

*Model Legislation to Improve the Performance  
and Life-Saving of Animal Shelters*

# The Animal Rescue Act



Saving Lives

Saving Taxpayer Money

Mandating Collaboration

Ending Discrimination Against Non-Profits

# THE MYTH OF VOLUNTARY COLLABORATION



## Why Rescue Access Legislation Is Needed

NEARLY FOUR MILLION ANIMALS are killed in U.S. shelters every year. In fact, shelter killing is the leading cause of death for healthy dogs and cats in the United States. For far too long, we have been led to believe there is no other way. But there is hope. In the last several years, shelters in numerous communities have comprehensively implemented a bold series of programs and services to reduce birthrates, increase adoptions and redemptions, and keep animals with their responsible caretakers. As a result, they are achieving unprecedented results, saving upwards of 99 percent of all impounded animals in open admission animal control facilities, reserving “euthanasia” for hopelessly ill or injured and irremediably suffering animals, and truly vicious dogs with a poor prognosis for rehabilitation. Not only are they saving lives, but they are saving taxpayer money as well.

Many of the programs identified as key components of saving lives are more cost-effective than impounding, warehousing, and then killing animals. Some rely on private philanthropy, as in the use of rescue groups, which shifts costs of care from public taxpayers to private individuals and groups. Others, such as the use of volunteers, augment paid human resources. Still others, such as adoptions, bring

in revenue. And some, such as neutering rather than killing, are simply less expensive, with exponential savings in terms of reducing births.

A national study found no correlation between per capita funding for animal control and save rates. One shelter saved 90 percent of the animals. Another saved only 40 percent despite spending four times per capita on animal control. One community has seen killing rates increase over 30 percent despite one of the best funded shelter systems in the nation. Another has caused death rates to drop by 50 percent despite cutting costs. There was, in other words, no correlation between success and failure and per capita spending on animal control. What *did* make a difference was leadership: the commitment of shelter managers to implement a key series of necessary programs and services to modernize shelter operations.

Unfortunately, many shelter directors remain steadfast in their refusal to embrace lifesaving initiatives. A statewide survey of rescue groups in New York State, for example, found that 71% of non-profit animal welfare groups have had at least one shelter refuse to work collaboratively and then turned around and kill the very animals they were willing to save. A similar

situation was faced by non-profit rescue organizations in California before it passed a rescue access law. This is bad policy. Rescue access laws would make it illegal for a shelter to kill an animal when a qualified non-profit organization that specializes in adoptions is willing to save that animal. This maximizes the number of animals who are saved, while reducing the numbers killed.

In 1998, California made it illegal for public and private shelters to kill an animal when nonprofit animal rescue and adoption organizations were willing to save that animal's life. As a result, the number of animals saved by nonprofit rescue organizations, rather than killed, increased from 12,526 before the law went into effect to 58,939 in 2010—an increase of over 370%, and a potential cost savings of \$1,856,520 statewide for killing and disposal (these savings do not include additional savings relative to cost of care).

Rescue access laws save taxpayer money by mandating public-private partnerships that not

only reduces expenses associated with having to care for, then kill and dispose of an animal, but transfer expenses from taxpayers to private philanthropy. Under rescue access laws, shelters can also charge the cost of an adoption to those groups, thereby bringing in needed revenues and defraying any costs associated with implementation.

In addition to being inhumane, it is irresponsible to kill animals in the face of cost-effective alternatives, nor does it make sense that taxpayers are spending money to kill animals, when non-profit organizations are willing and able to save them at private expense.

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# ANIMAL RESCUE ACT HIGHLIGHTS

A simple, yet powerful way to save lives and taxpayer money and improve public satisfaction with the job government is doing is to mandate collaboration between shelters and non-profit rescue organizations. A “rescue access” law in California saves tens of thousands of animals every year at no cost to taxpayers.



## The Animal Rescue Act saves the lives of animals

A statewide survey of rescue groups in New York State found that 71% of non-profit animal welfare groups have had at least one NYS shelter refuse to work collaboratively and then turned around and kill the very animals they were willing to save. A similar situation was faced by non-profit rescue organizations in California before it passed a rescue access law. This is bad policy. Rescue access laws would make it illegal for a shelter to kill an animal when a qualified non-profit organization that specializes in adoptions is willing to save that animal. This maximizes the number of animals who are saved, while reducing the numbers killed.

## The Animal Rescue Act saves taxpayer money

A rescue access law has been in effect in California since 1998. An analysis of that law found that sending animals to non-profit animal rescue organizations saved the City and County of San Francisco \$486,480 annually in publicly funded animal control costs. Rescue access laws save taxpayer money by mandating public-private partnerships that not only reduces expenses associated with having to care for, then kill and dispose of an animal, but transfer expenses from taxpayers to private philanthropy. Under rescue access laws, shelters can also charge the cost of an adoption to those groups, thereby bringing in needed revenues and defraying any costs associated with implementation.

## The Animal Rescue Act provides whistleblower protections for rescuers

A statewide survey of rescue groups in New York State found that 43% of groups have been the subject of retaliation by shelters after they expressed concerns about inhumane conditions which they have witnessed in New York State shelters, while over half (52%) who have witnessed such conditions did not express concerns—and simply looked the other way—because they were afraid if they did complain, they would no longer be allowed to rescue, thus allowing those inhumane conditions to continue. Once again, this is similar to what is faced by rescue organizations in other states. By giving non-profit organizations the legal right to save animals scheduled to be killed, rescue access laws remove the power to condition lifesaving on silence as to inhumane conditions, and sometimes criminal behavior, witnessed by rescuers.

### **The Animal Rescue Act levels the playing field**

All non-profit organizations have identical rights and responsibilities before the law. Rescue access laws seek to protect those rights by leveling the playing field between the large non-profits which have all the power and the small non-profits who are prevented from fulfilling their lifesaving mission when these larger organizations refuse to collaborate with them in order to save more lives.

### **The Animal Rescue Act improves the emotional well-being of shelter staff**

Studies show that staff members responsible for killing animals in shelters are vulnerable to emotional trauma, exhaustion, and burnout. Rescue access laws would spare staff from killing animals, when those animals have readily available lifesaving options.

### **The Animal Rescue Act protects public health and safety**

Rescue access laws specifically exclude dangerous and aggressive dogs, animals who have rabies, and animals who are irremediably suffering.

### **The Animal Rescue Act protects animals from harm**

Rescue access laws specifically exclude organizations with a volunteer, staff member, director, and/or officer with a conviction for animal neglect, cruelty, and/or dog fighting, and suspends the organization while such charges are pending. Moreover, because rescue access laws require rescue organizations to be incorporated as non-profit public benefit corporations under Internal Revenue Code Section 501(c)(3), rescue access laws would also improve oversight of groups which perform rescue: a 2010 statewide survey in New York revealed that 70% of organizations performing animal rescue which are not incorporated would do so if rescue access laws becomes law. This would require them to file articles of incorporation, to recruit a Board of Trustees, and to subject themselves to both state and federal mandates.

### **The Animal Rescue Act improves shelter operations**

Rescue access laws reduce the number of animals they kill. They reduce costs for killing, bring in revenue through adoption fees, and transfers costs from taxpayers to private organizations, funded through philanthropic dollars. While rescue access laws require shelters to notify non-profit organizations of animals they are going to kill, this can be accomplished through computer programs that do this automatically which are available at no cost to shelters.

### **The Animal Rescue Act is good bipartisan policy popular with voters**

A rescue access law has been in place in California for over a decade. It passed in 1998 with overwhelming bipartisan support in California—96 to 12. It made no sense to California legislators that taxpayers were spending money on killing animals when non-profit organizations were willing to spend their own money to save them. Legislators also found that public shelters that killed animals when those animals have a place to go did not reflect the humane values of their constituents. And despite concerns raised by shelters while that law was pending that this would lead to hoarding or dog fighting, none of the fears expressed have materialized. In addition, the State of Delaware recently passed similar legislation. The bill, mandating collaboration between shelters and rescue organizations, passed both houses of the Delaware Legislature unanimously.

# A MODEL ANIMAL RESCUE LAW

A. No animal in the care or custody of a duly incorporated society for the prevention of cruelty to animals, a duly incorporated humane society, a pound, shelter, or dog control officer, whether such entity be public or private, shall be destroyed if, prior to the killing of that animal, a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals, requests possession of the animal.

B. At least two business days prior to the scheduled euthanasia of an animal, the society for the prevention of cruelty to animals, duly incorporated humane society, pound, shelter, or dog control officer, having care or custody of the animal, shall notify or make a reasonable attempt to notify by verifiable written or electronic communication any animal rescue or adoption organization or organization formed for the prevention of cruelty to animals which have previously requested notification for animals scheduled to be killed.

C. Upon taking possession of an animal, an animal rescue or adoption organization or organization formed for the prevention of cruelty to animals shall assume all liability for the animal while the animal is in the custody and control of the organization; provided that the organization shall not be deemed responsible for harm caused to or by the animal that:

- a. Occurred prior to the time the organization assumed possession of the animal; or,
- b. Is due to the acts or omissions of a person not associated with the organization.

D. The provisions of this subdivision shall not apply to:

a. An animal suspected to carry and exhibiting signs of rabies, as determined by the local health department;

b. A dog that has been determined by a court having competent jurisdiction to be dangerous pursuant to the provisions of \_\_\_\_\_;

c. A dog with a documented history of unprovoked biting that has resulted in severe injury to a human being and which was documented by the society for the prevention of cruelty to animals, the humane society, pound, shelter, or dog control officer, as applicable, prior to the current impound of the animal; or,

d. An animal who is experiencing irremediable physical suffering with a prognosis for recovery that is poor or grave even with comprehensive prompt and necessary veterinary care, as certified in writing by a veterinarian licensed to practice medicine in this state.

E. Any animal rescue or adoption organization or organization formed for the prevention of cruelty to animals having an officer, board member, staff member or volunteer who has been convicted of a criminal offense having as its primary effect the prevention or punishment of animal neglect or animal cruelty or dog fighting shall be prohibited from being an organization under the terms of this subdivision until such time as that officer, board member, staff member or volunteer is no longer associated with the organization.

F. Any animal rescue or adoption organization or organization formed for the prevention of cruelty to animals having an officer, board member, staff member or volunteer against whom charges of violating the provisions of a statute having as its primary effect the prevention or punishment of animal neglect or animal cruelty or dog fighting are pending in a

court of law shall be prohibited from being an organization under the terms of this subdivision until such time as that officer, board member, staff member or volunteer is no longer associated with the organization or such charges are dismissed or dropped.

G. As used in this section:

a. "Irremediable physical suffering" means that the animal suffers from a medical condition that has a poor or grave prognosis and that the animal is unable to live without prolonged, severe and unremitting pain despite necessary veterinary care;

b. "Severe injury" means any physical injury that results in broken bones, permanently disfiguring lacerations requiring multiple sutures or cosmetic surgery;

c. "Unprovoked biting" means biting that is not provoked. Biting is provoked if, among other things, it occurs because the dog was being taunted, or the dog was acting in defense of self, a person, another animal, or property, or the dog was acting from maternal instinct, or the dog was reacting to hunger, pain, or fear, or the dog bites accidentally, as when playing;

d. "Documented history" must consist of medical reports made at the time the prior bite incident occurred or was reported, as well as medical reports documenting the circumstances of the bite and the severity of the injury;

e. "Officer" means a dog control officer or peace officer, acting pursuant to his or her special duties, or police officer in the employ or under contract to a municipality.

## AVAILABLE RESOURCES

- ✓ Analysis showing how California's shelter reform law has saved lives, saved money, and improved shelter accountability
- ✓ Leadership study finding per capita spending on animal control less relevant than good policies
- ✓ Shelter access survey showing how public shelters often refuse to work collaboratively with private non-profit organizations which would increase lifesaving while reducing costs
- ✓ Pro-bono assistance from experienced animal law attorneys who have been instrumental in the passage of animal protection legislation at the local, state, and federal level
- ✓ Word version of model shelter reform laws

And more at [nokilladvocacycenter.org](http://nokilladvocacycenter.org)

# A NO KILL NATION IS WITHIN OUR REACH



If every animal shelter in the United States embraced the No Kill philosophy and the programs and services that make it possible, we would save nearly four million animals who are scheduled to die in shelters this year, and the year after that. It is not an impossible dream.

## ALSO AVAILABLE:

### **No Kill 101:**

A Primer on No Kill Animal Control Sheltering for Public Officials

### **The Companion Animal Protection Act:**

Model Legislation to Improve the Performance & Life-Saving of Animal Shelters

### **You Can Do it! Adopt Your Way Out of Killing:**

A No Kill Guide for Animal Shelters

### **Countering the Opposition:**

Responding to the Ten Predictable & Recurring Excuses of No Kill Opponents

### **What's In a Name:**

Why HSUS, the ASPCA & PETA Lobby AGAINST Shelter Reform

*And more...*

