

CALCULATING AN ANIMAL SHELTER'S



Live Release Rate



A powerful tool to increase transparency, accountability, innovation, and lifesaving progress



Calculating an Animal Shelter's **LIVE RELEASE RATE**

EVERYONE is familiar with the old quip that there are three types of lies: lies, damn lies, and statistics. Statistical manipulation is very easy: It's all about the assumptions and inputs one uses when crunching numbers.

In order to honestly and accurately determine how well or how poorly a shelter is performing—the percentage of animals who are leaving out the front door in the loving arms of families, rather than out the back door in garbage bags—it is therefore important to eliminate as much *spin* as possible. To do that requires raw data and transparency about what numbers are included, which are excluded, and, in some cases, even what happens to animals after they leave a shelter alive. For shelter leadership, this information is essential to identifying where gaps in the safety net still exist. For shelter reform advocates, this information clarifies the precise nature of the change they should be seeking to ensure that a community's neediest animals are receiving the loving care and second chance they deserve.

No Kill Shelters and No Kill Communities: The Distinction

All No Kill shelters, regardless of whether they are “open admission” or “limited admission,” not only help to rehome and care for our community's neediest animals, they also provide a humane and compassionate alternative to shelters that kill. At the No Kill Advocacy Center, we therefore welcome, and appreciate, all No Kill shelters.

Of course, private shelters should have the same sense of urgency as the municipal shelter in terms of ending killing. That means working as hard as they can to keep animals moving through the system and into loving, new homes so more animals can be rescued from kill shelters.

Our primary mission, however, is on building No Kill *communities*. We therefore work toward providing the tools necessary to ensure that each and every shelter serving a particular community, whether private or municipal, does so through the most innovative, life-affirming means possible, in order to end the killing of all animals who are not irremediably suffering.

Irremediable Suffering: The Definition

“Irremediable suffering” means an animal who has a poor or grave prognosis for being able to live without severe, unremitting *physical* pain even with prompt, necessary, and comprehensive veterinary care.

Why the term “live release rate”?

The percentage of animals who are adopted, reclaimed, or transferred is often called the “save rate.” For most animals entering and then leaving shelters alive, however, the term “save” is a euphemism. If an animal has been hit by a car or is suffering from a serious disease and enters a shelter which provides that animal with veterinary assistance that prevents death, that animal has been *saved* by a shelter. Likewise, when a rescue organization takes an animal from death row at a pound, that animal has also been *saved* because the rescuer intervened to prevent the animal from being killed by someone else. But when the term “saving” is used to describe a pound choosing to adopt out an animal instead of killing that animal, killing is implied to be a natural outcome of animal “homelessness” that must be overcome, which it is not. Homelessness is not a fatal condition. Moreover, the vast majority of animals who enter pounds are healthy and treat-

able and not in danger of dying but for the threat the pound itself poses. Pound employees cannot accurately be described as having “saved” an animal when the only threat the animal faced was the one that the pound itself presented. If someone was threatening to kill you, and chose to let you live instead, would you describe that person’s actions as having “saved” you?*

While we therefore prefer the term “live release rate,” it and “placement rate” pose their own challenges, including the potential to be misused. For example, a Michigan city shelter recently reported that 99% of dogs and 98% of cats left the shelter alive. Most of the animals, however, were transferred to a different killing shelter, where many were indeed killed or displaced others who were killed. Sending animals to shelters that are not No Kill may technically qualify as “live releases”—as they were alive when they left the facility—yet the resulting data is misleading and

falsely suggests that the animals did not ultimately lose their lives. Moreover, by entering a killing facility, their admission had the potential to result in the death of animals who were already there, again, a misleading and deadly outcome not evident by such reporting. The goal of the No Kill movement is not to inflate a live release rate only to have other facilities kill the animals; the goal is to actually ensure outcomes other than death.

In Tompkins County, New York, during the tenure of then Executive Director Nathan Winograd—now director of the No Kill Advocacy Center—animals transferred by the county shelter to other shelters and rescue groups were governed by a “no killing” agreement. Rescue groups and other shelters were not permitted to kill the animals if they could not place them. And if they did not place them, they were required to return them.

** Likewise, the term “shelter” is not accurate for a pound facility that kills animals when those animals are not irremediably suffering. While we continue to use it through this guide, we do so only because the term is well known, even if it is sometimes inaccurately applied.*

**Why
Opting
Not to
Kill Is
Not the
Same as
Saving
a Life**

The convention of referring to shelter animals who have been spared death as having been “saved” is a euphemism, one that fosters the misperception that killing is a natural outcome of “homelessness.” It is not. When the lives of animals in shelters are ended, it is because those animals had the grave misfortune of entering a facility that kills, not because they were lost, unsocialized to humans or lacking a human address, none of which are fatal conditions.



The Live Release Rate

CHECKLIST

For maximum transparency and accuracy, an annual Live Release Rate report should include both the statistics and policy positions listed below.

The Following Policies

- ✓ The shelter's admission policy for each species.
- ✓ The shelter's disposition policy for animals deemed "unsocial" with people ("feral" animals).
- ✓ The shelter's disposition policy for orphaned animals impounded without their mothers.
- ✓ The shelter's disposition policy for pregnant animals and mothers with unweaned litters.
- ✓ The shelter's disposition policy for animals of specific breeds, such as those labeled "pit bulls."
- ✓ The shelter's disposition policy for older animals.
- ✓ The shelter's temperament testing and disposition policy.
- ✓ The shelter's medical care and treatment policy.
- ✓ The shelter's "euthanasia" policy.

For Wildlife

- ✓ The policies, practices, state laws, and regulations by which the shelter (or any wildlife rehabilitation agency with which it partners) makes life and death decisions for injured or orphaned wildlife. Specifically, does the shelter (or any wildlife rehabilitation agency with which it partners) embrace a reverence for life philosophy, reserving "euthanasia" for irretrievably suffering animals?
- ✓ The policies, practices, state laws, and regulations which might preclude treatment of animals who cannot be released to the wild due to permanent disability but who are not mortally suffering.
- ✓ The policies, practices, state laws, and regulations relating to the care, treatment, and killing of animals from a species deemed "non-native."
- ✓ The policies, practices, state laws, and regulations

relating to the care, treatment, and killing of animals from a species deemed plentiful.

For Animals Sent to Rescue Groups or Other Shelters

- ✓ Do all the facilities where animals are transferred have No Kill policies?
- ✓ Do animals transferred either face death at those other facilities or potentially displace local animals who are then killed?

Other Issues

- ✓ The method by which foster animals are counted: Does the shelter count "foster" as a disposition? If so, if animals die in foster, are they counted as deaths?
- ✓ If the animals are adopted, is the foster outcome removed or is the "live release" double counted?



The Following Statistics

- ✓ Beginning shelter count at the start of the reporting period.
- ✓ All live intakes, including “owner requested euthanasia” but excluding animals brought to a shelter’s medical clinic for procedures such as vaccines or sterilization where it was understood that the animal was going to be retrieved following the medical procedure.
- ✓ Animals killed, including “owner requested euthanasia.”
- ✓ Deaths in kennel/foster.
- ✓ Animals who are stolen, missing, and unaccounted for.
- ✓ Animals adopted.
- ✓ Animals transferred to rescue groups, other shelters, and wildlife rehabilitators.
- ✓ Animals reclaimed by their families.
- ✓ Animals diverted to a TNR program who were not social with people.
- ✓ Animals diverted to an RTF program who were social with people.
- ✓ Animals transferred in from outside of the jurisdiction and their dispositions.
- ✓ In jurisdictions which allow animals to be sold for experimentation, the number of animals of each species who were transferred to, placed, and sold for purposes of experimentation or similar purpose.
- ✓ Animals on hand at the end of the reporting period.

Statistical Subdivisions

Some additional data that would clarify performance includes separating statistics for neonatals, juveniles, adults, and senior animals, as well as separating data by recorded “breed.” Doing so may expose gaps in the safety net and provide avenues to promote reforms and improve live release rates.

The ABCs

of Calculating the Live Release Rate

The live release rate is calculated as follows: C divided by A. Conversely, its death rate is B divided by A. The live release rate plus the death rate should always equal 100% of outcomes.

A

All animals with final dispositions/outcomes, including live outcomes (adoption, transfer, reclaim) and those who died, are missing/stolen, and were killed, including “owner requested euthanasia,” with only the following exception:

animals brought to a shelter’s medical clinic for procedures such as vaccines or sterilization where it was understood that the animal was going to be retrieved following the medical procedure.

B

All deaths: animals who were killed (including “owner requested euthanasia”), animals who died in the shelter’s custody or constructive custody (such as foster care), and animals who are missing and unaccounted for.

C

All live outcomes: those adopted, reclaimed by their families, and transferred to No Kill rescue groups or other shelters (where they are not at risk for being killed). It does *not* include animals still in the shelter’s custody or constructive custody (such as foster care).

A Note About Calculating the “Death Rate”

When some shelters send animals into foster care, they log the outcome as a “live release.” When the animal then gets adopted, they also log the outcome as a “live release.” As a result, one animal will have two live outcomes—foster and adoption—inflating the live release rate. How can you calculate the live release rate without doing so? Focus only on *final* dispositions. “Foster care” is not a final disposition since the animal is still in the constructive custody of the shelter. Alternatively, work backwards. Calculate the death rate and subtract from 100%. Since the death rate plus the live release rate equals 100%, if the shelter has a 40% death rate, the subsequent live release rate would be 60%.

A Note About Spaying & Counting Pregnant Animals

Sterilizing pregnant animals results in the death of the animals *in utero*. If the animals are viable because the pregnancy is late-term, the kittens or puppies must be individually killed, usually through an injection of sodium pentobarbital. Even when they are not, when a mother is spayed, the kittens or puppies die from anoxia (oxygen deprivation) due to lack of blood supply from the uterus once the vessels are clamped. They suffocate. And yet, shelters that practice this kind of killing do not count these animals in their outcome statistics. Their lives simply do not count, either statistically or literally. At the No Kill Advocacy Center, the question of whether it is ethical to spay a pregnant dog is neither an “abstract” discussion, nor a religious one. It is simply about life and death consequences. Such animals *must* be counted.

Proud to be a full-service, open admission No Kill shelter



Annual Live Release Rate Report

At the City Shelter, we not only believe in caring for our community's neediest animals through the most innovative, compassionate, and life-affirming means possible, we believe that transparency about how we operate is key to ensuring that we meet our obligations to the humans we serve, as well. That means reporting, in as clear a manner as possible, the ultimate disposition of all of the animals - regardless of species - who pass through our doors every year, as well as the policies, practices, and state laws which influence or mandate the decision-making resulting in those outcomes. In this way, members of the public are not only provided the information they need to understand how their taxpayer funded shelter operates and might be improved, but the shelter itself is able to demonstrate both our many achievements as well as recognized areas for continued growth and performance enhancement which would benefit from expanded community support. To these important ends, we release the following Annual Live Release Report for 2016. Questions, comments, or concerns about this report are always welcome.

Our Cat Statistics

Beginning shelter count 423	Died in kennel/foster 22
Live intakes* 9,577	TNR (cats who are unsocial to humans) 347
Adopted 5,983	RTF (healthy cats who are social with humans) 133
Reclaimed 517	Euthanized*** 98
Transferred to rescue** 2,523	On hand 372
Missing, stolen, unaccounted for 5	

Our Cat Policies

* This figure includes 100 cats from a neighboring city who were all adopted.
 ** Transfers to rescue are governed by an agreement that if the animal cannot or will not be placed, the animal must be returned. Rescue groups are not permitted to kill Anytown cats.
 *** This figure includes animals killed by request of their owners only after our medical staff determined the animals were irremediably suffering. Otherwise, the animals were placed in our adoption program. All pregnant animals are fostered until they give birth and wean their litter.

Sample Annual Live Release Rate Reports



Why is this the most effective method?

TRANSPARENCY

There are other methods of calculating the live release rate, but they allow shelters to exaggerate their success. For example, the Asilomar Accords, favored by traditional shelters, allow shelters to exclude animals who die in their kennels (generally because of poor care). Under pressure to decrease killing, there are several cases of shelter directors allowing sick/injured animals to go without food and medication in order to encourage and hasten their deaths so they won't be counted in reported statistics. This is cruel, but it is just one of the perverse incentives in the Asilomar Accords. Another is excluding animals who are surrendered for "euthanasia" by their families. Some shelters require anyone who surrenders an animal to sign them over "for euthanasia," that way the ones they kill—even those who are healthy or treatable—do not count.

Other ways shelters sometimes falsely inflate their live release rate is

by reporting animals sent into temporary foster care as "live outcomes" even though they are still in the constructive custody of the shelter. When those animals are then adopted, they are then listed as "adoptions" but without removing the foster outcome. That way, one animal has two live releases. In addition, some shelters spay late-term pregnant females, which requires them to individually kill each of the full-term, viable puppies or kittens with a lethal dose of barbiturates. They are not, however, counted as intakes or deaths. Conversely, some shelters input a mother with her litter they kill as one animal and the resulting deaths as one outcome, rather than counting each puppy or kitten killed as an individual.

To calculate the live release rate honestly and accurately, *all* live animals must be counted, including those surrendered for "euthanasia," deaths in kennel, missing/lost animals, community dogs and cats, and

all breeds, regardless of whether the shelter is located in an area where certain dogs are banned.

There is only one exception as previously noted: animals brought to a shelter's medical clinic for procedures such as vaccines or sterilization where it was understood that the animal was going to be retrieved following the procedure.

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About Reporting Data

All species in a shelter must be calculated independently.

All shelters in a community must be calculated independently.

In 2015, a municipal shelter reported a 93% live release rate and claimed it had achieved No Kill. There were five problems with the claim. First, a 90% live release rate does not mean that a shelter has achieved No Kill. Achieving a 90% rate is the start of shelter reform and modernization, not the *realization* of it. Moreover, as to animals with trauma and with behavior challenges, we can save them all. So while we should celebrate the increasing success of these communities, the goal of the No Kill movement is not to reduce killing to some consensus-based level, such as 10%. It is to end killing for all animals who are not irremediably suffering. Otherwise,

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the movement legitimizes the killing of animals who can and should be saved while betraying the very ethos at the heart of the term “No Kill.”

Second, this was a combined live release rate of both dogs and cats. When cats were calculated independently, the live release rate was only 77%. Since live release rates of 99% for cats are possible, combining dog and cat data created the illusion that the shelter was doing as well for cats as it was for dogs.

It is important to calculate not just a combined live release rate, but one for each species and one for each shelter in a community.* Combining them obscures the comprehensiveness of the safety net for specific species of animals.

Third, the shelter did not report what percentage of other animal species—rabbits, hamsters, and birds, for example—were killed. Their lives matter, too.

Fourth, draconian wildlife laws and regressive wildlife rehabilitator practices often result in killing animals who are not mortally wounded, but cannot be released due to injury (and thus should be placed in homes or sanctuar-

ies) or if they are labeled “non-native.” Unfortunately, many shelters simply release wildlife to officials and rehabbers, but do not screen as to the policies of such entities to ensure that they, likewise, follow No Kill policies and procedures.

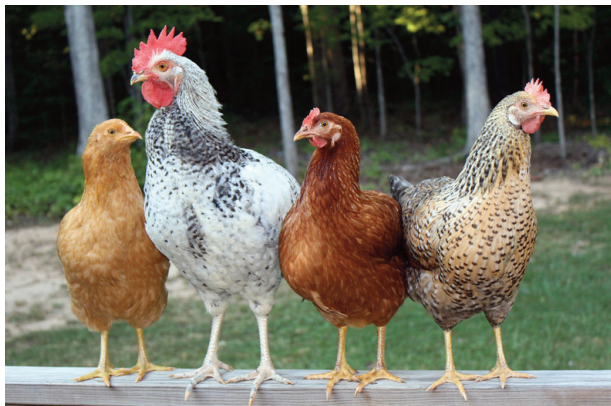
Fifth, and finally, “farmed” animals such as chickens, cows, sheep, and others, are often logged as “live releases” but in some counties, by law or practice, they are auctioned off for slaughter.

These three at-risk groups of animals—non-dog and cat companion animal species, wildlife, and “farmed” animals—deserve equal protection and consideration as dogs and cats. Yet when their fates are swept under the rug by either a lack of reporting on their outcomes or reporting that is less than transparent, the changes necessary to ensure their well-being—reform of sheltering policies, rehabilitator practices, and regressive laws which mandate killing—are obscured and therefore, not pursued. In each these circumstances, a combined “live release rate” is not only unfair to animals, it is not fully reflective of a shelter or community’s compassion.

**When calculating the communitywide rate, which includes all shelters, it is important that animals that are transferred from one shelter to another within the community not be double counted.*



Because all lives count, all lives must be counted.



Non-dog and cat companion animal species, “farmed” animals, and wildlife deserve equal protection and consideration as dogs and cats. Yet they are often at risk when they enter a shelter. Sweeping their fates under the rug precludes progress on their behalf.



When “OPEN” Means “CLOSED”

Open vs. Limited Admission Shelters

C

When reporting a live release rate, it is important to know a shelter’s admission policy. However, it is also important to remember that a No Kill shelter can be public or private, run by a humane society or by a municipal government. Yet pounds that kill often misled people by claiming, as one national organization

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that serves as a lobbying organization for kill shelters did, that “A no-kill shelter really can’t have an open admission policy. It must limit its intake if it wants to adopt out animals and not kill

OPEN

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them.” This is false. A No Kill shelter can be either “limited admission” or “open admission.” And there are plenty of No Kill animal control shelters and thus No Kill communities to prove it.

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By contrast, an “open admission” shelter does not have to, and should not, be an open door to the killing of animals. In fact, using the term “open admission” for killing shelters is misleading as they are *closed* to people who love animals. They are *closed* to people who might

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have lost their job or lost their home but do not want their animals to die. They are *closed* to Good Samaritans who find ani-

Reporting Out of County Animals

In one community, the shelter boasted of a 90% live release rate for dogs and cats, but only after impounding highly adoptable kittens and puppies from outside the city. While rescuing those kittens and puppies from death is certainly laudable, local animals—shy animals, older animals, animals who lack basic training—were still being killed.

To get an accurate perspective on the comprehensiveness of the safety net and the true extent of a community’s commitment to life-affirming care, numbers of out of county animals should be easily identified in reporting outcomes.



mals but do not want them killed. They are *closed* to animal lovers who want to help save lives but will not be silent in the face of needless killing. And so they turn these people and their animals away. “Open admission” does not mean more humane when the end result is mass killing.

Abandonment & the Misuse of “Return to Field” Programs for Community Cats

At some shelters, community cat sterilization—sometimes called Trap-Neuter-Release (TNR)—is reserved for cats who are not social with humans. Social cats, by contrast, are placed via redemption, transfer to rescue groups, or adoption.

For other shelters, even social cats are put through the program. The reasons to do so can be compelling. First, some of these cats are not lost.

They are outside, but they get lost when they are taken to a shelter. Returning them merely returns them home. Even if they were lost when they were picked up, the likelihood of being reunited with their families is greater for cats if they are allowed to remain where they are rather than being admitted to the shelter. In one study, cats were 13 times more likely to be returned home by non-shelter

means (such as returning home on their own) than by a call or visit to a shelter. And another study found that people are up to three times more likely to adopt cats as neighborhood strays versus adopting from a shelter.

At the same time, the risk of death is extremely low, with outdoor cats living roughly the same lifespan as indoor cats.

In other words, the risk of death is lower and the chance of adoption higher for cats on the streets than cats in the shelter. In a study of over 100,000 community cats, less than one percent of those cats were suffering from debilitating conditions. As such, Return-to-Field (RTF) meets the two goals of a shelter better than impoundment in a shelter

cats. Moreover, if the cats are truly lost or abandoned, shelters should not forget that they have a mandate to help reunite families. Since the choice presented—RTF or death—is a false one, breaking up families by simply releasing animals back on the streets without trying to find their existing home is at odds with that mission. This view loses sight of what,

in fact, is one of the primary functions and mandates of a taxpayer funded, municipal animal shelter: to provide a safe haven for the lost animals of local people and a place where they can go to find them. And if the family does not show up, if cats are truly without a human home and they are social with people, they should be given one. In fact, the shelter is obligated to find them a loving, new one. That’s their job. The reason cats are



Tragically, some shelters are misusing the “Return to Field” program by releasing cats who are unable to care for themselves, including very young kittens and very old and sick cats.

more likely to find their original home or a new one from the streets is because most shelters are run ineffectively and inefficiently, not because people aren’t looking for their cats or homes are not available. As such, a shelter’s live release rate can obscure the comprehensiveness of the safety net and the true extent of a community’s level of compassion. RTF numbers for social cats should be identified separately from TNR numbers for cats who are not social with people.

does: reclaim by families or adoption into a new home. In addition, RTF saves lives at shelters which have not comprehensively implemented the programs and services of the No Kill Equation. Where the alternative to RTF is death, RTF, of course, is always the preferred outcome.

Unfortunately, some shelters abuse this program by releasing cats who are unable to care for themselves, including very young kittens and very old and sick

How to

ACQUIRE STATISTICS

In a state that requires shelters to report statistics such as North Carolina, Michigan, Virginia, and Florida, the information needed to calculate the community shelter’s live release rate is available online. In non-reporting states, it can be more of a challenge. Many public agencies have a reluctance to release records to the public or they make it unduly difficult, as if they have something to hide. In fact, the harder they make it, the more likely they *do* have something to hide.

Making it difficult to get statistics is not only antithetical to good government, it is also against the law. Every state in the nation has some version of a Public Records Act or Freedom of Information Law. These laws are designed to provide public access to all data and documents held by a public entity, with limited and narrow excep-

tions. Since these laws only apply to government agencies, they do not apply to private shelters unless those shelters contract for animal control. Thankfully, courts have held that municipalities cannot avoid their “open government” requirements simply by contracting the function to a private organization.

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STEP ONE: Get the Statistics Informally

First, check the shelter’s website to see if they post annual statistics. If they do not, simply ask for them via the contact page of the website. If they do not provide them within a reasonable period of time or the information is not complete, follow up with another request. If they fail to respond, file a formal records request. Every state has a slightly different law, so look up the exact law that exists in the state. Do a website search for “Freedom of Information Act,” “Public Records Act” or “Sunshine Act” and the name of the state.

STEP TWO: File a Formal Request

If the local shelter is city or county run, call to find out who the public information officer is and get their email and snail mail address. Many cities now provide for public information requests to be sent to this person, rather than the individual agencies like the animal control department. And still others have a centralized system for making requests online, without the need for a formal letter. In those circumstances, make the request online using the form provided.

The request should be complete, but not too complex.

If the city or county does not have an online form, cite to the law of the state. For example, “Pursuant to the California Public Records Act, Government Code §6250 *et seq.*” I am

asking for the documents described in this letter.”

Ask for the items wanted in separate numbered requests, including a specific time period.

1. The total number of live cats impounded during the calendar year 2016.
2. The total number of cats killed during the calendar year 2016, including but not limited to those who were killed at the request of their owners.
3. The total number of cats who died in their kennels or while in foster care during the calendar year 2016.
4. The total number of cats who were reported as missing, lost, or stolen during the calendar year 2016.
5. The total number of cats who were transferred to other shelters or rescue groups during the calendar year 2016.
6. The total number of cats who were adopted during the calendar year 2016.
7. The total number of cats who were reclaimed during the calendar year 2016.
8. The total number of impounded cats who were sterilized and returned to field during the calendar year 2016.
9. The total number of cats who were transferred to other agencies during the calendar year 2016.**

Then do the same for other species of animals impounded: The total

number of live dogs impounded during the calendar year 2016, etc.

In the request to the agency, provide all contact information, including an address, telephone number, and email address for the response. Keep in mind that a “reasonable” charge can be imposed for copies that are provided: include a statement at the end requesting information of any charges for copies so that payment can be promptly made.

Usually, if a lot of documents are not required, there is no charge. Moreover, most states require the agency to waive the fee if the records are being requested in the public’s interest and not for personal, commercial gain. If the charges are unreasonable, state law usually has a method for challenging them.

STEP THREE: Enforce the Law

Even where the law is clear, however, an agency may ignore the request. Sometimes, they are not aware of the law. Other times, they have something to hide and are waiting to see if anyone will force the issue. As a first step, send another letter, reminding them that the deadline for replying has passed and asking them to do so.

If that doesn’t work, call the attorney representing the agency. That might be a county or city attorney’s office. Explain that the agency is not providing records under a public records act demand, and request assistance. Sometimes, these attorneys will be able to slice through the objections of the agency and get the

records.

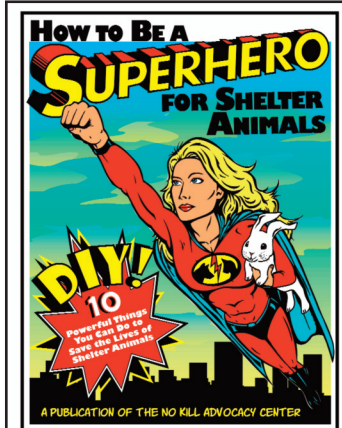
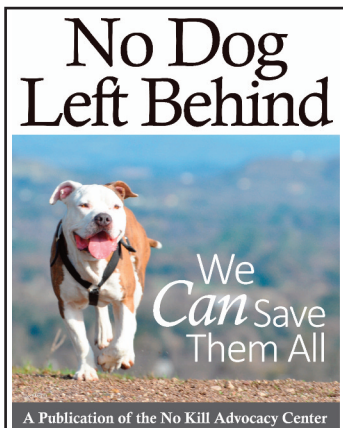
If they still will not respond, contact the State Attorney General's (AG) office. Some AGs are authorized to enforce public information acts. Often, a letter to the entity from the AG may be all that is required to get the information requested. And in some states, the AG may file a lawsuit to require the animal control agency to reveal public information.

* The term "et seq" means "and following," so it is used to simplify citation to a series of code sections. Rarely is an act, such as the Public Records Act, contained in a single code section.

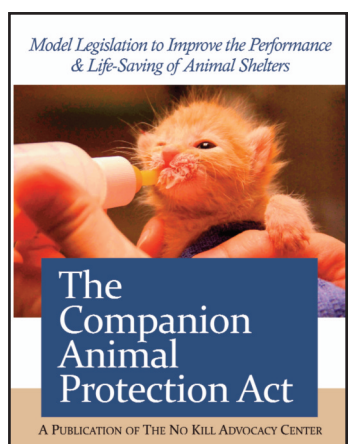
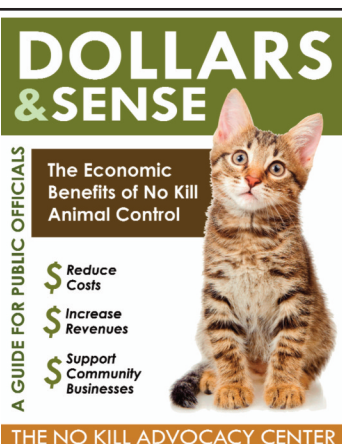
Normally, it would be in multiple sections, so cite to the first section of the Act, then add "et seq" to reference the full Act.

**Some states allow animals to be sold for research purposes. If this number is not zero, do a separate request for the individual records to find out who the animals were transferred to and for what purpose.

For more detailed public records act requests, such as individual animal records to determine, for example, what, if any, veterinary care was provided and much more, the No Kill Advocacy Center has a free guide called *Forcing Transparency* in our online library.



The No Kill Advocate's Toolkit



For these and other companion guides, visit:

nokilladvocacycenter.org

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