

*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-Profit Organizations

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 95 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.

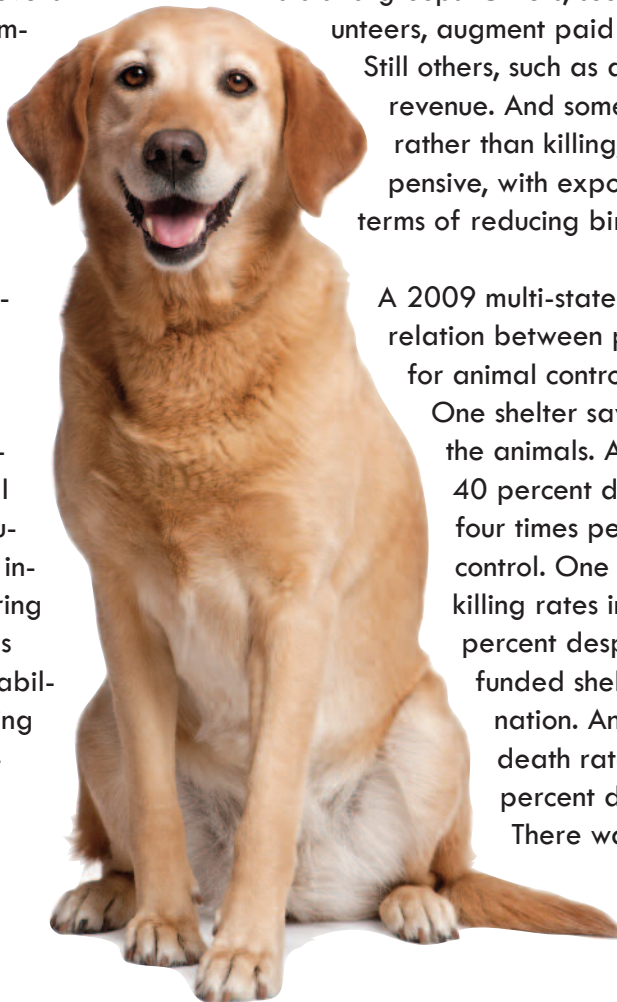
Many of the programs identified as key components of

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 2009 multi-state 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 2010 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.

A Rescue Access Laws 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 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.

It makes no sense 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.

Today, Americans of all walks of life want to build a better world for animals. There are now

95 million cats and 70 million dogs in American homes. We spend \$50 billion on their care, an amount which is growing every year even as other economic sectors decline. And giving to animal related charities is the fastest growing segment in American philanthropy. This

embrace of animals cuts across all political, economic, and social demographics.

Saving lives is not only good public policy, it is also good bipartisan politics. That is why states like California and Delaware, and

municipalities across the country such as Austin, Texas, have legislated shelter reform.

The Animal Rescue Act saves lives, saves taxpayer money, is consistent with public health and safety, and improves public satisfaction with the job government is doing.

71% of rescue groups have been turned away by shelters which then killed the animals they offered to save.



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

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The Animal Rescue Act provides whistleblower protections for rescuers

A 2010 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, animals with virulent diseases such as parvovirus and panleukopenia, 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

Sec. 1(a) Notwithstanding any provision of law, rule or regulation to the contrary, no animal in the care or custody of a duly incorporated society for the prevention of cruelty to animals, a duly incorporated humane society, or a pound or shelter, shall be destroyed if, prior to the killing of that animal for any reason other than irremediable physical suffering of the animal upon a certification made in writing and signed by a veterinarian licensed to practice medicine in the state that the prognosis for recovery is poor or grave even with comprehensive prompt and necessary veterinary care, a nonprofit, as defined in section 501(c)(3) of the Internal Revenue Code animal rescue or adoption organization or for the prevention of cruelty to animals requests possession of the animal. In addition to any required spay or neuter deposit, the facility having possession of the animal, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released to such organizations.

Sec. 2(a) An organization interested in taking possession of one or more animals pursuant to the provisions of this subdivision shall notify the society for the prevention of cruelty to animals, the humane society, pound or shelter with contact information for the organization. An organization may, at its option, file one notice with a society for the prevention of cruelty to animals, humane society, pound or shelter requesting that it be notified of all animals held by that facility and scheduled for euthanasia.

(b) At least one business day prior to the scheduled euthanasia of an animal, the facility having possession of the animal shall provide notice to the organization of the scheduled euthanasia by:

- (1) Posting of the identification number of such animal on the website of the facility having possession of the animal by direct link from the facility's website home page; and

(2) By contacting the organization directly by one or more of the following means:

- (a) E-mail to the e-mail address on file;
- (b) Telephone to the telephone number on file;
- (c) Text message to the telephone number on file;
- (d) Fax to the fax number on file; or
- (e) Any other means of electronic written communication as provided by the organization.

Sec. 3(a) An organization intending to take possession of an animal scheduled for euthanasia shall notify the facility having possession of the animal of the organization's intent to take possession of the animal, at any time prior to the animal's euthanasia, by telephone, e-mail, fax, text message, or other electronic written request.

(b) An organization taking possession of an animal pursuant to the provisions of this subdivision shall do so within two business days of the time the organization notifies the society for the prevention of cruelty to animals, humane society, pound or shelter possessing the animal, not including the day upon which the notice is given.

(c) Upon taking possession of the animal, an organization shall assume all liability for the animal; provided that the organization shall not be deemed responsible for harm caused to or by the animal that:

- (1) Occurred prior to the time the organization assumed possession of the animal; or
- (2) Is due to the acts or omissions of a person not associated with the organization.

Sec. 4(a) The provisions of this subdivision shall not apply to:

- (1) An animal suspected to carry and exhibiting signs of rabies, as determined in writing by a veterinarian licensed to practice medicine in the state;
- (2) Symptomatic dogs with confirmed cases of

parvovirus upon certification made in writing and signed by a veterinarian licensed to practice medicine in the state that the prognosis for recovery is poor or grave even with comprehensive prompt and necessary veterinary care;

(3) Symptomatic cats with confirmed cases of panleukopenia upon certification made in writing and signed by a veterinarian licensed to practice medicine in the state that the prognosis for recovery is poor or grave even with comprehensive prompt and necessary veterinary care;

(4) An animal that has been determined by a court having competent jurisdiction to be dangerous pursuant to the provisions of the State's dangerous dog laws;

(5) A dog with a 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 or shelter prior to the current impound of the animal. Documentation must consist of medical reports made at the time the prior bite incident occurred or was reported, as well as medical records documenting the circumstances of the bite and the severity of the injury.

(6) Any organization 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.

(7) Any organization 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.

Sec. 5(a) As used in this subdivision, "irremediable physical suffering" means that the animal suffers from a medical condition that has a poor or grave prognosis and that the animal is unlikely to be able to live without prolonged, severe and unremitting pain despite necessary veterinary care.

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 Rescue50.org



Rescue Five-O is a nationwide campaign to reform U.S. animal shelters through legislation. Rescue Five-O is a joint project of the No Kill Advocacy Center and the No Kill Nation.



For more information or to request assistance, visit

Rescue50.org