# Reforming Animal Control

It was not uncommon in 19th Century cities for public officials to express concerns about stray dogs. The desire to curb perceived "nuisance" behavior by free roaming dogs resulted in the creation of public pounds in the United States. Virtually all dogs rounded up by city dog catchers, except the few redeemed by their owners, were brutally killed.

At about the same time, cities began to see the formation of "societies for the prevention of cruelty to animals." These early humane societies quickly began efforts to reduce the killing of impounded animals, and to require more humane treatment of them by municipal dog catchers. By advocating for homeless animals, these groups were working to protect *animals* from *people*, the very antithesis of animal control. The age old antagonism between animal control and animal rescue was born—an antagonism palpable to this very day.

By the mid-20th Century, the scales began to shift dramatically for dogs and cats. Moral, technical and economic changes improved the status of animals, allowed for high volume sterilizations and created millionaire animal welfare agencies which could—and should have—ended the era of mass killing in American shelters. Instead, an institutionalized mentality of killing came to prevail—until very recently.

In 1994, the City and County of San Francisco became the first (major urban) community in the United States to end the killing of healthy homeless pets. In 2002, a rural community surpassed that, becoming the first community to save all healthy and treatable animals, as well as feral cats. In doing so, Tompkins County (NY) became the first No Kill community, spearheaded by an animal control agency that took in animals regardless of whether they were sick, injured, vicious or traumatized. The modern No Kill movement was underway. The precedent created by the San Francisco and Tompkins County achievements ("if they can do it there, why can't we do it here?") began finding its way to other parts of the country.

## From "Animal Control" to "Animal Care and Control"

In communities throughout the United States, rescue groups, animal lovers, good Samaritans and No Kill shelters are demanding change. Rejecting the failed notion that the best we can offer homeless animals is a "humane" death and that shelters bear no culpability for the numbers of animals killed, these individuals and organizations are challenging the status quo. And calling for an end to the killing.

The notion of an animal control agency focused on lifesaving, and taking on what has traditionally been an animal welfare platform of lifesaving and social enrichment for companion animals is now firmly taking root. These agencies are not only renaming themselves ("animal care and control"), but are also putting in place progressive programs and services that save lives—programs like Trap-Neuter-Return ("TNR") for feral cats. By working hard to reconcile the tension between their "animal care" and "animal control" functions, the end result has been a steady decline in dog and cat killing rates unparalleled by their more reactionary counterparts.

But not all animal control departments have embraced this renaissance in lifesaving. Many refuse to change with the times. Still others are adopting the name and language of No Kill, but not

the programs and services that save lives. With large national groups and other industry associations mired in the failed philosophies of the past, many agencies are holding their guard against demands by citizens for a more progressive orientation.

In the face of this entrenchment, how can humane advocates put an end to the killing in their community? In other words, how can animal control be forced to embrace No Kill? The answer lies in a five-step process: 1. Inform; 2. Negotiate; 3. Prepare for Battle; 4. Fight; and, when successful, 5. Rebuild.

But the first rule in effecting change is the need for advocates to be reasonable and professional. And that starts with going through the different steps, one at a time, so if a public conflict with animal control is unavoidable, it will be clear that attempts to work within the system were rebuffed by an uncaring bureaucracy.

## Step One: Inform

Change starts with the right message, which must address the four aspects crucial to a successful animal control program: saving animals, protecting people, fiscal restraint, and mitigating liability. If only one of these (saving lives) but not the others is addressed, progress will be hampered.

A rescue group trying to get their local animal control shelter to implement TNR, for example, found themselves at a dead end: "We have presented animal control with numerous studies and facts showing that TNR works, but they refuse to support it due to reasons such as rabies and health issues."

By focusing only on how TNR saves the lives of animals, the group missed the broader issues of concern for animal control ("rabies and health issues"), which should have also been provided, such as:

- **Saving Animals:** Studies and examples that show TNR results in less animals impounded and killed at animal control shelters;
- **Protecting People:** Studies and examples that show "nuisance" complaints also decline when TNR programs are implemented including how TNR advances public safety;
- **Fiscal Restraint:** Studies and examples that show a TNR program can be implemented on a cost-effective basis, and can actually save government agencies money;
- **Liability:** Studies and examples which show why TNR does not increase shelter liability, or conversely how the shelter can reduce its liability through a well thought out TNR program.

As important as the right message is, it is also imperative to send the right messenger. With the rising tide of No Kill, animal control is an agency under scrutiny all over the country. Unfortunately, many shelters fail to take advantage of the increased community interest by tapping into it to improve their operations and lifesaving. Instead, the fear of scrutiny leads to a "circle the wagons" bunker mentality.

Under this environment, it may prove more beneficial to provide information from colleagues who have adopted more progressive standards. A veterinarian in a shelter is more likely to listen to another veterinarian on the value of TNR, for example, than he or she would to a community critic of the shelter.

By pointing positively to success in other communities and at other animal control agencies, and by offering to provide support, community advocates can proactively "teach" animal control administrators, city councils and citizens how a shelter can be more progressive. Think of it as humane education for the shelter.

## Step Two: Negotiate

When negotiating with animal control for change, it is important to identify in writing what exactly is being sought. "Stop the killing" is an important rallying cry, but it does not identify programmatic changes needed. The successes in San Francisco and Tompkins County (NY) prove that there is a blueprint for No Kill, and that the implementation of certain programs and services are crucial to lowering the death rate.

These key programs include:

1. Comprehensive adoption programs that operate during weekend and evening hours and include offsite adoption venues
2. Rescue group access to shelter animals
3. Volunteer programs to socialize animals, promote adoptions, and help in the operations of the shelter
4. TNR programs
5. A foster care network for underaged, traumatized, sick, injured, or other animals needing refuge
6. Medical and behavioral rehabilitation programs
7. High volume, low-cost public spay/neuter and spay/neuter of animals before adoption
8. Pet retention programs to solve medical, environmental, or behavioral problems and keep animals with their caring and responsible caregivers
9. A clean shelter, where animals are provided prompt veterinary care, adequate nutrition, shelter, exercise, and socialization

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Each program should be addressed from the standpoint of saving lives, protecting people, fiscal restraint and mitigation of liability. Examples of other jurisdictions who have successfully implemented such programs, a timetable for change, a mechanism for continued dialog between lifesaving advocates and the shelter, and offers to help should also be included.

Maintain a professional, positive, supportive tone, even if animal control was not receptive in Step One. Some practices may need to be criticized, but be constructive. A well reasoned and written "white paper" that incorporates these elements will serve as the blueprint for change and the basis for a public campaign if animal control does not follow through.

### Step Three: Prepare for Battle

Sometimes animal control isn't interested in changing. Many times animal control will only implement superficial changes. As one commentator has noted: "The bottom line is that too many animal control departments and humane societies have a vested interest in doing what they have always done. Going a different and more successful route would mean accepting some of the blame for causing barrels to fill, day after day, with furry bodies. Complain though many animal control and humane society people might about the stress of killing, they still find killing easier than doing what is necessary to stop it."

When change is not forthcoming despite the efforts of Step One and Step Two, the concerns must be made public to either force changes in sheltering operations, or force changes in shelter leadership. In short, it is time to prepare for regime change.

While individuals can lead the fight to reform animal control, strength comes in being an established organization. But an organization does not need to have a specific legal structure. The U.S. Constitution, for example, gives individuals freedom to associate. That means a group of like-minded citizens can establish a group that does not need to file with government agencies and that is not governed by state rules of order. And in the era of desktop publishing, they can call themselves what they want, put together stationary and begin a public campaign for change that is both visually and substantively impressive.

Regime change starts with an expanded "white paper" (the report for Step Two forms the foundation for Step Three) or report card on how the animal control shelter is doing relative to more progressive areas of the country in terms of death and adoption. This

information is available through state public access laws or freedom of information laws. In addition, the "white paper" should also have all the following elements:

- What is meant by "No Kill"
- Numbers of animals needlessly killed
- Programs and services that could be implemented to reverse the killing, but are not being implemented
- Attempts to educate and negotiate with animal control that have failed
- Cost issues (i.e., it is more expensive to "catch and kill" than it is to realize the adoption revenue, increased donations and cost savings of public-private partnerships associated with a good public image)
- How No Kill programs are consistent with public health and safety
- A liability mitigation plan
- Specific examples and testimonials from people who have had bad experiences with the shelter

### Step Four: Fight

Once the report is written, it is important to send it out to everyone in the community who has "influence" or "affluence." Even if they do not initially appear to have interest in animal sheltering, these 'movers and shakers'—whether they are politicians, judges, corporate executives, celebrities, socialites or well connected people—form the basis of mobilizing the community at large to help force change.

Other avenues include:

- City council meetings always provide for a public comment period on any topic whatsoever, which is usually limited to about three to five minutes: make presentations including providing the white paper
- Ask the council to set up a subcommittee to review the issue and invite testimony from No Kill advocates
- Suggest setting up a citizens review committee ("animal welfare advisory commission") to oversee shelter operations and provide a forum for dialog and changes
- Ask for a grand jury investigation on how public tax dollars for animal control are being spent and whether animals are being treated humanely and according to modern expectations (seek comparisons to progressive communities, not other

## Seeing Through Smokescreens

Among the many tactics used by reactionary animal control departments to defend the status quo, the two single most important ones involve definitions and costs. To deflect blame, entrenched shelter directors focus on two arguments that, although they are little more than "smokescreens," are very effective at countering community pressure for change: 1. they cannot adopt out diseased or vicious animals; and 2. they do not have the budget to save more lives.

While humane advocates should focus on lifesaving in order to appeal to citizen passions about dogs, cats, and other sheltered animals, the city council will likely make their decision on fiscal considerations and public safety issues.

Said one director after community rescue groups demanded changes at the shelter to increase lifesaving: "We don't want to adopt out animals that will turn on people. We can't send out any animal that will bite someone, especially a child." Realistically, no one is talking about placing dangerous dogs into the community, but this argument must be addressed proactively from the beginning to avoid these kinds of inappropriate and misleading emotional appeals by unrepentant animal control directors.

The fact that No Kill is consistent with public safety in that it does not contemplate the adoption of vicious dogs must be forcefully stated. (As an aside, No Kill does presuppose putting in place a rigorous screening program to make those determinations more accurate, rather than the sloppy unfair temperament testing protocols used to label dogs as "unadoptable" in vogue today.)

Another shelter administrator stated that it would cost his county an "extra $4.8 million" to implement changes consistent with No Kill requirements. But this too was not factually accurate. For example, a shelter or city council might say that it cannot afford the expense of spay/neuter services, but this argument overlooks spaying and neutering as a cost-effective long term investment. According to the International City County Management Association:

> *An effective animal control program not only saves cities and counties on present costs—by protecting citizens from dangerous dogs, for example—but also helps reduce the costs of animal control in the future. A City that impounds and euthanizes 4,000 animals in 2001... but does not promote spaying and neutering will probably still euthanize at least 4,000 animals a year in 2010. A City that... [institutes a subsidized spay/neuter program] will likely euthanize significantly fewer animals in 2010 and save on a host of other animal-related costs as well.*

In addition, it is far cheaper to neuter and release a feral cat than it is to impound, house, feed, clean the cage, kill the cat and dispose of the cat's body. In this case, a spay/neuter program for feral cats as an alternative to impoundment and killing is actually revenue positive. (These savings are above and beyond the long term savings of fewer animals being impounded.)

There are many other lifesaving and cost saving programs that could be implemented: placing animals with rescue groups, foster care, and working with volunteers. These programs transfer cost from taxpayer to private individuals and also yield revenue in the form of increased adoptions.

In San Francisco, for example, volunteers spend over 110,000 hours at the shelter each year. Assuming the prevailing hourly wage, it would cost the San Francisco SPCA over $1 million dollars to provide those services. In Tompkins County (NY), volunteers spend over 12,500 hours walking dogs, grooming cats, helping with adoptions, and doing routine but necessary office work, at a cost saving of approximately $85,000.

reactionary agencies)
- Find a sympathetic reporter: the public loves dogs and cats and a newspaper will realize that stories about an animal control shelter unnecessarily killing pets sells!

If necessary, rescue groups and citizens can seek legislation to force the shelter to change. In 1998, animal lovers in California succeeded in passing two statewide laws which required shelters to extend holding periods; to be open evenings and/or weekends so that working people can reclaim lost pets or adopt new ones; to work with rescue groups to place animals; and to spay/neuter before adoption, among many other positive changes.

Eventually, animal control will either change, or change leadership. In San Francisco, intransigence on the part of animal control gave way to a memorandum of understanding that guaranteed a home to every healthy, homeless dog and cat in city shelters. In Atlanta, animal control was fired, and the functions were placed in the hands of a more progressive agency. And in Philadelphia, a new animal control chief has redirected the agency towards lifesaving.

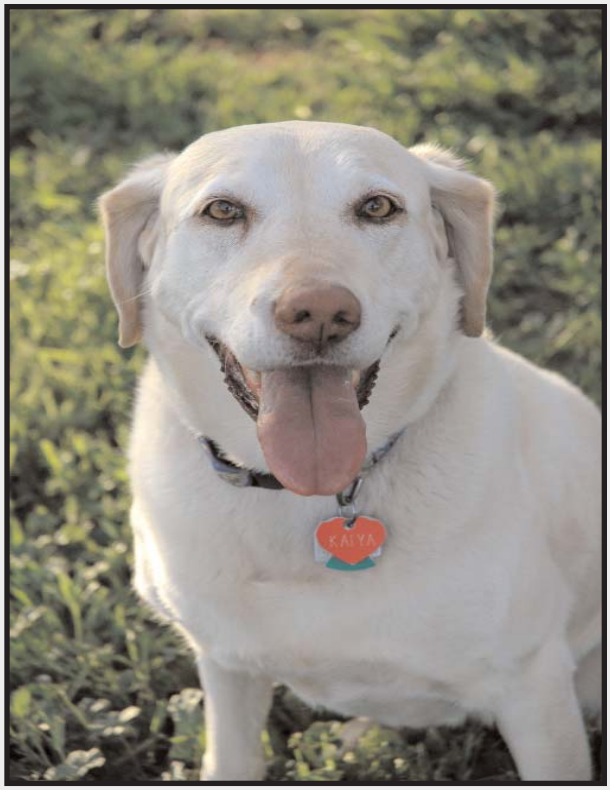
### Step Five: Rebuild

Once successful, it is important to create a community culture of lifesaving so that backsliding will not occur. As directors of animal control come and go, returning to a "catch and kill" mentality will not be possible if the philosophy of No Kill is institutionalized. This is accomplished by:

- Arming the public, volunteers, feral cat caretakers, people of affluence/influence and others by putting out lots of information about the successes of No Kill in the community;
- Highlighting the necessary programs that make it possible on a regular basis—programs such as foster care, offsite adoptions, TNR, and others;
- Making sure statistics are regularly given to the public and are readily accessible;
- Keeping the media involved and focused on sheltering issues;
- Consistently "rejecting" the old paradigm.

No Kill is the future. One only needs to read the headlines in newspapers throughout the country. In California, one newspaper writes about the "winds of compassion" which are "swe[eping through local] animal shelters." Another touts "the first kittens to go home alive" in a Georgia community. In upstate New York: "No Kill policy yields dramatic results." From coast to coast, citizens are rising up to demand fundamental changes in how shelters operate.

**"We are marching no longer by ones and twos but in legions of thousands, convinced now it cannot be denied by any human force."**




In response, health departments, town commissioners, cities, and even entire states are issuing No Kill proclamations and setting in motion the "winds of compassion." No longer content with shelter directors who kill thousands of animals without much scrutiny, the era of the ineffective shelter is ending.

Unfortunately, the trend is not universal. Some animal control departments, and the government bureaucrats that protect them, are digging in their heels and circling the wagons. For these, a public fight may be unavoidable. But it is a public fight they will eventually lose.

The process may take time and energy, but the end results - animals whose lives will be spared - are well worth the struggle. No Kill's triumph of the status quo is inevitable.

To quote the wise words of Martin Luther King Jr.: "We are marching no longer by ones and twos but in legions of thousands, convinced now it cannot be denied by any human force."

# The Declaration of the No Kill Movement in the United States

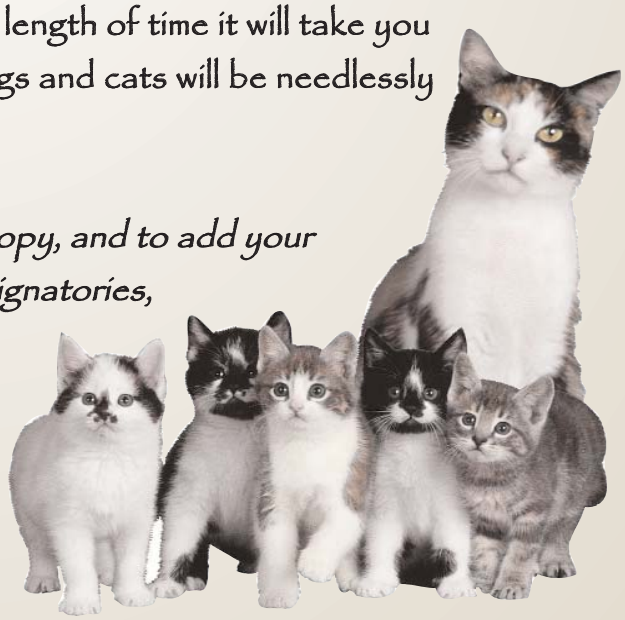
This year, some five million dogs and cats will be killed in shelters. The vast majority can and should be placed into loving homes or should never enter shelters in the first place. But there is hope.

No Kill sheltering models, based on innovative, non-lethal programs and services, have already saved the lives of tens of thousands of animals. But instead of embracing No Kill, many shelters—and their national agency allies—cling to their failed models of the past, models that result in the killing of millions of dogs and cats in U.S. shelters every year.

No Kill is a revolution. And behind every revolution is a declaration—a statement of grievances, and a listing of rights and principles that underscore our great hope for the future. We assert that a No Kill nation is within our reach—that the killing can and should be brought to an end. Join us in endorsing *The Declaration of the No Kill Movement in the United States*.

It is open to every individual, every group, and every agency that wants to bring about an end to the killing by implementing the programs and services that will establish a No Kill nation. Programs like ensuring public access to affordable spay/neuter services, allowing rescue groups to save animals on death row, and communitywide TNR for feral cats. These are not radical concepts, but in the current sheltering world, one can be ostracized for daring to proclaim the simple truths that population control killing is not an act of kindness and that feral cats have a right to live.

Help us speak for those who can't. In the length of time it will take you to read *the Declaration*, nearly one hundred dogs and cats will be needlessly killed.

*To read the Declaration, download or print a copy, and to add your name or group to its growing list of over 5,000 signatories, go to:*

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