)(a)} begins hosing the kennel. The dog in the kennel now known to be TITAN is jumping and snapping at the water.
 - c. TITAN can be seen jumping at water and has a scraggly bandage on right front paw.
 - d. ^{s 9(2)(a)} appears to be trying to avoid the TITAN and goes around to the rear of the kennel.
 - e. ^{s 9(2)(a)} locks TITAN in back of cage.
 - f. Carries on hosing.
 - g. 0928:54 ^{s 9(2)(a)} finishes hosing, TITAN is in the back cage.

3. s 9(2)(a) locking door back 26/06/2016
- a. 1005:42 s 9(2)(a) Unlocks internal door back of first cage and TITAN moves into the front of the cage
 - b. 1006:13 after a number of attempts to pull internal door s 9(2)(a) opens front door reaches into cage and pushes internal door back against the side of the cage.
 - c. 1006:25 Locks the door back using the catch at the top of the door.
 - d. 1006:34 walks off leaving TITAN with the run of the whole cage.
4. Door closes on TITAN CCTV. 26/06/2016
- a. 1016:09 TITAN seen jumping in cage causing internal door to close with TITAN in the front part of the cage.
 - b. 1016:31 door remains closed with TITAN in the front of the cage.
5. s 9(2)(a) passes locked TITAN cage. 26/10/2016.
- a. 1107:57 s 9(2)(a) walks past first cage TITAN is still trapped in front part of cage.
 - b. Has green bandage on front left leg?
 - c. s 9(2)(a) does not look into cage, pauses and then proceeds to walk to the other side of the kennels.
 - d. 1108:38 s 9(2)(a) walks back past cage 1 and again does not appear to look into cage. Leaves the kennels.
6. s 9(2)(a) feeding TITAN 2 26/06/2016.
- a. 0957:09 s 9(2)(a) uses a green cup to scoop from stainless bowl containing Illams dog food. Unable to see amounts. Feed dogs in cages 2 and 3.
 - b. 0957:47 Goes to first cage and walks out of sight into the garage area where the food is stored.
 - c. 0957:56 Returns with a cup of food that he places in a bowl in the cage 1.
 - d. Takes the bowl he had from feeding the other dogs and takes it to the cage 6 and leaves the bowl in that cage
 - e. TITAN not seen in footage.
 - f. Assumption is that TITAN is in cage 1.
 - g. 0958:55 s 9(2)(a) returns from garage area and walks into office area.
7. s 9(2)(a) putting dirty bowl back 25/06/2016
- a. 0851:15 s 9(2)(a) walks back from other side of kennels carrying a towel and a stainless bucket.
 - b. Hangs up a stainless bucket while cleaning cages. Looks into bucket prior to hanging up.
 - c. 0851:27 footage ends. No indication of the state of the bucket,

CONCLUSIONS.

1. § 9(2)(a) hitting cage with rope.

- a. In the 17 seconds it takes § 9(2)(a) to take the dog from cage 1 to the exercise area all dogs in their cages are jumping up at the doors.
- b. TITAN can be seen jumping up at the door of his cage.
- c. § 9(2)(a) returned into the alleyway stops looks into a cage and is seen hitting the cage door with the nylon ropes used as leads in the pound
- d. TITAN seen jumping but inconclusive as to the rope striking TITAN.
- e. § 9(2)(a) takes four steps away and looks back into cage.

• **CONCLUSION: Insufficient evidence of the strike causing the injury to TITAN. Injury may have been caused while TITAN jumped up at cage numerous times.**

2. § 9(2)(a) hosing TITAN.

- a. § 9(2)(a) seen cleaning the cage by hosing while TITAN was jumping and snapping at the water.
- b. § 9(2)(a) appears to be trying to avoid hosing TITAN.
- c. After about 15 to 20 seconds § 9(2)(a) stops and locks TITAN in the back of the cage.
- d. It is not possible to ascertain the exact time he was hosing prior to putting TITAN in the rear of the cage as the timer is not visible on the footage.

• **CONCLUSION: There is insufficient evidence to support the allegation § 9(2)(a) deliberately hosed TITAN in the footage supplied.**

3. § 9(2)(a) locking TITAN in the front of cage 1.

- a. § 9(2)(a) releases TITAN from the back of the Kennel at 1006:23 and locks the internal door back against the side of the cage.
- b. At 1016:09 TITAN is jumping around in the cages and causes the internal door latch to release and the door closes trapping TITAN in the front part of the cage.
- c. Between 1107:57 to 1108:38hrs the same day § 9(2)(a) is seen walking through the kennel area. At no time does he appear to look into cage 1 where TITAN is trapped in the front part of the cage.
- d. TITAN was trapped in the front of the cage from 1100hrs Sunday until 0730hrs Monday.
- e. TITAN has access to food and water.

• **CONCLUSION: There is no evidence that § 9(2)(a) deliberately left TITAN locked in the front of the cage. While he walked past the cage twice he appears not to look into the cage therefore did not notice that the dog was trapped in the front part.**

4. § 9(2)(a) feeding TITAN.

- a. Footage supplied shows § 9(2)(a) feeding dogs where all dogs got one cup of food.
- b. Due to dogs not being weighed and feeding requirements established and recorded it is difficult to determine any issues with the actions taken in the footage supplied.

• **CONCLUSION: There is insufficient evidence of under feeding of TITAN as the systems at the time did not record the requirements or the facts of the actual quantity and time of feeding.**

All CCTV footage viewed was peer reviewed by Animal Welfare Investigators from the Central Region Investigation Office.

RECOMMENDATIONS

In accordance with the terms of reference I make the following recommendations:

1. In relation to the cut to TITANs paw there is insufficient evidence to support a charge under the Animal Welfare Act. Therefore no further action to be taken
2. In relation to the allegation ^{s 9(2)(a)} deliberately hosed the wound on TITANs foot. There is no evidence to support this claim. No prosecution action is recommended, it however recommended that an SOP is developed which covers the cleaning of kennels.
3. In relation to the allegation ^{s 9(2)(a)} deliberately shut TITAN in the front of the kennel overnight there is no evidence to support a charge under the Animal Welfare Act. Therefore no further action is required.
4. In relation to the allegation in regards to ^{s 9(2)(a)} underfeeding TITAN there is insufficient evidence to support a charge under the Animal Welfare Act. Therefore no further action is required.
5. That all animals received into the pound be subject to the recommendations made in the “Ministry for Primary Industries External Audit Report” dated 15 November 2016.

2.0 MARLO –13th September 2016

Allegations in relation to MARLO in that a young dog was placed in Kennels with injuries to it neck were

- Dog was an approximately 6 to 9 month old Bull dog cross that was picked up from an address after the occupier had found it wandering on his property.
- Had been poled to put in kennel.
- Not given food, bedding or treatment.
- Had open wounds to neck.
- Should have gone to ISO (Claimed to be a puppy)

Potential Breaches

12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10
12(b)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11;

Discussion

This incident was mentioned in interview by ACOs § 9(2)(a) and § 9(2)(a) and was confirmed by Veterinarian § 9(2)(a) and NZSPCA Inspector § 9(2)(a). Other issues mentioned in regards to uniform cleaning were not considered.

Facts

- Dog was picked up by § 9(2)(a) from Shackleton Street.
- It had been tied up and fed and watered by the occupier after being on the property all day and was unknown in the neighbourhood.
- § 9(2)(a) went to use a rope to secure the dog when it showed aggression and he decided to use a pole to control it based on having been bitten by puppies previously.
- § 9(2)(a) return to the pound and the dog was placed in cage 6 or 7.
- He gave it bedding and water.
- Later on § 9(2)(a) and § 9(2)(a) decided that the dog was too small for the big cages in the main kennel area and § 9(2)(a) picked the dog up to transfer it to the Isolation kennels.
- The dog was taken to the office and it was noticed that § 9(2)(a) had blood on his shirt and the dog had cuts around its neck which were bleeding.
- The dog was taken to Carlyle Veterinary Clinic by ACOs and NZSPCA inspectors who were at the pound at the time.
- The wounds were cleaned and a course of antibiotics was begun.

Enquiry

This incident came to light during interviews. Veterinarian § 9(2)(a) and NZSPCA Inspector § 9(2)(a) were questioned at interview about MARLO. The vet report relating to the incident was supplied by the vet clinic after permission was sought from Napier SPCA as they were the party who obtained treatment and subsequently care for the dog after examination.

Interview

§ 9(2)(a). (ACO)

Went to look at dog after § 9(2)(a) had said he had put dog in a kennel.

- Dog was too small to be in cage.
- Should have been in ISO unit.
- Went in picked it up and noticed blood on the head and neck. Blood all over its head.
- Ended up with blood on shirt.
- Big hole in side of head.
- No bedding or food provided.
- Cuts all over its head.
- Took to vets

§ 9(2)(a)

. (ACO)

- § 9(2)(a) had picked up the dog and got blood on his uniform from the cuts on the dog's neck.
- Saw huge cut on the dog's neck.
- Dog was taken to vet.
- Sent an e-mail to § 9(2)(a) in regards to the incident.

§ 9(2)(a)

. (SPCA Inspector)

- Stated
 - "Nothing hugely significant, the only one that probably upset me a little bit was a young puppy that was brought into the pound while I was there and it had some facial injuries and things and between § 9(2)(a), § 9(2)(a) and I, or § 9(2)(a), § 9(2)(a) and I, I think, we decided we better get it down to a vet and during all of that process I think it had been poled from the property into the truck, from the truck into the pound, no it might have been poled into the truck at the property because it was apparently quite scared and I wasn't overly impressed with it being poled with those facial injuries, it was only a small puppy, maybe 3 or 4 months old."

§ 9(2)(a)

. (Veterinarian)

- Treated the dog.
- Gauged the age to be 8 to 12 months old
- Multiple puncture wounds of varying depth and size mainly around the head and neck area.
- Didn't count them, there were about 3 deeper ones and probably 5 to 10 more minor nicks.
- Thought they were fairly obvious to the casual observer, think she was a brown and white dog and there was some blood staining, they weren't actively dripping blood but her face was swollen, the biggest one thought was quite clear and clearly visible at least.
- Thought wounds were few days old.
- Oozing clear liquid not unusual for an infection.
- § 9(2)(a) rang her the next morning and stated he had poled the dog as he could not get near her.
- Had no signs of aggression when being treated.
- Treated with antibiotics.
- The longest wound was sort of about a centimetre and a half, it was more the infection that was the concern.
- Stated:
 - "I don't think you could have picked her up and put her in a thing without noticing it, it was quite obvious when you get close to her. I guess potentially on the end of a pole there's the possibility, I can't completely rule out that it could have been missed, I think it would be fairly surprising not to notice anything at all wrong but I can't completely rule that out".
 - "She was fearful but not at all aggressive so she sort of you know, they put her on the table she just kind of crouched on the table, she didn't object, raise a lip, growl, snap when I was poking her wounds and after we'd given her some food and some attention she actually became quite friendly, so effectively just, yeah just a little bit, a bit fearful but not aggressive that I could tell"

- Bulldog X was rehomed. The clinic did the de-sexing without issue.

§ 9(2)(a)

(Team Leader ACOs)

- Stated in Interview
 - I got a phone call, got a call to go to I think it was Shackleton Street, yeah to pick up a dog that had been on the property all day. I arrived there and the owner, the property owner had another bigger dog which was a little bit aggressive so I asked him to control it. Went onto the property and there was a 6-8 month old pup sitting in some long grass beside the garage. So I spoke to the, I said to the guy you know where had it come from he said he didn't know, and it had just turned up and he'd given it some water and some food which was evident because there was a bowl there with the remains of some food and the water bowl. He then warned me that it was a bit aggressive so I went up to it with a rope and to put over it and it showed aggression towards me and I've been bitten by puppies by needle teeth before, so I went back to the van and got my catch pole, slipped a noose over its neck and then walked it back to the van, put it in the van and went back to the pound. The dog was dirty and un-kept and it was it was about, what time was it, it was about 4 o'clock in the afternoon I think. So I put the dog in one of the normal dog kennels secure, no reason why it can't go in there. Entered it in the database

.. "the dogs were being fed at the time by the other staff, so I didn't feed it, they hadn't got to feed that cage by then, so I assumed that he would get fed. And then I left and then the next morning I think it was § 9(2)(a) said § 9(2)(a) had gone in and decided that that dog couldn't be in the big kennel and had picked the dog up to take it down to those little kennels down the back, the ISO kennels and then had noticed he had blood on his hands or his hand and then he looked at the dog and he noticed that it had a wound of some sort under its neck. They took it to, he took it down to Carlisle Vets who looked at it and as I understand it they treated it, the SPCA were there for whatever reason, I don't know why, but they were there so § 9(2)(a) gave it to the SPCA. They took it back to their place, then they looked after it, and treated it and I don't know whether they rehomed it or not but we didn't have the dog back. I rang the vet the next morning and said what were the injuries and he said, the vet said he had a puncture wound under here and one up on the head, they were old and three days old, scabbed over".

- " there was no blood, nothing, no blood in my van, it was just a dirty, it was a dog that had been living rough or living under a house or whatever and had, I mean Shackleton Street in that sort of area it's not uncommon to find dogs in that condition"
- "I just put, took it in, once it was in the van I mean it had quietened down because they do and I put a rope round it and walked it into the, took the rope off"

CCTV

CCTV footage was supplied by NAPIER CITY COUNCIL which had been down loaded onto s 9(2)(b)(ii) Hard-drive.

Viewed Footage from 13th September 2016.
File No Export 20160913-16000

s 9(2)(a)

s 9(2)(a)

s 9(2)(a)

Camera: Front Kennels Left.

Start time 03:59:59 pm

- s 9(2)(a) & s 9(2)(a) appear to be watering and feeding dogs.

4:24:46 pm

- s 9(2)(a) & SPCA staff in kennels
- Let white dog out of kennel on left side, dog runs about kennel area.
- s 9(2)(a) goes into the garage area and returns with dog on white rope.
- Puts dog back into kennel 16 or 17.

4:26:52 pm

- s 9(2)(a) enters from the garage area has a small brown and white dog by the neck.
- Takes dog down the right side of the kennels

4:27:37 pm

- s 9(2)(a) Reappears without the dog and goes into office area.
- Has white rope in his hand.
- s 9(2)(a) & s 9(2)(a) (SPCA) go into office.

4:29:02 pm

- s 9(2)(a) appears from garage area takes a water bucket and begins to fill it. Film stops.

File No Export 20160913-16000

Kennel Right Front

No time visible. (Times shown are minutes into footage.)

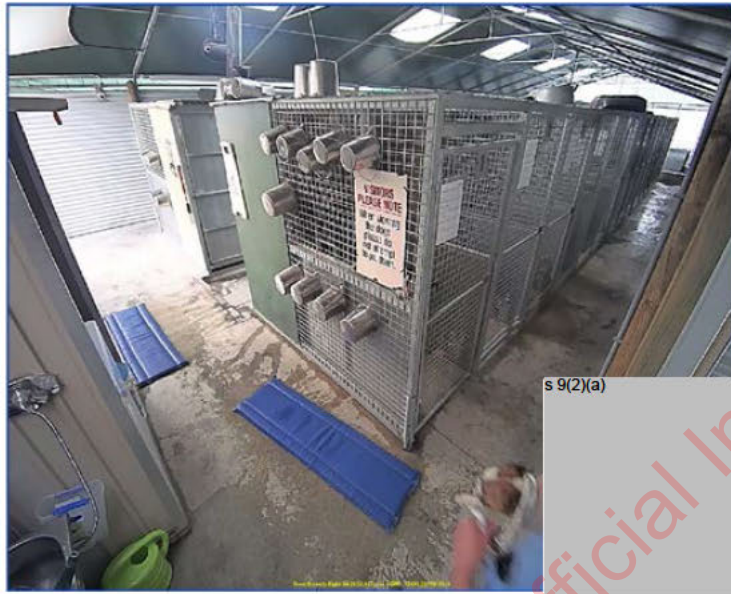
Footage shows

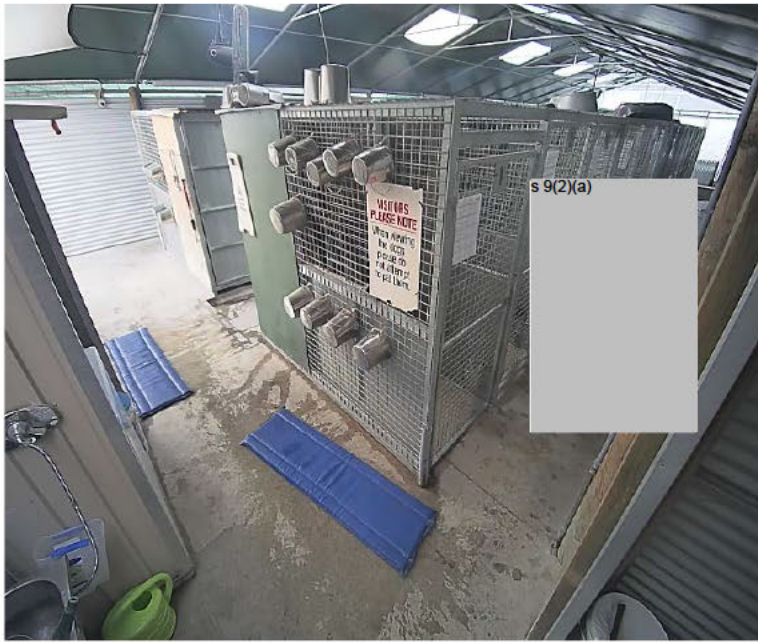
- s 9(2)(a) & s 9(2)(a) cleaning kennels and feeding
- SPCA staff in kennels looking at various dogs.
- 13:10 White dog seen running around, retrieved from garage area by s 9(2)(a) and put on rope lead taken back to kennel.
- 13:59 s 9(2)(a) enters from garage carrying small brown and white bull dog type dog.
- 14:11 s 9(2)(a) places dog into kennel 6 or 7.

- 14:30 s 9(2) exits kennel as s 9(2)(a) walks pasts and looks down passage.
- s 9(2) goes to office no sign of blood on hands or uniform.
- s 9(2)(a) seen walking around kennel area with SPCA staff.
- 15:42 s 9(2) enters from garage area with bedding and fills a water bucket.
- s 9(2) puts bedding and water in kennel dog was put into.
- Screen shots taken

s 9(2)(a)

Carrying MARLO





File No Export 20160913-163000

Kennel Right Front

No time visible. (Times shown are minutes into footage.)

Footage shows

- 00:00 ^{s 9(2)(a)} in right hand side of kennels looks into kennel.
- Goes down and looks into cage Bulldog X was put into. Appeared to be checking kennel number.
- 00:28 Returns to office.
- 00:48 ^{s 9(2)(a)} walks down and looks into cage for a number of seconds and returns to the office.
- 02:25 ^{s 9(2)(a)} and SPCA walking around kennel area.
- 03:17 ^{s 9(2)(a)} and SPCA staff look into kennel have discussion and the look at other kennels.
- 04:02 ^{s 9(2)(a)} and SPCA staff look into kennel 2 appear to discuss dog in 2 and 3.
- 04:18 ^{s 9(2)(a)} enters kennel with Bull dog in while SPCA staff are outside.
- 04:39 ^{s 9(2)(a)} exits the kennel has discussion with SPCA.
- 05:00 returns to office.
- 05:30 ^{s 9(2)(a)} appears from the office and appears to take a kennel notice and places on the kennel door.
- Looks at dog for 3or 4 seconds returns to office.
- 07:24 ^{s 9(2)(a)} and ^{s 9(2)(a)} appear from office and go to kennel look at door notice.
- 07:39 ^{s 9(2)(a)} enters kennel.
- 07:47 ^{s 9(2)(a)} leaves the kennel carrying the bull dog.
- Goes into the garage area with ^{s 9(2)(a)}.
- 08:12 ^{s 9(2)(a)} appears from garage area with a bowl of food.
- 08:21 ^{s 9(2)(a)} appears from garage carrying dog wrapped in bedding blanket and head towards ISO unit followed by ^{s 9(2)(a)}.
- 08:35 ^{s 9(2)(a)} appears from ISO area still carrying dog and goes into office area.



File No Export 20160913-163000

Kennel Office door.

No time visible. (Times shown are minutes into footage.)

Footage shows

- 00:20 ^{s 9(2)(a)} appears from right kennel area and enters office.
- Can be seen at desk
- 01:36 ^{s 9(2)(a)} leaves office returns to right side passage.
- 01:56 ^{s 9(2)(a)} returns to office and sits at desk.
- 02:04 ^{s 9(2)(a)} appears from side door carrying a puppy.
- 02:29 SPCA staff exit office and go into kennel area.
- ^{s 9(2)(a)} seen at desk.
- 03:11 ^{s 9(2)(a)} exits ISO area and enters office.
- 03:20 ^{s 9(2)(a)} exits office goes to garage and takes bowl of food into ISO area. Returns and goes into office area.
- ^{s 9(2)(a)} exits the office area and goes down right side of kennels.
- 04:31 ^{s 9(2)(a)} returns from kennels with SPCA staff and enters office.
- 05:01 ^{s 9(2)(a)} seen in office exits with paper (kennel Notice)
- 05:30 ^{s 9(2)(a)} returns to office.
- 06:14 ^{s 9(2)(a)} and ^{s 9(2)(a)} exit office and head to right side of kennels.
- Appears to be loss of film for 20 seconds
- 06:40 ^{s 9(2)(a)} appears from garage carrying bull dog in bedding blanket. (Take snapshot)
- 06:46 ^{s 9(2)(a)} stops in alley way at side of office and examines the dog around the neck area and discusses with ^{s 9(2)(a)}.
- ^{s 9(2)(a)} carries puppy into office.
- ^{s 9(2)(a)} continues to feed dogs.
- 12 Minutes film finishes with no further action.



File No Export 20160913-17000

Kennel Left Front. Right Front, Office Door.

No time visible. (Times shown are minutes into footage.)

Footage shows

- No footage of interest

File No Export 20160913-173000

Kennel Left Front. Right Front, Office Door.

No time visible. (Times shown are minutes into footage.)

Footage shows

- Nothing of interest.

File No Export 20160913-180000

Kennel Left Front. Right Front, Office Door.

No time visible. (Times shown are minutes into footage.)

Footage shows

- Nothing of interest.

File No Export 20160913-190000

Kennel Left Front. Right Front, Office Door.

No time visible. (Times shown are minutes into footage.)

Footage shows

- Nothing of interest.

Summary

1. The dog was tied up and given food and water after the informant found it on his property.
2. The dog was seized by ^{s 9(2)(a)} and transported to the pound.
3. ^{s 9(2)(a)} poled the dog as he stated it had shown aggression.

4. When he arrived at the pound he carried the dog in by the scruff of the neck.
5. s 9(2) described the dog as dirty and unkempt. He stated he did not notice any blood or injuries.
6. Dog was placed in a kennel and given bedding and water by s 9(2).
7. s 9(2) stated he did not feed the dog as the ACOs were feeding the dogs and he assumed they would feed it.
8. s 9(2)(a) picked the dog up to take it to the Isolation kennels as he felt it was too small to be in the main kennel area
9. Dog was noticed to have injuries by s 9(2)(a) and taken to the vet for treatment.
10. CCTV footage obtained of the dog being impounded from the NAPIER CITY COUNCIL revealed.
 - a. The dog was a brown and white Bulldog Cross.
 - b. Footage showed s 9(2) carrying puppy, no obvious blood was seen on the dogs head however the footage is not conclusive due to the colour of the dog and its condition.
 - c. When s 9(2) walks back from putting the dog into the kennel the footage did not reveal any obvious blood on his clothing.
 - d. s 9(2) is seen placing bedding and water in the kennel contrary to allegations made by s 9(2)(a) in statement.
 - e. s 9(2) is seen looking into the cage for a total of about 10 seconds and stated he did not see any injuries.
 - f. s 9(2)(a) took the dog from the kennel and carried it in a bedding blanket into the garage and was taking it around to the Isolation area when he noticed the injuries and proceeded into the office area. Footage of s 9(2)(a) carrying the dog does not reveal any obvious blood about the head as alleged in his statement.
11. Vet report concluded multiple bite marks around the neck with the largest being about 1.5cm and swelling.
12. The injuries were approximately 3 or more days old and were treated with anti-biotics.
13. The Vet felt that the injuries should have been picked up but conceded had it been poled that may not have been obvious. Aged the dog at around 8 months to a year old.

Conclusions:

1. The injuries to the dog were pre-existing and may have been aggravated when poled by s 9(2)(a).
2. s 9(2)(a) did not notice the injuries when he seized the dog.
3. The CCTV footage is inconclusive as to how obvious the injuries to the dog were.
4. The CCTV footage was able to confirm that s 9(2)(a) did not have any blood on his clothing after handling the injured dog.
5. The CCTV footage confirmed that the dog was provided bedding and water on being placed in a kennel.
6. Veterinary advice puts the dog at about 8 months old which would satisfy the housing of the dog in the main kennel area of the pound.
7. There is no evidence to support or disprove s 9(2)(a) statement that the dog showed aggression therefore it require poling.
8. From CCTV footage there appeared to be little communication between s 9(2)(a) and s 9(2)(a) during this incident.

Recommendation

In accordance with the terms of reference I make the following recommendations:

1. The allegation that s 9(2)(a) was the Person in Charge (PIC) of the dog that was injured and in this position he failed to ensure that the animal received treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal. There is no evidence to support a charge under the Animal Welfare Act.
2. In relation to the allegation s 9(2)(a) failed to provide bedding, food and water. There is evidence that this allegation is incorrect in relation to bedding and water. There is no evidence to support a charge under the Animal Welfare Act.
3. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
4. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence.

3.0 MANGE DOGS – May 2016

Allegations in regards to two dogs impounded by s 9(2)(a) who were suffering from mange in May 2016.

- Staff were instructed not to issue Bedding and food bowls to the dogs by s 9(2)(a)
- Allegation that problems that occurred when the dogs were euthanised was the result of staff being unable to hold the animals due to the mange.
- s 9(2)(a) dragged the dogs into the pound on the end of rope leads causing them to choke.
- No treatment given while dogs were in the Pound.

Potential Breaches

12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10
12(b)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11;

Discussion

This incident was mentioned in interview by all staff. There was a differing of opinions about the treatment of the dogs suffering mange while impounded. At the appropriate time it was determined that the two dogs were to be euthanised. This was carried out in the pound garage along with two other dogs. The euthanasia was

performed by veterinarian s 9(2)(a) . Problems were encountered during this procedure which caused a great deal of stress for all staff involved.

Facts

- s 9(2)(a) impounded two dogs from around Lanark Road, TAMATEA.
- The dogs were white and brown respectively and were dirty and unkempt suffering from mange.
- They were taken to the pound and placed in kennels.
- Dogs impounded on the 6th May and were euthanised on the 20th May.
- No treatment was administered during that time.
- Euthanised by Veterinarian s 9(2)(a) with ACOs s 9(2)(a) and s 9(2)(a) .
- Euthanising carried out in the open garage area of the pound.

Enquiry

This matter came to light as part of the initial complaint letter from s 9(2)(a) which outlined the aftermath of the euthanizing problems. Therefore the incident was made part of each interview with ACOs and Veterinarians. s 9(2)(a) supplied a CCTV footage taken from the Pound CCTV system and recorded by cell phone.

Interviews

s 9(2)(a) states:

- s 9(2)(a) brought two dogs suffering from mange into the pound and did not give them bedding or food due to contamination.
- Claimed s 9(2)(a) said dogs were not going to be rehomed therefore did not require bedding.
- Claims mange was severe (as diagnosed by s 9(2)(a))
- Believed the mange was treatable.
- Euthanising of dogs went wrong.
- Claims it was because the mange was so bad it meant they could not be held properly.
- Stated:
 - "normally the dogs would sit down on the floor, they'd sit on their butts and you'd hold their arm out, these two guys they laid down flat on the ground and we just hugged them and they screamed and screamed"
 - "It was just prolonged, it was just a prolonged slow death, you know it was terrible and we were never trying to blame the vet, and there was another couple of dogs that were there that day and they didn't go right either, it's one of those days that nothing went right"
 - Yeah, there was an incident there on that day that one of the other dogs and I don't know for what reason, I don't know whether it was just he'd heard all the screaming and stuff and he was a big strong fella, no one could hold him, I tried to hold him a couple of times I had walk out cause I

just couldn't do it. In the end s 9(2)(a) put a rope round the dog and held it up by the neck basically while the vet put the blue juice in and I think s 9(2)(a) got upset about that because I think she saw the dog strangling, I didn't actually see that part of it. At one stage I was down holding its leg so I didn't see the dogs face because it was above me and s 9(2)(a) saw some pretty horrific stuff. That was just a horrible horrible day, it was, you know it's one of those days you'd never probably have again possibly.

- When dogs were brought in s 9(2)(a) dragged them through the pound skidding on the floor.
- Provided CCTV footage of dogs arriving taken from pound CCTV monitor and filmed by mobile phone.

s 9(2)(a)

states:

- That two dogs brought in with mange describing that:
- "We had a case just before I left and it's one of the reasons I left, because it was just so overwhelming, where he had – had brought in two – I'm not sure what they were – Mastiff Staffy Lab Cross things – one had severe mange, one had moderate mange – not – the severe one was to the point where the skin wasn't quite cracking but it was quite horrible. I'd been on days offs. I'd come back in to work on a Wednesday so they'd already been in the pound for two days, I asked s 9(2)(a) about the dogs and said why haven't they been vetted. He basically told me that they didn't need to be vetted, that they were just dogs and that he was dealing *with it and for me to mind my own business.* "
- Stated no signs were put on kennels warning of mange.
- Owner had signed them over.
- Felt should have been euthanised after 7 days not kept for 16t.
- Was not allowed to have them vetted.

s 9(2)(a)

states:

- Stated she was instructed not to put bedding in with the mange dogs.
- She put it in anyway.
- Did not mention the euthanising of the dogs.

s 9(2)(a)

states:

- Qualified as a Vet s 9(2)(a).
- Started at CARLYLE VET CLINIC in August the same year.
- The vet who euthanised the two mange dogs with two others.
- One of the mange dogs was done first with no issues.
- The next two dogs were big and hyperactive.

- Had issues with difficulty holding the dogs and a vein was ripped and had to change paws.
- s 9(2) took it into the corner to hold it and the vein ripped in that one.
- Were done on the concrete floor in the garage area.
- Each dog was brought in one at a time from the kennel area.
- s 9(2)(a) held both dogs.
- All euthanised with Euthonol and Pentobarbital Solution.
- "Two of them had quite severe mange and the other, I don't remember one of them, and then I remember a fairly large white dog."
- "And the issue was that we couldn't, you know every time we would hit the vein, they would jump up and the needle would come out and essentially I think if we were able to have either better facilities or maybe better training for just how to restrain that type of dog."
- "I mean if you're going to euthanise it, then you wouldn't treat it. It's like, typically speaking, well the most common mange that we'll see is Demodectic mange and that's not contagious to people."
- "I mean if the skin, I can't remember the skin that detailed but I don't remember there being any ulcerations or open wounds or anything like that. I mean if they were concerned that it was sore, I wasn't aware."
- "I think with proper training and a proper room. Somewhere that we could've actually prevent these dogs from running around and in somewhere a little more calm. "
- When asked if the dogs suffered any unnecessary suffering or pain when euthanised and did the mange have an effect on the process.
- They would've been stressed.
- But I don't think they were in any more pain than any other animal that was euthanised.
- I mean I've seen lots of dogs with mange. It's a fairly, I guess I wouldn't say common, but you do see it occasionally. I mean if there's infection and if they've been scratching, then the skin will be really sore.
- Confirmed has not had any issues with the way she has witnessed the way any ACOs treated any animals at the vets.

s 9(2)(a)

states:

- Veterinarian and Owner and Director of Carlyle V for 32 years.
- "I don't recall specific cases of seeing dogs with mange but I mean they have dogs with mange in there regularly and - and I'd have to say that the majority of those are Demodectic mange which in my view's not a welfare issue."

- "Sarcoptic mange dogs are incredibly itchy. Brings out your welfare issue with that. Demodectic mange is long-term, the dog would have it for months and months and months. If they – if they're impounding it, um I – I don't think we would necessarily even be asked to treat those by the Pound for that seven days because you're not going to fix it in that time."
- "I don't believe you're going to make an impressionable difference in that time. So I wouldn't have expected – and I don't recall them bringing me – I mean the dogs they bring to us would be injured, would be from fight wounds needing antibiotics, it would that sort of situation."
- "...and they want that assessed. But – but for mange and – and a chronic skin condition like that, I don't recall – I don't personally recall seeing those..."
- Also stated that at there would be no need to isolate mange dogs unless its Sarcoptic mange which is not common because flea treatments help control Sarcoptic Mange.

§ 9(2)(a)

states:

- Picked up the two dogs from around Lanark St, TAMATEA.
- Described them as:
- "...and yes they had mange but I mean mange is, they weren't scabby or anything like that and they stunk and they were dirty, and they weren't, unless the owner came in and picked them up they were not going to leave the pound. We wouldn't rehome them, so I impounded them. And they were due to, they would have been kept for the 7 days, or should have been and then euthanised after that. "Gave a good description of both types of mange,
- "...there's two types there's Demodectic Mange"
- "And there's Sarcoptic Mange, okay. One is inherited from the mother as a pup, they've got it. And the other one is from the environment."
- "One is contagious, the other one's not, which one it is I don't know. However the contagious one to be contagious, like if I'm sitting I've got, if I'm a dog and you're a dog and we're both sitting here the contagious one is not going to pass to you unless I interact with you and rub against you. So isolation on the dog, as long as they're not exercised with other dogs there's no issue"
- "If they have scabs and they're in a bad way yeah they go to the vet, and probably what would happen is instant euthanasia. I mean you can't, we don't have the dogs in the pound long enough for change, I mean you'd take it to the vet on welfare grounds and then we'd make a decision. But that didn't apply, these dogs didn't have scabs and that on them"
- Ropes used to move dogs are 12mm soft nylon rope.
- Did not know if they had bedding or not.
- Where euthanised on the first available day after the 7 day period.

- Was not involved in the euthanising made the following statements,
- "I had no role in that, I wasn't even there, the only, my only role in that was I got a call from s 9(2)(a) who said oh the euthanasia didn't go well. I said oh what do you mean, oh they were struggling and s 9(2)(a) got blood on him, I said oh okay and but then they, I eventually got shown the photos and yeah they had a lot of blood on them and I've spoken to the vet afterwards and the vets made no, no comments, no real comments about what happened, there was an allegation from other staff that s 9(2)(a) strangled a dog to death, which is impossible because it died of chemical overdose before that can even happen, we've cleared that with the vets. And there, yeah it wasn't good but then when you see that the, there is no room to do euthanasia, they building one at the moment, okay and then there's comments been made by s 9(2)(a) to me that s 9(2)(a) technique wasn't the best in holding dogs
- "I've held and euthanised dogs with that much mange and apart from me having to put on overalls and gloves you can pick them up and hold them and it makes no difference"
- I mean it's really hard to control a dog when you're bending over, and especially if they're struggling, but then you know the new policy is, and I discussed this with s 9(2)(a) after this incident, I said look if we've got a really strong aggressive dog, why aren't we sedating them. He said well there'll be a cost, I said don't worry about the cost, that's what we do now"
- "... unless the dogs got obvious weepy open sores and is in a bad way there's no, there's nothing, I mean as long as they're not going to contaminate the other dogs and they're happy, they're in the pound, they're eating, you can wait till the Friday"

CCTV

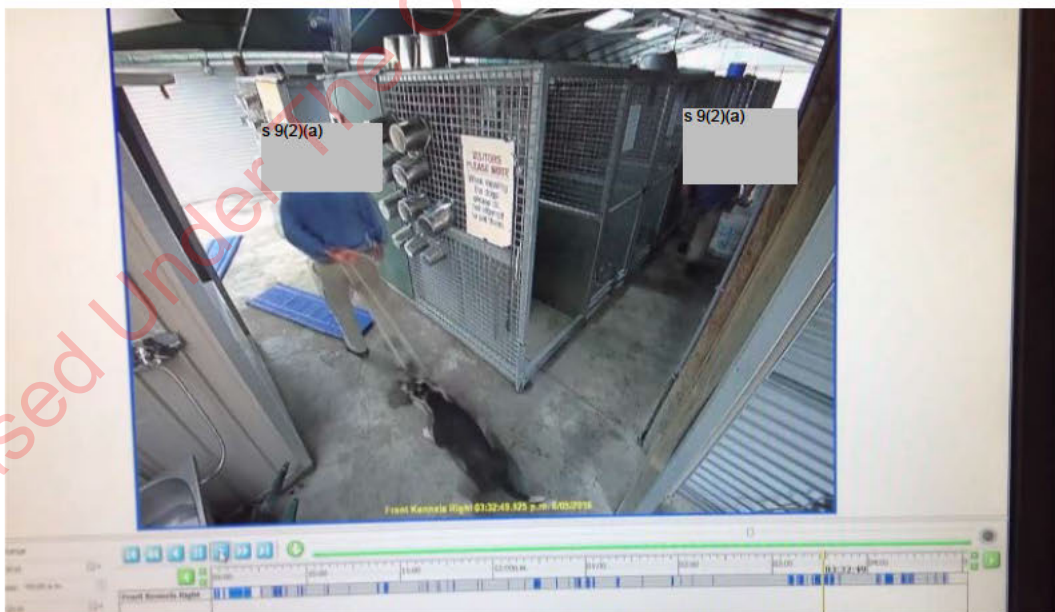
s 9(2)(a) supplied a CCTV footage taken from the pound CCTV system and recorded by cell phone.

Three clips provided by s 9(2)(a) have been reviewed.

- Second Mange dog. 06/05/2016
 - s 9(2)(a) bring a dog in on a rope.
 - Front right kennel camera.
 - Tan dog.
 - Enters from garage door and goes to left side of the kennels.
 - Dog moves between struggling to compliant.
 - s 9(2)(a) appears to stop to wait for the dog to catch up.
 - Goes down left side of the kennels.



- Severe Mange Dog 06/05/2016
 - s 9(2)(a) bring a dog into kennels on a rope.
 - Front right kennel Camera.
 - Black and white dog.
 - Initially stops and is pulled on the concrete and then carries on walking.
 - s 9(2)(a) walking slowly and stops for dog to catch up
 - Goes down left side of kennels.



- Severe Mange dog No2 06/05/2016
 - Front left kennel camera.
 - Further footage of the same dogs from another angle.

- s 9(2)(a) moving black and white dog down left hand side and into a kennel.
- Dog is walking and wagging tail, overtakes s 9(2)(a) and walks in front of him.
- s 9(2)(a) returns from kennels and exits out into the garage.
- s 9(2)(a) returns with the tan dog and goes down to the left hand side of the kennels into cage.
- Tan dog walks in front of s 9(2)(a) who has to pull it into the kennel.
- Footage stops.

All CCTV footage viewed was peer reviewed by Animal Welfare Investigators from the Central Region Investigation Office.

Summary.

The following conclusions have been drawn from inquiries.

- Both dogs have been impounded from an address and subsequently the owner signed them over to be euthanised.
- The dogs were in the kennels from the 6th May 2016 until they were euthanised on the 20th May 2016.
- The tan dog had mild mange.
- The black and white dog had a more severe case of mange.
- Dogs were led into the kennels on the 12mm nylon rope leads by s 9(2)(a) with both dogs either resisting or moving freely with s 9(2)(a) walking slowly or stopping to wait for the dogs.
- This action was part of the allegations of a Breach of the Animal Welfare Act.
- **CONCLUSION: There is no evidence that s 9(2)(a) breached the Animal Welfare Act 1999 by dragging the dogs into the kennels. The dogs either resisted or moved freely with s 9(2)(a) walking slowly or stopping to wait for the dogs.**
 - Both dogs were given bedding by s 9(2)(a).
 - An allegation was made that the dogs had no bedding due to an instruction given to s 9(2)(a) from s 9(2)(a).
- **CONCLUSION: There is no evidence of any offences relating to this allegation**
 - The dogs were not inspected by a vet prior to euthanising.
 - Four dogs were euthanised on the same day including the two mange dogs.
 - There were major difficulties during the procedure with two of the dogs having to be injected twice due to the needle coming out.
 - One dog had a vein ripped which bleed profusely.

- s 9(2)(a) stated that the two most difficult dogs were not the two dogs with mange.
 - The area in the garage where the euthanising occurred is on a concrete floor in an open shed.
 - s 9(2)(a) was assisting and was holding the dogs.
 - The main allegation relating to this matter is that the mange suffered by the two dogs and s 9(2)(a) failure to have them treated, was the primary reason for the issues that occurred in the euthanising of the four dogs.
- **CONCLUSION:** The issues that occurred during the euthanising of the dogs cannot be attributed to the fact they were suffering from mange for the following reasons:
- There is no treatment that would have made a difference in the short time the dogs were in the pound.
 - The area that was used for euthanising at that time was not suitable for that type of procedure.
 - s 9(2)(a) was a relatively inexperienced vet at the time and it was the first time she had performed the procedure with the ACOs and in that environment.
 - The dogs were not initially sedated prior to euthanizing which would have allowed for them to be better restrained.
 - s 9(2)(a) was not present during the euthanising of the dogs
- **CONCLUSION:** There is no evidence that s 9(2)(a) breached the Animal Welfare Act 1999 by failing to have the mange treated.

Recommendations.

In accordance with the terms of reference I make the following recommendations:

1. The allegation that s 9(2)(a) was the person in charge (PIC) of the dog that was injured and in this position he failed to ensure that the animal received treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal. There is no evidence to support a charge under the Animal Welfare Act.
2. In relation to the allegation s 9(2)(a) failed to provide bedding and food and water. There is evidence that this allegation is incorrect in relation to bedding and water. There is no evidence to support a charge under the Animal Welfare Act in relation to the supply of food, therefore no further action to be taken.
3. That the internal procedures recommended in the initial MPI pound report in regards to the receiving of dogs into the pound be implemented.
4. That all dogs be sedated prior to euthanising.
5. That training be conducted with all persons taking part in the euthanising of animals.

6. That Standard operating Procedure (SOP) be developed to cover the euthanising of animals in the pound.
7. That all animals received into the pound be subject to the recommendations made in the “Ministry for Primary Industries External Audit Report” dated 15 November 2016.

4.0 A dog called “LIL PIG” – 31 August 2016

Allegation that s 9(2)(a) refused to allow treatment for a Bulldog named LIL PIG with conjunctivitis.

Discussion

This matter was mentioned by s 9(2)(a) at interview. He also provided a photo. s 9(2)(a) could not recall the dog or the incident despite being shown photo of the dog. Vet records show it was treated for and eye discharge on 30th August 2016.

Potential Breaches

12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10
12(b)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11;

Facts

- Dog was impounded suffering from conjunctivitis.
- s 9(2)(a) alleges that s 9(2)(a) refused to allow him to take the dog to the vet as the owner was coming to get it.
- Dog was taken to the vet by s 9(2)(a) and treated.
- Due to the death of a relative the owner could not pick the dog up for 7 days and with the death of a second relative they had a family member pick it up.

Enquiry

The key elements of this incident relate to section 11(1). This section covers the obligation to alleviate pain or distress of ill or injured animals.

Only s 9(2)(a) and s 9(2)(a) mentioned this incident in interview.

s 9(2)(a) stated:

- Dog was a little bull dog from out of town.
- Had conjunctivitis.
- Said to s 9(2)(a) it needs to be treated as it's quite contagious.
- s 9(2)(a) said no need as the owner was coming in.
- Took it to the vets anyway.
- "So Little Pig was treated and the owner was away in TOKOROA at a funeral. She went to her Grandfather's funeral in TOKOROA so we kept the dog for 7 days and then they buried her Grandfather and while they were at the Tangi, the Grandmother died, they had to stay another week longer. So ended up getting one of her relatives to come up and pick up the dog, so she's gone back home. Eventually got back home anyway, but we treated it for the conjunctivitis and that come right"

s 9(2)(a) states:

- Cannot recall the dog.
- Shown photo of the dog supplied by s 9(2)(a)
 - *"I don't even recognise the dog, no I don't even recognise the dog."*

s 9(2)(a) :

- Treated by s 9(2)(a)
- Reason for visit
- Eye discharge also has watery diarrhoea bright and eating well.
- Right eye: red sclera, fluoro negative. Left eye: large amount mucoid discharge, enophthalmus, fluoro negative.
- Diarrhoea put down to dietary intolerance. Change to Illams food in pound.
- Prescribed Conoptal drops for eyes and antibiotics as has elevated temperature.

Summary

The dog was impounded while suffering from Conjunctivitis.

The allegation that treatment was refused cannot be substantiated.

1. From s 9(2)(a) statement he was told not to seek treatment as s 9(2)(a) had stated the owner was coming in.
2. s 9(2)(a) had it treated.
3. The dog was not picked up for seven days.

- **CONCLUSION:** There is no evidence that s 9(2)(a) breached the Animal Welfare Act 1999 by failing to have the conjunctivitis treated.

Recommendation

In accordance with the terms of reference I make the following recommendations:

1. The allegation that ^{s 9(2)(a)} was the person in charge (PIC) of the dog that was injured and in this position he failed to ensure that the animal received treatment that alleviates any unreasonable or unnecessary pain or distress being suffered by the animal. There is no evidence to support a charge under the Animal Welfare Act.
2. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
3. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence

5.0 GOAT-November 2015

Allegation made by ^{s 9(2)(a)} in the company of ^{s 9(2)(a)} he went to an address to pick up a young goat from an address.

Allegations.

- 3 to 4 week old goat.
- ^{s 9(2)(a)} lunged and grabbed the goat by the front legs and swung it round like he was going to smash its head on the retaining wall or break its legs

Discussion

This incident occurred at the rear of the private property and was only witnessed by ^{s 9(2)(a)} and ^{s 9(2)(a)}.

Potential Breaches

28	Wilful ill-treatment of animals (1) A person commits an offence if that person wilfully ill-treats an animal with the result that— (a) the animal is permanently disabled; or (b) the animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or (d) the animal is seriously injured or impaired. (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment— (a) involves— (i) prolonged pain and suffering; or (ii) a substantial risk of death; or (iii) loss of a body part; or (iv) permanent or prolonged loss of a bodily function; and (b) requires treatment by or under the supervision of a veterinarian.
28A	Reckless ill-treatment of animals (1) A person commits an offence if that person recklessly ill-treats an animal with the result that— (a) the animal is permanently disabled; or (b) the animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or (d) the animal is seriously injured or impaired.

	<p>(2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment—</p> <p>(a) involves—</p> <ul style="list-style-type: none"> (i) prolonged pain and suffering; or (ii) a substantial risk of death; or (iii) loss of a body part; or (iv) permanent or prolonged loss of a bodily function; and <p>(b) requires treatment by or under the supervision of a veterinarian.</p>
29	<p>Further offences</p> <p>A person commits an offence who—</p> <ul style="list-style-type: none"> (a) ill-treats an animal; (g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress; (h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.

Facts

- The small goat was located on a retaining wall at the rear of a private property after the homeowner sought the assistance of Animal Control to remove it.
- Incident was attended by s 9(2)(a) and s 9(2)(a).
- s 9(2)(a) went to the top of the wall and s 9(2)(a) approached from underneath.
- s 9(2)(a) lunged at the goat and grabbed it by the legs and swung it away and down to capture it.

Enquiry

This matter came to light from s 9(2)(a) during interview. The only persons interviewed in relation to the matter were s 9(2)(a) and s 9(2)(a).

s 9(2)(a)

states:

- "I went onto a job, I got a call from s 9(2)(a) who said, hey look we've got this goat at this lady's house, a baby goat that we need to go and help, and can you give us a hand. And I said yep sure, so he come along with me, we located this little goat, it was only 3- 4 weeks old maximum and it was standing on a retaining wall, I hopped on the retaining wall and I was like walking along slowly creeping up towards this goat and s 9(2)(a) just launched himself at this goat, grabbed it's front legs and just swung it around keeping it away from his body, this goat was screaming and s 9(2)(a) was like just going around in circles and look he was either going to one of two things, he was going to either donk it's head against the block wall to kill it or he was breaking it's legs. So I jumped off the wall shoulder charged him and grabbed the goat off him, the goat stopped screaming straight away. s 9(2)(a) was, that was just a point, and I went straight to s 9(2)(a) and reported that ill treatment. So s 9(2)(a) s 9(2)(a); I went straight to him and said what I just saw was disgusting"

s 9(2)(a)

states:

- Denied the allegation making the following statements:

- "Yep that was just after I started, if it's the right one, we got called to a goat on a property up in TARADALE, PAKOWHAI somewhere, I know it was hillside section. And we went there and spoke to the lady and couldn't see it and she said oh it's round the back. And they had brick, stone walls."
- s 9(2)(a) went up round the top and I thought we're never going to catch this goat, there is no way we'll catch this goat because they just jump fences, it was a kid about."
- "Yeah that size, about a small dog size, medium dog size and it was up in the garden and it was looking at s 9(2)(a) and I walked up behind it and as it went to run off I grabbed its back leg, just like you would to catch a lamb."
- "That's the only goat, it's the same thing you'd do if you were going to get a lamb out of a thing, they run past you, you reach down you grab a leg."
- When told about the allegation that s 9(2)(a) thought he was going to hit the goat on the wall or break its legs s 9(2)(a) responded,
 - "... excuse me but not, I won't say anything."

Summary.

The young goat was located on a retaining wall at the rear of a private address.

s 9(2)(a) went to the top of the wall with s 9(2)(a) approaching from below. When the goat when to move s 9(2)(a) lunged and grabbed it by the legs and swung it down.

This act was designed to capture the animal and prevent any injuries.

- **CONCLUSION:** There is no evidence that s 9(2)(a) breached the Animal Welfare Act 1999 by when capturing the goat, there was no intention to injure the animal.

Recommendation

In accordance with the terms of reference I make the following recommendations:

1. In relation to the allegation that s 9(2)(a) wilfully or recklessly ill-treated the goat. There is no evidence to support a charge under the Animal Welfare Act. Therefore no further action to be taken.

6.0 CRUZE Dog with severe burns from poling 2015 Oct/Nov 2015.

Allegation that the dog received burns from poling when s 9(2)(a) seized him.

Discussion

CRUZE was about 9 months old at the time he was impounded and is now owned by s 9(2)(a).

No vet records exist.

Potential Breaches

28	<p>Wilful ill-treatment of animals</p> <p>(1) A person commits an offence if that person wilfully ill-treats an animal with the result that—</p> <p>(a) the animal is permanently disabled; or</p> <p>(b) the animal dies; or</p> <p>(c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or</p> <p>(d) the animal is seriously injured or impaired.</p> <p>(2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment—</p> <p>(a) involves—</p> <p>(i) prolonged pain and suffering; or</p> <p>(ii) a substantial risk of death; or</p> <p>(iii) loss of a body part; or</p> <p>(iv) permanent or prolonged loss of a bodily function; and</p> <p>(b) requires treatment by or under the supervision of a veterinarian.</p>
28A	<p>Reckless ill-treatment of animals</p> <p>(1) A person commits an offence if that person recklessly ill-treats an animal with the result that—</p> <p>(a) the animal is permanently disabled; or</p> <p>(b) the animal dies; or</p> <p>(c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or</p> <p>(d) the animal is seriously injured or impaired.</p> <p>(2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment—</p> <p>(a) involves—</p> <p>(i) prolonged pain and suffering; or</p> <p>(ii) a substantial risk of death; or</p> <p>(iii) loss of a body part; or</p> <p>(iv) permanent or prolonged loss of a bodily function; and</p> <p>(b) requires treatment by or under the supervision of a veterinarian.</p>
29	<p>Further offences</p> <p>A person commits an offence who—</p> <p>(a) ill-treats an animal;</p> <p>(g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress;</p> <p>(h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.</p>

Facts

- CRUZE was impounded around October-November 2015.
- s 9(2)(a) alleges that he had severe burns on his neck from poling.
- Not attended by the Vet.

Enquiry

This matter came to light from s 9(2)(a) during interview. The only persons interviewed in relation to the matter were s 9(2)(a) and s 9(2)(a).

s 9(2)(a)

states:

- So CRUZE which is my dog now that big American Bulldog, he come to the pound, he was one of s 9(2)(a) pole victims, he come to the pound with all under his neck injuries like sort of lacerations or more wire burn."
- "Now I'd dealt with this dog s 9(2)(a) and so had the others, I think s 9(2)(a), it was a little bit of a roamer, it used to live down Whitcliff Street and we'd get a call to say hey the white Bulldogs out. So you'd go along and you'd go to this, you'd be able to go up to this dog, put a rope on him and walk him home. He was never an issue. Why on earth that dog was ever poled I don't know, but s 9(2)(a) poled him, he come into the pound, he had wire burn or marks on his neck, he went into the back of his kennel and that poor dog just sat there freaking out. Now we'd had contact with that dog before, all of the ACO's and had no issue with it and he was like bouncy bubbly stupid dog, you know puppy. Cause he was only a pup at that stage, only 9 months. So he came in with neck injuries and like freaked out, so I don't know what happened to that dog out there but he was certainly traumatised."

s 9(2)(a)

states:

- Claimed that he did not have anything to do with that dog.
- I didn't even touch it
- No, it was in the pound, I made comment that I don't, that sort of dog, because it's that Bulldog type thing I would be, I'd seriously not consider rehoming it, it would only get rehomed if it was really good, and I've never dealt with it
- Unless there was another Cruse, but the only Cruse I know is
- No I don't think, nah because I never got out to do any ACO work until, Jesus, s 9(2)(a)Left or they went sick and I went on call and that was god, was it before Christmas, no it was after, that was before the incident with the stab proof vest and they didn't go on, they didn't have their sick leave until after November so I didn't get any animal control work

No vet records exist.

Summary

The following conclusions have been drawn from enquiries.

- CRUZE was impounded by s 9(2)(a).
- When the dog was brought in it had marks on its neck from poling
- In this matter it is alleged that the force used was excessive.
- There is no hard evidence to ascertain the level of force.
- The allegations of a Breach of the Animal Welfare Act.

- **CONCLUSION:** There is no evidence that s 9(2)(a) breached the Animal Welfare Act 1999 by poling CRUZE.

Recommendation

In accordance with the terms of reference I make the following recommendations:

1. In relation to the allegation that s 9(2)(a) wilfully or recklessly ill-treated Cruze. There is no evidence to support a charge under the Animal Welfare Act. Therefore no further Action to be taken.
2. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
3. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence

7.0 COCO Dog secured in kennel by chain. 22 December 2015.

Allegation that the dog was left in the front of the kennel with the chain still attached. .

Discussion

COCO was seized from a property after complaints about a dog killing cats in the TARADALE area. COCO was seen running lose but not actually chasing cats but matched the description and was unregistered.

It was seized by s 9(2)(a) and s 9(2)(a) on the 22nd December 2015.

No vet records exist.

Potential Breaches

12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10
28	Wilful ill-treatment of animals (1) A person commits an offence if that person wilfully ill-treats an animal with the result that— (a) the animal is permanently disabled; or (b) the animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or (d) the animal is seriously injured or impaired. (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment— (a) involves— (i) prolonged pain and suffering; or (ii) a substantial risk of death; or (iii) loss of a body part; or

	(iv) permanent or prolonged loss of a bodily function; and (b) requires treatment by or under the supervision of a veterinarian.
28A	Reckless ill-treatment of animals (1) A person commits an offence if that person recklessly ill-treats an animal with the result that— (a) the animal is permanently disabled; or (b) the animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or (d) the animal is seriously injured or impaired. (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment— (a) involves— (i) prolonged pain and suffering; or (ii) a substantial risk of death; or (iii) loss of a body part; or (iv) permanent or prolonged loss of a bodily function; and (b) requires treatment by or under the supervision of a veterinarian.
29	Further offences A person commits an offence who— (a) ill-treats an animal; (g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress; (h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.

Facts

- COCO impounded on 22nd December 2015.
- s 9(2)(a) alleges that found COCO in the cage still with a chain around his neck which was hanging out of the door.
- Released from the chain by s 9(2)(a).
- Not attended by the Vet.

Enquiry

This matter came to light from s 9(2)(a) during interview.

s 9(2)(a) states:

- "... And this is a dog that s 9(2)(a) is hell bent on putting down, and he was for a while. But I come to the pound one morning, I got to the pound and I was a nine foot chain hanging out of one of the cages and I thought what the heck's that chain doing in the middle of the thing. Attached to the chain was a dog in the kennel, so the dog had a foot of chain in the kennel restricting its movements, had no food, no water, no bedding, just a big chain. So I went in, cut the chain off the dog and put food and water in there for it. I went and complained to s 9(2)(a) about that dog and so did, who was."
- 'So I made a written complaint to s 9(2)(a) that that dog couldn't manoeuvre in that kennel, couldn't get to the bedding, it had no food and water just dumped in the kennel with a chain on it.'

§ 9(2)(a)

states:

- Went with § 9(2)(a) to seize a dog suspected of killing cats in the TARADALE area.
- Dog was not registered.
- Located at address chained to a shed and aggressive.
- Was poled at the end of the chain and the chain was pulled from the shed as it was deemed too dangerous to get too close to the dog.
- Dog was taken to the pound and placed in a kennel with the chain still on.
- COCO's the one that's in the pound at the moment, that's bitten two policemen
- And one that you do not, the only one that can handle that dog is § 9(2)(a), cause § 9(2)(a) I think"
- "History behind COCO on that occasion was that § 9(2)(a) had some complaints about cats going missing in TARADALE and he'd done a little bit of detective work and found COCO and she, he or she, he, she I think it's a he, he matched the description of the dog that had been seen running around the neighbourhood. He put two and two together and said well that must be the dog killing the cats. I said well yes we can't take that any further, I said however the dog's unregistered, we can solve this problem by seizing the dog for being unregistered, put it in the pound and possibly the owner won't come and pick it up and that will solve the issue. So I went out with § 9(2)(a) who'd only been with us very, oh a couple of weeks, went onto the property, the dog was chained to a shed, I'd put the dog in, he was extremely aggressive, I put the dog on the pole got it to the end of the chain so it couldn't come any further held on the pole. § 9(2)(a) took the chain off the shed and we took the chain and the dog into the pound. At the pound the dog was still, it was shocking, so I put it in the kennel and the chain was still on because it's just too dangerous to take it off. It was not chained to anything."
- "I'm not getting bitten."
- "And I wouldn't put § 9(2)(a), I mean if I had some of the guys from Hastings with me who are experienced yeah we'd probably do that and we'd get, I mean it's not nice you have to physically hold the dog on the ground, get a pair of bolt cutters and cut it off, but you don't want to be putting your hands around."

§ 9(2)(a)

states:

- Seen a dog with a chain on in the kennels.
- "... I've found them with thumping great chains around their neck, with the chain hook through the door..."

§ 9(2)(a)

states:

- Went with § 9(2)(a) to pick up the dog COCO which had been suspected of chasing cats.
- It was an unregistered Pitbull owned by a gang member.
- Dog was chained to the down pipe on a shed.
- § 9(2)(a) poled it and held on the end of the chain while § 9(2)(a) cut the chain.
- Stated.
 - "I would not put my hand anywhere near the dog he was aggressive to us"
 - "He did calm down after being at the pound for a while. He was okay with § 9(2)(a)." ."
- Was too dangerous to take the chain.

- Dog would have been given food and water
- COCO was put down in February 2017
- Cannot honestly say if food or water was put into the kennel in this instance.

No vet assessment made.

Summary

The following conclusions have been drawn from enquiries.

- COCO was impounded by § 9(2)(a) and § 9(2)(a)
- COCO had to be poled due to its very aggressive nature.
- COCO was chained to a shed and was seized by poling the dog at the end of the chain and removing the chain from the shed.
- The dog was taken to the pound and placed in a kennel with the chain still attached.
- It was deemed that it was too dangerous to remove the chain from the dog at the time.
- **CONCLUSION:** It was a reasonable assumption to make that it was too dangerous to remove the chain from the dog at that time.
 - The allegations of a Breach of the Animal Welfare Act.
- **CONCLUSION:** There is no evidence that § 9(2)(a) breached the Animal Welfare Act 1999 by leaving COCO on the chain in the Kennel.
 - The fact that no food or water was put into the kennel cannot be confirmed.
- **CONCLUSION:** There is no evidence that § 9(2)(a) breached the Animal Welfare Act 1999 by failing to provide food and water.

Recommendation

In accordance with the terms of reference I make the following recommendations:

1. In relation to the allegation that § 9(2)(a) wilfully or recklessly ill-treated the dog COCO by failing to remove the chain in the kennel. There is no evidence to support a charge under the Animal Welfare Act. Therefore no further action to be taken.
2. In relation to the allegation that § 9(2)(a) wilfully or recklessly ill-treated the dog COCO by failing provide food and water. There is no evidence to support a charge under the Animal Welfare Act. Therefore no further action to be taken.
3. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
4. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence

8.0 JOKER- Dog brought into kennels with his front feet off the ground. (Date Unknown)

Allegation that the dog brought into the kennels by ^{s 9(2)(a)} with its front feet off the ground with the white rope around his neck.

Discussion.

This matter was mentioned by ^{s 9(2)(a)} and ^{s 9(2)(a)} at interview.

This dog is well known to ^{s 9(2)(a)} who had dealt with it a number of times.

Potential Breaches

28	Wilful ill-treatment of animals (1) A person commits an offence if that person wilfully ill-treats an animal with the result that— (a) the animal is permanently disabled; or (b) the animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or (d) the animal is seriously injured or impaired. (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment— (a) involves— (i) prolonged pain and suffering; or (ii) a substantial risk of death; or (iii) loss of a body part; or (iv) permanent or prolonged loss of a bodily function; and (b) requires treatment by or under the supervision of a veterinarian.
28A	Reckless ill-treatment of animals (1) A person commits an offence if that person recklessly ill-treats an animal with the result that— (a) the animal is permanently disabled; or (b) the animal dies; or (c) the pain or distress caused to the animal is so great that it is necessary to destroy the animal in order to end its suffering; or (d) the animal is seriously injured or impaired. (2) For the purposes of subsection (1)(d), an animal is seriously injured or impaired if the injury or impairment— (a) involves— (i) prolonged pain and suffering; or (ii) a substantial risk of death; or (iii) loss of a body part; or (iv) permanent or prolonged loss of a bodily function; and (b) requires treatment by or under the supervision of a veterinarian.
29	Further offences A person commits an offence who— (a) ill-treats an animal; (g) releases an animal, being an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress; (h) counsels, procures, aids, or abets any other person to do an act or refrain from doing an act as a result of which an animal suffers unreasonable or unnecessary pain or distress.

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Facts

- JOKER was impounded by § 9(2)(a)
- § 9(2)(a) alleges that § 9(2)(a) brought the dog into the pound on the white nylon rope lead with his front feet off the ground
- § 9(2)(a) witnessed the same event.
- There is no CCTV footage available to this enquiry

Enquiry

This matter came to light from § 9(2)(a) and § 9(2)(a) during interview.

§ 9(2)(a) was questioned about the matter in interview.

§ 9(2)(a) states:

- Stated that § 9(2)(a) brought the dog in however it is not clear if he witnessed it.
- "But those are the other two, I wasn't there then. Okay so TITAN's the other day, we've got MARLO, JOKER was another dog that § 9(2)(a) brought into the pound and I don't know. Now JOKER is one of our regular pound dogs and he's a quiet as a church mouse. § 9(2)(a) brought him in on two legs, hung up on the rope around his neck, front legs off the ground dragged him through the pound, put him into the cage and said to § 9(2)(a) that's TAMA. Anyway, he got the wrong dog, there was another dog TAMA that's similar to JOKER and § 9(2)(a) just said that's f'n well JOKER you dick, he doesn't need to be treated like that. § 9(2)(a) was good, and then § 9(2)(a) got the long chip scanner and went to try and scan the dog and § 9(2)(a) said he tried to beat it but I didn't see that. But I'd be looking at JOKER and § 9(2)(a) might be able to help you with that one as well, because she saw more than me. Yeah there's CCTV footage of him dragging the two mangy dogs in, no food in the pounds. Look his aggressive unnecessary poling, I think you need to..."

§ 9(2)(a) stated:

- Was in the pound and witnessed § 9(2)(a) bring the dog who said was Tama in to the kennels on a rope lead.
- Tama turned out to be JOKER a dog § 9(2)(a) knows very well.
- Also stated that she felt the § 9(2)(a) was going to hit § 9(2)(a) with the wand scanner.
- Stated,

- "...The – the incident that screams at me at the moment is he came in one morning with a pit-bull. He had this pit-bull on a rope. He had it pulled up that tight that the dog's legs – front legs were off the ground. And he was basically pulling it in. And I turned around to see the dog, and I knew the dog, and he said this is TAMA and he's a really aggressive dog. I said I think you'll find its JOKER. He says I'm telling you this is TAMA and he is an aggressive dog and he has to be treated as an aggressive dog. Now JOKER's a pit-bull cross lab – he's a solid boy – so I continued to watch him physically throw the dog basically in to the kennel, which blew me away, so I didn't move because I thought – you know because JOKER's my friend – he's a frequent flyer at NAPIER CITY COUNCIL – he's an escape artist. Put it to you this way, s 9(2)(a) second day out on the job with me at Animal Control, we're driving down the road, I see this dog chasing the vehicle, I said to s 9(2)(a) undo your door, he said what for, that's a pit-bull, I said undo your door. JOKER bounced in, licked s 9(2)(a) face and sat there quite happily because he was in the front seat of the vehicle. So this is his aggressive dog, then he came out with the pole reader for the microchipping, the big one and proceeded to wave it at JOKER and say get back you bastard, get back you bastard, I'll fuckin have you, you bastard. This is JOKER. This dog is showing no signs of aggression. His tail's down. His hackles aren't up. His ears are where they should be. And he's basically smiling at me because he's just seen me and he's pleased to see me. Now I stood there because I'm quite sure if I hadn't been, he was going to hit that dog. Now he didn't and I can't say that he would have, but I just felt on my heart of hearts that I wasn't going to move an inch. And that was one – yeah.."

s 9(2)(a) states:

- Was question about JOKER and made the following statements:
 - "Yes I've impounded that dog it keeps on going to a lady's address who's got sheep and I've told the owner there's only one result of this, if JOKER didn't, it wasn't JOKER in the end but the Police did shoot a dog on that property this year."
- When questioned about the allegation that he'd brought the dog in with its front legs off the ground, answered:
 - "(shakes head) no different to when those dogs on the.."
 - "Yeah, he's a really nice friendly dog but he's very strong and strong willed"
 - s 9(2)(a) has a soft spot for JOKER, s 9(2)(a) would take that dog back to the owner rather than impound it, and that was, I mean that is an issue that I'm still dealing with and I'm dealing with in Russell Road at the moment, I've got a very irate resident down there whose, said I've rung the Council 7 times and all you do is take the dog back to the owner, but not anymore"
 - "One in the same, I don't know, I'm, there is a dog who I know, who s 9(2)(a) knows and I got confused with because they look the same but it's a dog that keeps going"

to this address, it goes walkabout and goes to this lady's house in Riverbend Road, it hasn't for quite some time, in fact I think they've shifted, and they even, it was even, it was impounded so many times and then they swapped the ownership from, I don't know why, they must have known something about our system, the dog was registered to the husband, it was impounded 4 or 5 times and of course every time it got impounded it's \$175 and then they changed it to the wife's name. Oh it's not been impounded in my name, so they gave it back to them and it starts again, but someone must have known the system for that to happen."

There is no CCTV footage for this event.

No treatment was sought for this dog.

Summary

The following conclusions have been drawn from enquiries.

- JOKER was impounded by s 9(2)(a) .
- When the dog was brought in it was struggling and s 9(2)(a) had difficulty controlling it.
- The level of force required is subjective and depends on the skill, experience and ability of the person involved.
- In this matter it is alleged that the force used was excessive.
- s 9(2)(a) stated the force used was the same as was used in the incident in number 3 above.
- There is no evidence to ascertain the level of force.
- **CONCLUSION:** There is insufficient evidence that s 9(2)(a) breached the Animal Welfare Act 1999 by dragging the dog JOKER into the kennels.

Recommendations.

In accordance with the Terms of Reference I make the following recommendations:

1. In relation to the allegation that s 9(2)(a) wilfully or recklessly ill-treated the dog JOKER. There is insufficient evidence to support a charge under the Animal Welfare Act. Therefore no further action to be taken.
2. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
3. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence

9.0 LABRADOR X- Dog. Issues regarding status of being seized.

Allegation that the dog was set to be euthanised after s 9(2)(a) stated it was aggressive and had bitten him.

Dog was subsequently rehomed to a family.

Discussion

This matter was mentioned in ACO interviews. Upon further investigation it was found that as there was no actual ill-treatment of the dog the matter falls under the Dog Control Act which is not part of this enquiry.

Recommendations.

In accordance with the terms of reference I make the following recommendations:

1. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
2. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence

10.0 PINKY - Dog (Staffy Bull Terrier X) Euthanizing Issues.

Allegation: that the dog was euthanised after s 9(2)(a) stated it was aggressive.

Allegation: Dog was not fed for three days.

Allegation: that s 9(2)(a) had stated the dog was a Pitbull when s 9(2)(a) and s 9(2)(a) recall it as a Staffordshire X

Discussion

This matter was mentioned in ACO interviews. Upon further investigation it was found that as there was no actual ill-treatment of the dog the matter falls under the Dog Control Act which is not part of this enquiry.

The allegation that the dog was not fed for three days was the subject of questions at interview with s 9(2)(a)

s 9(2)(a) states:

- "Well how could it be if it was put in on the 6th, no all the dogs were fed? I have a system on the weekends and what I do is I arrive at work in the morning when I get there I clean out, make sure all the dogs are all good and all whatever, put the dogs out if I need to, put them out in the exercise yards and I'll leave the dogs there. I go back at about 2.30 – 3 o'clock and I check the dogs again, I clean the, if the kennel is particularly dirty I'll clean it out again and then I feed them. "

- "Saturday and Sunday, so they do get fed once a day but they do get the full 300 grams and I mean the problem is at the moment they're over fed, they feed dog roll and they feed lots of Tux biscuits and it's high residue and yeah"

Summary

The allegation that the dog was not fed for three days

- **CONCLUSION:** There is no evidence of any offences relating to this allegation

Recommendations.

In accordance with the terms of reference I make the following recommendations:

1. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
2. Training of all staff needs to be recorded and standards set. It is noted that there is no NZQA mandated Animal Control Officers courses in existence. The RNZSPCA courses are recommended.
3. In relation to the allegation that s 9(2)(a) wilfully or recklessly ill-treated the dog by not feeding over the weekend. There is no evidence to support a charge under the Animal Welfare Act. Therefore no further action to be taken.

11.0 KENNEL CLEANING & PARVO VIRUS OUTBREAK (2015)

Allegations that:

- The Kennels are not cleaned properly in the weekends when s 9(2)(a) is working.
- That dogs were euthanised as a result of being diagnosed with Parvo in around October 2015.

Discussion

The allegation about the cleaning regime over the weekends has been levelled at a number of ACOs including s 9(2)(a). It has been the subject of numerous discussions at the weekly staff meetings.

The euthanising of dogs during the suspected Parvo outbreak was mentioned at interview by s 9(2)(a). While upon further investigation it was found that as there was no actual ill-treatment of the dog the matter falls under the Dog Control Act which is not part of this enquiry.

These issues will also be subject to the Animal Welfare (Temporary Housing of Companion Animals) Code of Welfare when ratified.

There were dogs caught up in the Parvo euthanising that were being held as the result of a Police operation. The status of these dogs has been the subject of a dispute. This report did not consider any of the facts of their status as it is outside of the Animal Welfare Act.

Potential Breaches

12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10
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Facts

- Allegation of dirty kennels is covered under Section 10 of the Animal Welfare Act.
- s 9(2)(a) and s 9(2)(a) had been mentioned in interview as leaving a dirty kennel after the weekend along with s 9(2)(a).
- Kennels were cleaned Monday morning.
- Dogs were euthanised as a result of tests for parvo conducted within the pound with quick test kits.

Enquiry

The cleaning issue was mentioned in interviews. The main allegation was directed at s 9(2)(a).

Photos were supplied by s 9(2)(a) of various times the pound was claimed to be dirty.

These matters were raised at interview but no further enquiries made as it was considered that this is a procedural matter within the pound and the allegations levelled at s 9(2)(a) could be applied to other Animal Control Officers.

Summary

The allegation that the pound was left in a dirty state after s 9(2)(a) had been duty person.

- **CONCLUSION:** This matter is a procedural issue relating to the pound and its operating procedures therefore there are no offences relating to this allegation

Recommendation

In accordance with the Terms of Reference I make the following recommendations:

1. In relation to the allegation that s 9(2)(a) failed to keep the kennels clean. This matter is a procedural issue relating to the pound and its operating procedures therefore there is no evidence to support a charge under the Animal Welfare Act. Therefore no further action to be taken.
2. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
3. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence

12.0 GENERAL COMPLAINTS OF ILL-TREATMENT OF DOGS by

s 9(2)(a)

s 9(2)(a)

There were general allegations about the way s 9(2)(a) dealt with dogs.

Discussion

General complaints about the way s 9(2)(a) dealt with dogs were voiced by ACOs at interview.

For the purposes of this enquiry every independent person interviewed was asked if they had witnessed any ill-treatment of any animals by any ACO and specifically s 9(2)(a).

This was done due ascertain an independent view of any issues.

Potential Breaches

12(a)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (a) fails to comply, in relation to the animal, with section 10
12(b)	Animal Welfare Offences A person commits an offence who, being the owner of, or a person in charge of, an animal,— (b) fails, in the case of an animal that is ill or injured, to comply, in relation to the animal, with section 11;

Facts

- There was a number of comments made during interview about the way s 9(2)(a) dealt with animals.
- Individual incidents were investigated as mentioned above in this report.
- The Question "Have you ever witnessed any ill-treatment by any NAPIER CITY COUNCIL Animal Control Officer?" was put to every person interviewed.

Enquiry

After all ACOs were interviewed, associated persons from outside the organisation were interviewed and asked

"Have you ever witnessed any ill-treatment by any NAPIER CITY COUNCIL Animal Control Officer?" and,

"Have you ever witnessed any ill-treatment by s 9(2)(a)?"

s 9(2)(a)

states:

- “I mean I can say never. – in that whole time that I’ve been involved, I’ve always found, in my presence, them to be extremely compassionate, they’ll give the dog a pat, they’ll say good-bye you know, chase the rabbits as we put them to sleep. I’ve certainly never – and I’ve never seen any injuries that I would have thought were inflicted other than potentially grazing you know from a dog that had to be poled to catch.”

s 9(2)(a)

states.

- Answered questions as:

- s 9(2)(a) : Right. And have you – with anyone – associated with the Pound, had any issues with their treatment of animals.
- s 9(2)(a) : No.
- s 9(2)(a) : No. And anything – and that includes anything of concern rather than oh that’s really bad but just anything of concern?
- s 9(2)(a) : Ah no I just had one time when I had to put a dog down. They said the dog was unpredictable and dangerous and um – and I trusted their judgement – they’re dealing with the dog – and they noosed it and – and muzzled it.

s 9(2)(a)

states

- s 9(2)(a) : Oh yeah. And in that time, and I’ve asked this question, everybody I’ve spoken to is this, have you ever had any issues with the way any of those people deal with animals?
- s 9(2)(a) : I guess the only issue that I would have would be the restraint.
- s 9(2)(a) : Restraining, right. Have you ever seen anyone ill-treating any animals in any way?
- s 9(2)(a) : No.
- s 9(2)(a) : Anyone there?
- s 9(2)(a) : No.
- s 9(2)(a) : Right, cos...
- s 9(2)(a) : I have only been to the pound, once.
- s 9(2)(a) : Once, right. Okay, so and that’s all of those people, you’ve got no issues with your experience dealing with them, with ill treatment of animals or anything else?
- s 9(2)(a) : Yeah.

s 9(2)(a)

states:

- s 9(2)(a) : Oh okay, that’s brilliant. So in the last 18 months have you ever had any occasion where anyone of the Animal Control staff you’ve witnessed ill-treatment or any behaviour that would concern you
- s 9(2)(a) : No, no ill-treatment at all

§ 9(2)(a)

(Napier SPCA) states:

- § 9(2)(a) As we've already discussed there has been allegations made about animal welfare type issues. Have, in your experience have you had any issues with anyone from the Council with the way they're dealing with animals?
- § 9(2)(a) Nothing hugely significant, the only one that probably upset me a little bit was a young puppy that was brought into the pound while I was there and it had some facial injuries and things and between § 9(2)(a), § 9(2)(a) and I, or § 9(2)(a), § 9(2)(a) and I, I think, we decided we better get it down to a vet and during all of that process I think it had been poled from the property into the truck, from the truck into the pound, no it might have been poled into the truck at the property because it was apparently quite scared and I wasn't overly impressed with it being poled with those facial injuries, it was only a small puppy, maybe 3 or 4 months old

§ 9(2)(a)

; ADOPT-A-DOG states:

- § 9(2)(a) : Right. And have you or any of your staff ever had – witnessed any sort of ill-treatment of any animal?
- § 9(2)(a) : I've talked to § 9(2)(a), our Manager, I've talked to the other Trustee § 9(2)(a), and today and their – we – we have not seen anything directly that would make us worried about animal welfare at the Napier Pound.

Summary.

The following conclusions have been drawn from enquiries.

- That there has been no ill-treatment of animals witnessed from independent sources spoken to during this investigation.
- There is no evidence of ill treatment.
- **CONCLUSION:** There is no evidence that § 9(2)(a) or any of the Animal Control Officer breached the Animal Welfare Act 1999.

Recommendations.

In accordance with the terms of reference I make the following recommendations:

1. That all animals received into the pound be subject to the recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016.
2. Training of all staff needs to be recorded and standards set. It is noted that there are no NZQA mandated Animal Control Officers courses in existence

Summary

This matter has been a complex investigation due to the need to separate fact from emotion, rumour and perception and as stated earlier in this report the inquiry limited itself to the Animal Welfare Act 1999.

It is of concern that there are no NZQA recognised qualifications for Animal Control Officers nationwide. The variance in individual skill level can therefore place ACOs into the position where they may have to employ techniques they do not have the required skill level to execute. This places both the animal at risk of injury and the ACO at risk of committing offences under the Animal Welfare Act.

No staff had formal training, apart from ^{§ 9(2)(a)} [REDACTED], who had been trained as a SPCA Inspector.

This investigation has arisen because of an atmosphere of philosophical and personal differences that has beset the Animal Control Unit for some time. The unit was based and managed out of the main Council premise until relatively recently, this separation had blurred the lines of responsibility and control. The current management and adoption of specific roles has returned ACOs to their core business with clear procedures established.

It should be noted that all parties have been co-operative throughout the investigation.

It also should be noted that recommendations made in the "Ministry for Primary Industries External Audit Report" dated 15 November 2016 have been actioned or are in the progress of being actioned by the NAPIER CITY COUNCIL as reported in a revisit on the 16 March 2017.

ANNEXURE

1. MPI Audit Report 15 November 2016
2. Pound Revisit Report
3. Pound Layout plan including new layout

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Ministry for Primary Industries External Audit Report

Facility: Napier City Council Dog Pound
Location: Depot Place (off Austin Street), Onekawa, Napier
Operator: Napier City Council
MPI Lead Investigator: s 9(2)(a)

Audit conducted by: s 9(2)(a) – Animal Welfare Inspector

Audit Date: 8th November 2016
Audit Report Date: 15th November 2016

1. Executive Summary

This document is the report of the external audit of the Napier City Council animal control facility at Depot Place (off Austin Street), Onekawa, Napier, carried out by warranted Animal Welfare Inspectors, Ministry for Primary Industries (MPI) on the 8th November 2016. The purpose of the audit was to verify compliance to the facility and operator approvals in accordance with the MPI Codes of Welfare for Dogs and Temporary Housing of Companion Animals (Currently under Consultation).

There were 4 major non-compliances and 2 minor non-compliances identified during the assessment.

The key findings are:

- lack of Standard Operating Procedures,
- lack of internal auditable records of pound operations,
- lack of evidence of training,
- poor ability to prevent contagious disease,
- poor ability to control temperature in the facility,

2. Scope

To verify compliance to the following:

- The MPI Code of Welfare: Dogs (2010); and
- The MPI Code of Welfare Temporary Housing of Companion Animals (Currently under Consultation).

3. Background

The Napier City Council Pound is the subject of an MPI Animal Welfare investigation (AW 12334) regarding allegations of animal abuse and failure to meet welfare obligations by staff members. An investigation began on 27 September 2016 with Senior Investigator ^{s 9(2)(a)} as the lead and Inspector ^{s 9(2)(a)} assisting.

To assess compliance with the Codes of Welfare a facilities and process audit took place on 8 November 2016. ^{s 9(2)(a)} and ^{s 9(2)(a)} were shown the facility by Animal Control Officers ^{s 9(2)(a)} and ^{s 9(2)(a)}. All questions were answered by ^{s 9(2)(a)} and ^{s 9(2)(a)}.

4. References

- The MPI Code of Welfare: Dogs (2010); and
- The MPI Code of Welfare Temporary Housing of Companion Animals (Currently under Consultation).

5. Key Findings

Although there were a number of non-compliances identified during the audit predominately the pound is well run and it was found that the facility was very clean on inspection and all dogs had ample space with pen options for exercise in large runs or outdoor areas. There are also various sizes of cages for different size dogs and the cage design of some cages allowed for adequate care and cleaning of dangerous dogs through use of a combination of doors.

The beds were off the ground and bedding was clean. All the cages and bowls were also clean and sanitized. All processes as described met the minimum standards of the codes but as mentioned before there is no auditable SOPs or records to verify this.

However there were areas of non-compliance and these are documented in section 7, along with the corrective actions recommended to address them as the new Code of Welfare: Temporary Housing of Companion Animals (hereafter Temporary Housing C.o.W) is expected to be signed off by the Minister in the near future.

The overall management, supervision and operation of the facility may be compliant with MPI Codes of Welfare but there is no existing documentation to allow verification and therefore is a significant failing.

While there are obviously staff caring for the animals and keeping the pound operating, there is no evidence of standards and guidelines to ensure proper management and operation of the pound. Urgent measures need to be initiated to correct this to ensure biosecurity of the facility (preventing disease outbreaks) and standards of animal welfare are maintained.

The facility, was and is currently operating without an approved operations manual. This makes it extremely difficult to identify how the facility is meeting the requirements of the Code of Welfare minimum standards, what procedures are being used to oversee the day-to-day operations of the pound, and how these procedures are deemed to be effective and what internal audit checks are being used to monitor compliance. In addition, it creates uncertainty and unacceptable latitude for staff in understanding and implementing the requirements of the standard.

The facility as it currently stands has very good infrastructure within the pound building proper. There is evidence upon inspection of the ability to comply with Parts 5, 6, 7 of the Temporary Housing C.o.W, and Sections 4 and 5 of the Code of Welfare: Dogs, as the facility is constructed to a high standard. The main deficiency is the open nature of the pound and the inability to maintain temperatures throughout the year.

The lack of ability to assess and triage animals in an appropriate area before entering the main pound facility has a significant impact on the biosecurity of the facility and the overall documentation and record keeping associated with the animals. The animals are typically taken out of pound vehicles in a large yard and moved directly into the facility which is a significant risk of non-compliance not only with Part 4 of the Temporary C.o.W but is also a health and safety risk to the Animal Control Officers. This obviously has been recognized as on the day of inspection a veterinary room in a smaller enclosed shed with two links to the pound was under construction. There has been veterinary input into the design which will likely result in less risk of disease outbreaks and better ability to control outbreaks should they occur.

The storage of chemicals, bodies of euthanized animals, food, and equipment also was adequate on the day however there is again lack of documentation. A review of the records associated with animals, both written and electronic also indicated that very little information about the animals was collected on admission and communication records regarding animals' care was lacking.

All euthanasia is done by a veterinarian and decisions on euthanasia are done in consultation with a veterinarian. There are rooms available for microchipping and meeting potential adoptable dogs as well as an office/tea room and a reception area.

There was no documentation available to demonstrate a clear training plan or a means of demonstrating competency and stockmanship. There were no training binders or certificates available with the only Standard Operating Procedures available are draft documents that did not exist at the time of the complaints.

There was no Facility Manual nor any form of Quality Management program in place on the day of inspection. Sheets on cages indicated very little auditable information about the care of the animals in the pound and would certainly limit the ability to monitor compliance and general standards of care across the team.

The roles of the Animal Control Officers did not appear to be clearly defined and as such there was a significant amount of the tasks that they were doing that were clearly kennel assistant duties. There was no role defined or occupied that was responsible solely for the day-to-day care of the animals in the pound.

All the animals at the pound on the day of inspection were in good health and body condition in clean, well ventilated and lit pens, and the facility was very clean and sanitary.

6. Non-Compliances & Corrective Action Requests

Non-Compliance: A failure to comply with requirements. MPI rates non-compliances as follows:

- | | |
|---------------|--|
| Major: | A major failure in an operation or system that caused or could have caused a risk to the welfare of the animals. |
| Minor: | A situation or incident that may not be a major failure but results in a decrease in confidence in the management of the facility and may or may not immediately cause or lead to a risk to welfare. |

Non-compliance 1

Rating: Major

Inadequate documentation of a Quality Management system that assures compliance with the relevant Codes of Welfare

Reference: Part 11: Quality Management Minimum Standard No. 17 – Draft Code of Welfare: Temporary Housing of Companion Animals

- By not having ANY auditable documentation in place Napier City Council is not taking responsibility for ensuring that
 - (a) the pound meets the requirements of the standards and
 - (b) Resources are adequate and effective for maintaining and managing the pound facility.
- The Napier City Council cannot demonstrate that they are complying with the Codes of Welfare.

Evidence

A fully 'signed off' suite of documents including training records, Standard Operating Procedures, Facility Manuals, log books, admission forms, daily care forms, etc. are required immediately. Electronic records would also need to be aligned to these forms.

Napier City Council is ultimately accountable and responsible for the facility and the activities occurring within or associated with it and meeting the requirements of the standards in the Codes of Welfare. It is difficult to be clear that this accountability and responsibilities are currently being met in regards to the standards and hence animal welfare is not compromised at times due to the lack of audited procedures and document trails.

Non-compliance 2

Rating: Major

Inadequate documentation of responsibilities, competency, and stockmanship

Reference: Part 2: Responsibilities, Competency and Stockmanship Minimum Standard No. 1 – Draft Code of Welfare: Temporary Housing of Companion Animals;
Part 3: Food and Water Minimum Standard No. 2 – Code of Welfare: Dogs (2010);
Part 7: Health Minimum Standard No. 10 – Code of Welfare: Dogs (2010)

- There is no evidence that the personnel have the appropriate training and understanding of the Codes of Welfare to demonstrate compliance.
- There is no verifiable evidence that animals in the pound are body condition scored, assessed for health by qualified persons, and cared for in a manner consistent with the Codes of Welfare. Because the animals are not body condition scored and only photographed (with no standard procedures around that process) there is no ability to understand the welfare of the animal from arrival to departure.
- Lack of objective assessment of animals and verifiable records of the care of an animal are a significant failing and non-compliance. Napier City Council staff are considered under the Animal Welfare Act (1999) to be the 'person in charge' of impounded animals while under their possession, and as such can be prosecuted for failings under the relevant Codes of Welfare.

Evidence

All animals should have baseline information collected by an 'approved' person with weight, body condition score, standardized set of photographs with reference measurement, and temperament evaluation. This information along with any veterinary records and treatment plans needs to be part of an animal care plan that is documented and records kept not just of what needs to be done, but what was ACTUALLY done e.g. boxes for veterinary treatments initialled by staff once treatment is administered.

There is no excuse to not weigh animals and determine feed and care requirements based on weight, age, breed, body condition, and health.

Non-compliance 3

Rating: Major

Inadequate disease prevention

Reference: Part 4: Health Minimum Standard No. 5, 6, 7 – Draft Code of Welfare: Temporary Housing of Companion Animals;
Part 7: Health Minimum Standard No. 11 – Code of Welfare: Dogs (2010)

- All animals brought to the Napier City Pound must enter an area that is isolated from the rest of the pound for a health assessment. The baseline information outlined in non-compliance 2 needs to be collected and in addition all health issues need to be identified and noted in writing. This is key to ensure that the animal welfare standards are being met. This also is the most important thing in the prevention of disease entering the pound.

Evidence/Explanation

The new veterinary exam room should have all the equipment and design to allow for disease prevention. Standard Operating Procedures around the admission process should be developed and both electronic and hardcopy auditable support documents are necessary.

Non-compliance 4

Rating: Critical

Inadequate temperature control

Reference: Part 7: Facility Management Minimum Standard No. 10 – Draft Code of Welfare: Temporary Housing of Companion Animals;
Part 4: Containment, Tethering and Shelter Minimum Standard No. 5 – Code of Welfare: Dogs (2010)

- The facility does not have any indoor kennels with temperature control. There is not documentation to verify that, when necessary, additional measures are taken to ensure dogs are kept cool and warm. There are no thermometers in the facility and there are no guidelines around temperature and remedial actions.

Evidence/Explanation

The lack of any way to measure temperature and clear guidelines for remedial actions is concerning. Animal Control Officers can be away from the pound for long periods of time and with an open air facility there is a risk of issues around hyper/hypothermia. Thermometers, log books, and a Facilities Manual are necessary to ensure the standards around temperature are being met.

Minor Non-compliances

No large dog kennels in the isolation area

- The cages in the isolation area would be too small in area for a medium to large dog. An additional large dog cage is required

The isolation area is open air

- The isolation area is open air and as such aerosols both from any ill animals and the cleaning of the cages of ill animals by hosing could spread infection in the rest of the facility. If these animals are ill they would likely need to be kept warm and draft-free. Ideally the isolation area would have ventilation clearly moving air away from the rest of the pound or fully-enclosed with air filters.

7. Recommendations

Recommendation: Non-binding advice provided to assist and facilitate the enhancement and improvement of structures, systems, processes and methodology to maintain compliance with the requirements of the standard(s) and minimize the likelihood of non-compliances occurring. Recommendations are generally based on observations made by the auditor during the course of the audit.

Recommendation 1

It is recommended that roles and responsibilities are clearly defined for Animal Control Officers in line with the Animal Control Act. To facilitate this a Job Description should be produced in a written form outlining the day to duties and responsibilities which is readily available in the workspace.

Recommendation 2

It is also recommended that a Kennel Attendant or similar position be created to have overall responsibility for the safe custody and welfare of the dog including any subsequent action required. The responsibilities of animal assessment, animal care and welfare, and quality assurance do not necessarily all need to be part of the Animal Control Officer role and can be incorporated in the Kennel attendant role. I recommend that work be undertaken to develop a new team structure that encompasses these roles.

Recommendation 3

That a **Facility Bio-security Area** be established in the double Garage. This would require that the following actions take place.

- That temporary holding kennels be constructed within the double garage area to house dogs until they have been assessed.
- That a S.O.P be developed outlining any processes and procedures as required but must include but not limited to the following matters
- No dogs are to enter the main kennel area without a Physical and temperament assessment. This requires that any dogs impounded after hours are kept in the holding kennels until kennel staff are present and assessments are carried out.
- Documentation is completed to accompany the dog and be visible on any cage that outlines, identity (if known), temperament notes, sex, weight, medications and injuries, dietary requirements, impounding location and officer and any other information deemed necessary.
- Assessments should be carried out by two officers where possible.
- A photograph to be taken of the dog on its arrival at the pound.

Recommendation 4

A full suite of auditable documents needs to be developed and an auditable Quality Management system implemented immediately. A suitable independent auditor should be engaged to carry out regular audits of the pound and systems.

Recommendation 5

A consultant should be engaged to oversee improvements to the pound facility to improve compliance around temperature and disease prevention. It appears that at weather extremes, heat or cold the facility may be difficult to regulate the environment within the kennel area.

8. Summary

On the basis of this audit of the Napier City Council pound, I conclude that the facility and operator are meeting the minimum standards of welfare of the animals in the pound.

The lack of records hinders the ability to verify that this is the case at all times.

It should be noted that had any failings of the codes been detected on the day of the inspection a notice AW130 would have been issued to mitigate any issue, however there were no breaches identified therefore the audit makes recommendations only at this time.

At this stage, I am recommending that Napier City Council continue to progress towards addressing the non-compliances through the recommendations made in this report.

Failure to do this or inadequate response or progress, may result in future inspections, particularly when the Final Code of Welfare: Temporary Housing of Companion Animals is signed off by the minister.

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Revisit Report.

Recheck of Napier City Pound for progress against the recommendations in Napier Pound Audit 15 November 2017

16 March 2017

SCO ^{s 9(2)(a)}

Recommendation 1:

Folders of living documents for Animal Control Officers and newly created Kennel Assistant role holders sighted. Binders in pound office inspected and SOPs sighted. Further improvement and development recommended and copies of Dog CoW for each binder provided.

Recommendation 2

Met the new Kennel Assistant and discussed the role and its overlap with the Animal Control Office role re: weekends. Discussed handover and role cross over and how they manage that. Several systems in place to manage communication. Kennel Assistant has a veterinary nurse background.

Recommendation 3

Significant progress and initial use of the new animal flow and admission process to safeguard the pound biosecurity. Excellent facility and design with the final elements to be added in the coming weeks (e.g. special admission kennels, scales for the exam room, wash/hose down points, and security cameras). Discussed the need for an SOP to accompany this once the facility is ready.

I would recommend a recheck in another 6 months to ensure all parts of this recommendation have been bedded in and captured by SOP.

Recommendation 4

The initial iteration of these documents have been standardised and issued. They will need some review and revising. There is now a significant amount of weekly and monthly oversight through reporting to the city council. An independent auditor would be ideal but auditing will most likely be done by the city council and counsellors on the Animal Control Committee.

Recommendation 5

The oversight of the improvements has been done by council managers not a contractor. The inspection found that the recommendation to improve temperature monitoring had not been completed. Staff were advised that temperature monitoring must be implemented ASAP as this remained a non-compliance. Temperature monitoring will begin and an SOP developed around remedial actions for temperature extremes.

Also any further modifications to the pound buildings (e.g. enclosing the isolation area better) can be done with more information at hand once the temperature is monitored.

This was actioned the same day as the inspection. A recheck in 6 months would also be ideal to assess the pound climate and any further construction needs.

I inspected the animal record sheets and found all verbal recommendations to be implemented with a much higher level of information recorded about animals at the pound. A walk round found the animals adequately housed and cared for. The pound was clean and all animals were healthy.

Overall recommend a recheck in 6 months to see how things have bedded in.

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Pound Temperature SOP

PURPOSE

The purpose is to try and control the temperatures, both hot and cold, to which dogs in the pound are exposed taking all necessary steps that are reasonable and practical for the welfare of the dogs.

Method

Using Endeavour Weather stations positioned at key areas in the facility as highlighted on Pound Plan to monitor and record temperature readings twice daily, at 8am and 4pm and to log these readings along with the daily high and low temperatures and humidity readings.

This will help Staff to decide whether Blankets and extra bedding will be necessary to keep dogs warm and comfortable or alternatively if the temperature is expected to be high whether the dogs need to be kept cool by means of a cooling system to be implemented.

The temperature range for extra bedding is expected to be for where the temperature will drop below 7 degrees C at night but this is open to review and will be based on best advice from Vet/SPCA for animal wellbeing.

The same will apply to a cooling system where the temperature is expected to exceed 26 degrees C.

Any sick or injured animals will be cared for as per Vet and/or SPCA instructions.

This is a draft SOP and to be reviewed and approved.

Minus 7 degrees centigrade: Blankets will be placed in all kennels

Plus 26 degrees centigrade : Cooling system when installed will be activated to keep temperature below this level where possible.





Animal Shelter Layout

