



June 28, 2019

Larry Gross, President,
And Members of the Commission
Los Angeles Board of Animal Services Commission
Department of Animal Services
221 N. Figueroa St 6th FL
Los Angeles, CA 90012

Dear President Gross and Members of the Commission:

The General Manager of Los Angeles Animal Services is proposing to eliminate the policy that dogs in late-term pregnancy be spayed before they are released. As she noted in a 2013 memo to the Commission, "The spaying of late-term pregnant dogs results in puppies being born by the equivalent of a C-section. They are able to survive on their own, but these puppies are immediately put to death in our shelters." While always deadly for the puppies, she noted that sterilization of pregnant dogs during the third trimester can also create additional surgical risks for the mother. Dogs can die as a result of complications.

Although the Commission denied her request five years ago, she has recently again asked the Commission to prohibit third-trimester spaying and "let dogs in late-term pregnancy give birth at city shelters or allow volunteers to care for them and their puppies, so long as veterinary staff says the pregnant dog is healthy enough to give birth." We endorse her proposal enthusiastically.

Not only does killing healthy, full-term *in utero* puppies violate the No Kill philosophy, it is a way to obscure statistics. Because they are not yet born, even when they are viable and full term, even when they are removed from the mother and killed one by one through an overdose of barbiturates, their deaths are not recorded. They simply do not count. Even when they are not individually killed, when a mother is spayed, the puppies die from anoxia (oxygen deprivation) due to lack of blood supply from the uterus once the vessels are clamped. They suffocate.

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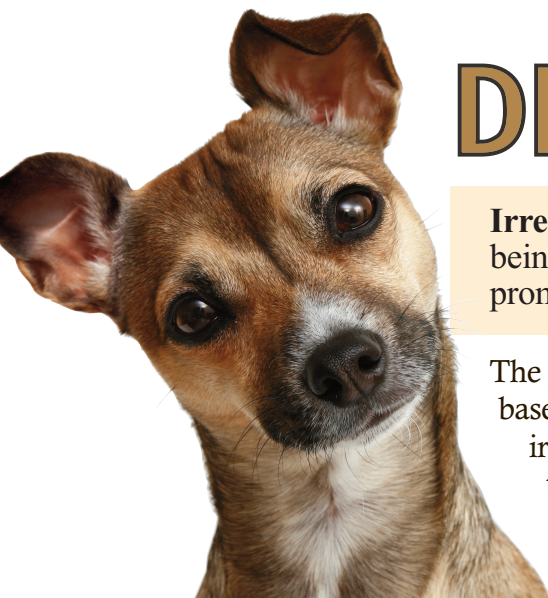
Moreover, the fundamental mission of a shelter is to save lives. Everything a shelter does should be a means to stop killing. Spay/neuter is no exception. But under current policy, it is. Spaying is used as a tool to kill puppies. Not only is it an inherent contradiction to try and kill one's way to No Kill, but if pounds could, given that millions of animals are put to death every year, we would have been a No Kill nation many generations ago.

Please allow Los Angeles Animal Services to follow the humane and progressive lead of other shelters throughout the nation, which have eliminated the deliberate killing of puppies. Their lives matter, too.

Very truly yours,

Nathan J. Winograd

Enclosures-2



DEFINING No Kill

Irremediable suffering: 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.

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 physically suffering, rigorously defined. This principle applies to all species of animals, including, but not limited to, companion mammals, reptiles, amphibians, birds, aquatic animals, “farmed” animals, and wildlife.

THE DIFFERENCE BETWEEN NO KILL & KILL SHELTERS

ANIMALS SAVED	NO KILL SHELTER	KILL SHELTER
Healthy animals	✓	
Community dogs and cats regardless of whether they are social or unsocial with humans (“feral”)	✓	
Orphaned animals, pregnant animals, <i>in utero</i> animals, or animals with newborns	✓	
Animals suffering from or exposed to a treatable, contagious illness	✓	
Poorly socialized dogs, shy dogs, or traumatized dogs	✓	
Animals surrendered for “euthanasia” (the animals must be independently evaluated by a veterinarian and determined to be irremediably physically suffering)	✓	
Treatable animals labeled “behavior” or “medical”	✓	
Animals with “behavior” or “medical” impediments even if they have been signed over “for euthanasia”	✓	
Animals based on arbitrary criteria such as color, age, or breed	✓	

A better and ethically consistent future in animal sheltering inevitably awaits us if the No Kill movement can continue to do what it has always done until every last animal entering our nation’s shelters—whatever the species, whatever the challenge—no longer faces killing: overcome the flawed but mutable traditions we have inherited from prior generations. The sooner we recognize the need for change and further innovation, the sooner we will find the motivation and tools to bring that brighter future into reality.

nokilladvocacycenter.org



DEFINING No Kill


no·kill /noh kil/ adjective

Ending the killing of all but the most severely suffering animals.

A No Kill animals shelter applies these standards to all species of animals under its care, including, but not limited to companion mammals, reptiles, amphibians, birds, aquatic animals, and wildlife it does not kill.

- 
- Companion animals not accepted on arbitrary grounds such as color, age, sex, perceived to be aggressive, or perceived breed.
 - Orphaned animals, injured animals, pregnant animals, or newborns;
 - Animals suffering from untreatable, contagious illness;
 - Traumatized dogs or poorly socialized dogs.

A Publication of the No Kill Advocacy Center

A close-up, high-resolution photograph of a tabby cat's face, looking directly at the camera with large, expressive green eyes. The cat's fur has distinct dark stripes on a lighter background.

What it
means
when an
animal
shelter
calls
itself

NO KILL



**An end to the killing of
all non-irremediably
suffering animals.**

“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.

GUIDING PRINCIPLES

THE first step to No Kill success is a decision by a shelter’s leadership to reject kill-oriented ways of doing business, to replace a regressive, anachronistic 19th century model of failure with 21st century innovations by comprehensively implementing the programs and services of the No Kill Equation.

Animals enter shelters for a variety of reasons and with a variety of needs, but until recently, the “solution” was always the same: adopt a few and kill the rest. The No Kill Equation provides a humane, life-affirming means of responding to every type of animal entering a shelter, and every type of need those animals might have. Some animals entering shelters are community cats who are not social with humans. At traditional shelters, they are killed, but at a No Kill shelter, they are sterilized and released back to their habitats. Some animals entering shelters are orphaned, neonatal puppies and kittens. At traditional shelters, these animals are killed. At a No Kill shelter, they are sent into a foster home to provide around-the-clock care until they are eating on their own and old enough to be adopted. Some animals have medical or behavior issues. At a

HOW DOES A SHELTER ACHIEVE NO KILL?

traditional shelter, they are killed. At a No Kill shelter, they are provided with rehabilitative care and then adopted. Whatever the situation, the No Kill Equation provides a lifesaving alternative that replaces killing.

While shelter leadership drives the No Kill initiative, it is the community that extends the safety net of care. Unlike traditional shelters—which view members of the public as adversaries and refuse to partner with them as rescuers or volunteers—a No Kill shelter embraces the people in its community. They are the key to success: they volunteer, foster, socialize animals, staff offsite adoption venues and open their hearts, homes, and wallets to the animals in need. The public is at the center of every successful No Kill shelter in the nation. By working with people, implementing lifesaving programs and treating each life as precious, a shelter can be transformed.

THE NO KILL EQUATION



- Volunteers
- Rescue Partnerships
- Foster Care
- Sterilization & Release
- Comprehensive Adoption Programs
- Medical & Behavior Prevention & Rehabilitation
- Pet Retention
- Proactive Redemptions
- Public Relations/Community Involvement
- High-Volume Sterilization
- Compassionate, Dedicated, Capable Leadership

WHICH ANIMALS ENTERING SHELTERS BENEFIT FROM THE NO KILL PHILOSOPHY?



GUIDING PRINCIPLES

All of them.

THE principles of the No Kill philosophy apply to all species of animals, including, but not limited to, companion mammals, reptiles, amphibians, birds, aquatic animals, “farmed” animals, and wildlife. A No Kill shelter does not kill animals such as:

- Community dogs and cats, regardless of whether they are perceived to be friendly or unsocial with humans (“feral”);
- Orphaned animals, pregnant animals, *in utero* animals, or animals with newborns;
- Animals suffering from or exposed to a treatable, contagious illness;
- Poorly socialized dogs, shy dogs, or traumatized dogs;
- Animals surrendered for “euthanasia” (the animals must be independently evaluated by a veterinarian and determined to be irremediably suffering);
- Treatable animals labeled “behavior” or “medical;”
- Animals with “behavior” or “medical” impediments even if they have been signed over “for euthanasia;”
- Animals based on arbitrary criteria such as color, age, or breed.



CAN AN “OPEN ADMISSION” SHELTER BE NO KILL?

YES

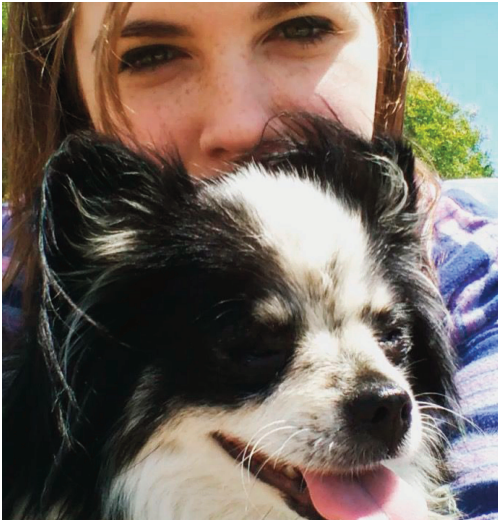
NO Kill shelters can be public or private, large or small, humane societies or municipal agencies. But national organizations routinely mislead people that so-called “open admission” animal control facilities cannot be No Kill. The ASPCA, for example, has written that, “A no-kill shelter really can’t have an open admission policy. It must limit its intake if it wants to adopt out animals and not kill them.” This is false. A No Kill shelter can be either “limited admission” or “open admission.” And there are No Kill animal control shelters and thus No Kill communities which prove it.

Conversely, 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 kill shelters is misleading. Kill shelters are *closed* to people who love animals. They are *closed* to people who might have lost their job or lost their home and can no longer take care of their animal but do not want their animal to die. They are *closed* to Good Samaritans who find animals but do not want them killed. They are *closed* to animal lovers who want to

help but will not be silent in the face of needless killing. And so they turn these people and their animals away, refusing to provide to them the public service they are being paid tax dollars to perform. “Open door” does not mean “more humane” when the end result is mass killing.

Ironically, kill shelters are so enmeshed in their so-called “open door” philosophy that they are

blind to any proactive steps that might limit the numbers of animals coming in through those doors, like pet retention programs, or that might increase the numbers of animals adopted, like comprehensive marketing campaigns. And, most of all, they are blind to the fact that open admission shelters can be No Kill and that they already exist throughout the nation.



NO KILL STARTS AS AN ACT OF WILL: THE DECISION TO END SHELTER KILLING THROUGH AN EMBRACE OF PROVEN METHODS, FLEXIBILITY, IMAGINATION AND OFTEN, MORAL COURAGE.



GUIDING PRINCIPLES

WHILE reaching a 90% live release rate is a milestone on the road to No Kill, it is not the finish line. As such, communities with live release rates in excess of 90% should be celebrated when they have had lower rates in the past, but a 90% rate alone does not mean they are No Kill or that further innovation is unnecessary. There are several reasons why.

First, the 90% benchmark was promulgated with a very limited data set when the No Kill movement was just beginning to gain traction in the early 2000s. Today, there are cities and towns across America above 95% of the animals and, of those, there are communities with live release rates of 97%, 98%, even 99%, proving that 90% is too low.

Second, advancements in veterinary medicine have made some commonplace, once fatal illnesses treatable, such as parvovirus. Parvovirus often has a good to great prognosis for recovery. In the past, it was a death sentence in a shelter. Moreover,

**DOES A 90% LIVE
RELEASE RATE
EQUAL NO KILL?**

advancements in our understanding of dog behavior have also allowed us to rehabilitate dogs who were once deemed non-rehabilitatable and dangerous. Today, greater rates are possible so a shelter's duty to animals demands that *today's* performance no longer be measured by *yesterday's* standards.

More importantly, some shelters that have live release rates of 90% or more still kill healthy and treatable animals. For example, a municipal shelter in Michigan has a live release rate of 98%, but requires anyone turning in a community cat who is

NO



not social with humans (“feral”) to fill out a “euthanize card,” even if they are healthy. Another has a live release rate of 99%, but transfers the vast majority of animals to a killing shelter in another community.

Similarly, a California community has a 90% live release rate for dogs and cats, but only after impounding highly adoptable kittens and puppies from outside the city, while local animals—shy animals, older animals, animals who lack basic training—are killed. Moreover, roughly half of all other animal species—rabbits, hamsters, and birds, for example—continue to be killed.

The goal of the No Kill movement is not to simply reduce the killing to some consensus-based percentage. *It is to end the killing of animals who are not irretrievably suffering and thus return the term “euthanasia” to its dictionary definition.* Otherwise, the movement legitimizes the killing of animals who can and should be saved. Shelter staff should never feel okay about killing, regardless of whether the animals are healthy, have treatable conditions such as ringworm, are categorized as “feral,” or happen to be of a species other than a dog or a cat.

HOW IS IT DETERMINED IF A PARTICULAR ILLNESS IS TREATABLE?

GUIDING PRINCIPLES

In order to prevent shelters from misclassifying animals, the No Kill Advocacy Center, working with shelter veterinarians, has created a matrix of conditions, found on our website, that would qualify as rehabilitatable. This is a “living” document, subject to continuous revision, as conditions that a few years ago would have had a poor prognosis, such as young puppies with parvovirus, are now highly treatable.

GUIDING PRINCIPLES

A No Kill shelter places all animals who are not irretrievably suffering, including those who are unweaned, sick, injured, and traumatized.

Some hopelessly ill animals are living without pain and can continue to do so, at least for some time. This includes,

WHAT ABOUT HOPELESSLY ILL ANIMALS WHO STILL HAVE QUALITY OF LIFE?

for example, dogs diagnosed with cancer or cats with renal failure who can often survive for months or years beyond initial diagnosis through changes to diet and frequent administration of subcutaneous

fluids. The rapidly expanding field of veterinary palliative and foster-based hospice programs manage care and pain to provide and expand both quantity and quality of life.



GUIDING PRINCIPLES

CATS are often killed in shelters for being unsocial with humans (“feral”), for being shy (falsely labeled “unadoptable”), or for being fractious/aggressive, such as overstimulation biters. None of these excuses are consistent with the No Kill philosophy. They are instead pretexts for convenience killing since cats do not pose a public safety risk and can be sterilized and released. And like dogs, it is often the stress of being in the shelter environment that causes cats to act “feral.” A study of shelter cats found that cats who are gently petted and talked to not only have a markedly lower chance of getting an upper respiratory infection due to stress, but also significantly reduced “behavior” issues. The study found that while 18% of the cats tested would have been deemed “aggressive” when the study started (and thus killed), none of the cats responded that way after day six. This is also true of cats who could not be touched when they arrived and were stroked “mechanically” with a fake hand.

WHAT ABOUT “AGGRESSIVE” CATS?

The study concluded that “a 3-4 day holding period” is not “sufficient to differentiate non-feral from feral cats.” So not only do staff lack the expertise to make such determinations, not only is it inhumane to kill feral cats, and not only is there no such thing as an “irremediably psychologically suffering” cat (see page 8), but cats are often killed before a valid determination about their temperament can even be made.

Indeed, when the shelter in Tompkins County, New York embraced the No Kill philosophy in 2001, it did not have a “behavior” category for cats: if the cats entering that shelter were community cats who were not social with humans, they were sterilized and released to their habitats; if they were shy or fractious, they were cared for until a suitable home could be found. The “open admission” animal control shelter did not kill any cats due to behavior during the tenure of its then-director, proving that there is no legitimate reason to do so now.

MARKETING CATTITUDE

Cats who are not social with humans or who have behavior issues do not pose a public safety risk. For cats who are not “feral” but are generally intolerant of human touch, “attitude” is the most appropriate term, an attribute that many people find both amusing and even endearing. In fact, one shelter which experienced a large influx of grouchy, small animals used the animals' dispositions as a marketing tool, offering reduced adoption fees on all “Petzillas.” Another also used humor, successfully adopting out particularly cranky cats by throwing in a free “petting tool”—a long-handled back scratcher—to allow adopters to gently stroke their fiercely independent new friend from a comfortable distance.



WHAT ABOUT “AGGRESSIVE” DOGS?

DOGS who are deemed aggressive; have a poor to grave prognosis for rehabilitation; and, pose an immediate threat of bodily injury to people are still routinely killed, even by many shelters that embrace the No Kill philosophy. Thankfully, the number who fit this definition are low: only 1-2% of dogs. Nonetheless, their killing is ethically problematic.

Rather than providing them continued treatment and sanctuary care, they are being killed, often by a process that fails to take into account several things: dogs are under duress in shelters and often act in ways that are dissimilar to their behavior out of one; the shelter environment—loud, stressful, inappropriate housing, and lacking adequate socialization—itself can cause the behavior or prevent full rehabilitation; dogs have experienced a recent trauma (including separation from their families); there may be a medical origin for the perceived aggression; there are other possible solutions and alternative placements.

One analysis that looked at two of the most popular temperament tests for aggression used in shelters found that their predictive ability was no

GUIDING PRINCIPLES

better than a coin toss. In addition, there are cases of people falsely claiming dogs have behavior problems in order to assuage guilt for surrendering; disgruntled neighbors and estranged spouses who surrender dogs out of spite and claim aggression; and bites which turned out to be provoked or accidental.

By contrast, shelters that do not use temperament testing as a “pass/fail” proposition have proven that even dogs with multiple bite histories can be safely rehabilitated. Moreover, in a recent study conducted at a municipal shelter run under a police department, 90% of dogs who failed a temperament test and were sent to a trained and qualified foster home for further evaluation and behavior modification were rehabilitated and safely adopted, instead of killed for “aggression” as they would have been in past years. This included dogs with barrier reactivity, fear-based aggression, resource guarding, kennel stress, prey drive, and bite history. Some of the dogs also had secondary issues including extremely high energy, possible dog aggression, dog selectivity, fear of men, undersocialization, separation anxiety, and reactivity.

As shelters nationwide achieve greater lifesaving

innovation, an even greater philosophical tension will emerge from the continued killing of “aggressive” dogs which must be met by greater effort and determination to provide safe, alternative placement for such animals, such as expanded sanctuary options, with the understanding that a sanctuary should not be seen as a place where one gives up on animals with extreme trauma. Instead,

sanctuaries should be seen as an environment where the animal is protected during long-term rehabilitation and then adopted out or, in rare cases as necessary, provided permanent placement that meets the needs of the individual for life. The No Kill Advocacy Center welcomes such innovation and will continue to work to hasten such outcomes so that with time, they, too, become the norm.

Diagnosis:

Irremediable Psychological Suffering?

There's No Such Thing

THE No Kill Advocacy Center defines “irremediable suffering” as 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,” such as animals in fulminant organ system failure. But some shelters have suggested that the definition is too narrow as it does not allow for mental suffering. Can dogs, cats, and other animals be so traumatized that they should not be—indeed would not want to be—alive? In short, is there such a thing as “irremediable psychological suffering”? No. There is no such thing as an animal who is irremediably psychologically or behaviorally suffering. There is no such thing as an animal who is so traumatized that he wants to die.

The view that animals can experience irremediable psychological suffering not only flies in the face of every living being’s instinctive will to live, but an animal’s own reaction to the perception that she may be in harm’s way—which is not to run *towards* a threat to her life, but to flee it or display aggression as a means of deterring it. Indeed, humans are the only species in which suicide is documented (and even then, suicide is not performed or sanctioned by the medical community

as a means of addressing a diagnosis of irremediable psychological suffering). It, therefore, does not make sense to respond to trauma or fear in an animal by doing the very thing a traumatized animal’s behavior demonstrates they are desperately trying to avoid: *being harmed*.

Indeed, it is difficult to imagine any scenario in which one human being could confidently say another human being suffering “psychological pain” would be better off dead and feel justified in ending that person’s life, especially without that person’s consent as is done for animals. Such conditions are simply not regarded as “irremediable” or a death sentence. Instead, when confronted with people suffering psychological trauma, the response is to seek a remedy to help them no longer feel that way. There does not seem to be a justification for a different standard for animals.

When veterinarians speak of “irremediable physical suffering,” moreover, they have objective measures; baseline values against which to compare any lab or pathology data and experience with medications or other medical intervention which have been attempted. In other words, prompt, necessary, and comprehensive veterinary care has failed, the condition is beyond medicine’s ability to

ONE OF THE CENTRAL PROBLEMS IN SAVING THE LIVES OF ANIMALS IS THAT SHELTERS, THEMSELVES, DO HARM. AND IT IS THE TRAUMATIZED ANIMALS WHO ARE HARMED THE MOST. IF SHELTERS ARE ALLOWED TO HAVE THE EXCUSE OF INTRACTABLE MENTAL ILLNESS, THEY WILL JUST LABEL ANIMALS THAT WAY AND KILL THEM. SHELTERS MUST REJECT THE NOTION THAT DEATH ITSELF IS A “TREATMENT” OPTION AND THAT IT DOESN’T HARM ANIMALS, EVEN THOUGH SUCH A VIEW IS ENDEMIC TO SHELTERING, TO THE “ANIMAL PROTECTION” INDUSTRY IN GENERAL, AND TO MANY IN THE VETERINARY COMMUNITY.

care for or manage, and the animal is suffering severe, unremitting pain. Psychological suffering fails on these counts. While there are some objective measures—skin conductance, heart rate and blood pressure, salivary cortisol levels, and even stereotypical behaviors—at best, these measure current mental state, not future behavior or, more accurately, “resilience,” the successful adaptation and recovery from the experience of severe adversity. At worse, these measures are meaningless, especially if there are no baselines for the individual animal, which there almost never are in the shelter environment. The end result is that there are simply no objective measures to make an adequate determination as to the degree of psychological suffering. And shelter personnel and the veterinary community in general are not qualified to do so in the absence of objective criteria. In fact, in no other sub-discipline do veterinarians make medical determinations without data.

Moreover, even if an animal is suffering psychologically and even if it were determined,



with certainty, that some mental scars would always remain and the animal will always need some level of protection or care consistent with the behavioral expression of those scars, this doesn’t mean that she cannot recover to a point of happiness and good quality of life.

In fact, a lot of people live with traumatic psychological scars successfully. Studies on human resilience show that social support, with an emphasis on positive emotions, is a strong buffer against post-traumatic stress disorder and other psychological problems. Indeed, social support can

The placement and treatment criteria for traumatized animals should depend on the severity of the duress: 1. The animal can go to a home; 2. The animal needs some rehabilitation and then can go to a home; 3. The animal has special needs and requirements that require knowledge; 4. The animal has special needs that require longer-term rehabilitation and/or drugs; 5. The animal needs long term help and sanctuary.

result in successful adaptation and recovery after experiencing severe adversity, increasing both the speed of recovery and level of mental health and well-being. According to one analysis, “human studies clearly show that an extended social network and positive experiences are important factors contributing to resilience.” Similarly, “[animal] research using environmental enrichment strategies, i.e. using social housing with plenty of opportunities for play, has suggested an important role for social contact and positive experiences in

resilience to social defeat.” The three core experiences associated with recovery are forming a secure attachment, positive emotions, and purpose in life. For animals, this means a loving, new home.

Depending on the severity of the condition, there may also be a need for behavioral rehabilitation protocols and even drug therapy. In extreme cases, where the animal is tormented or, in the case of a dog who poses a direct and immediate risk to public safety, there may be a need for a sanctuary environment.



One of Michael Vick's victims, giving, and receiving, love.

Until EVERYONE Is Safe

Even if it is conceded that saving the animals that fall outside the current safety net of care poses greater challenges than saving the others, the answer is not to falsely categorize objectively savable animals as “irremediably suffering” nor to water down the definition of No Kill so that more communities can claim the title; claiming the title “No Kill” isn’t the goal, not killing is.

The answer is to acknowledge the remaining challenges and to commit to finding solutions as has been done for other at risk shelter populations.

WHAT ABOUT WILD ANIMALS?

GUIDING PRINCIPLES

MANY wildlife rehabilitators use variants of the same excuses that regressive shelters use to rationalize the killing of companion animals in shelters to rationalize the killing of wild animals. Species bias—the wildlife rehabilitation movement’s equivalent of sheltering’s breed bias—is endemic to wildlife rescue. Rehabilitators and shelters that subscribe to this view refuse to treat those animals who do not fall within their limited scope of compassion, either because the animals in question are individuals from a numerous and thriving species, such as rats, pigeons or crows, or because they are cruelly and erroneously perceived as “non-native,” a pejorative term of intolerance based on an idea that has been thoroughly rejected in the treatment of fellow human beings—that the value of a living being can be reduced merely to its ancestral place of origin.

The only attention such rehabilitators are often willing to give these animals is to kill them. Indeed, No Kill shelters which partner with wildlife “rehabbers” (or undertake wildlife rescue themselves) should not favor convenience killing over rehabilitation, or death over sanctuary care. They should adopt out those who cannot be returned safely to the wild (a legal option for some species) and they should reject the self-serving

philosophy that equates killing with kindness when the animal in question is not mortally suffering.

Where it is not legal to rerelease these animals or adopt them into homes if needed, shelters should be at the forefront of changing those laws. Ensuring that every animal entering a shelter—whether classified as “domestic” or “wild”—is treated fairly, compassionately and as an individual whose right to life is paramount is, after all, what the No Kill movement is all about.



GUIDING PRINCIPLES

THERE are methods of calculating the live release rate that allow shelters to exclude whole categories of animals. 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 die so they won’t be counted in reported statistics. This is cruel, but it is just one of the

HOW IS THE LIVE RELEASE RATE ACCURATELY CALCULATED?

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.

To calculate the live release rate honestly and accurately, all live animals must be included, 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.



How to Calculate a Shelter's Live Release Rate

THE live release rate is calculated as follows: C divided by A. For example, if a shelter takes in 100 animals a year and 80 are adopted, reclaimed, transferred to No Kill rescue groups or still on hand, the shelter live release rate is 80%. Conversely, its death rate (B divided by A) is 20%. The live release rate plus the death rate should always equal 100% of live intakes.

LIVE RELEASE RATE

$\frac{C}{A}$

THE
FORMULA

$\frac{B}{A}$

DEATH RATE

A:

All animals who were in the shelter's custody at the beginning of the reporting year and all live intakes including those considered “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 person was going to retrieve their animal 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 animals who are alive: those adopted, reclaimed by their families, transferred to No Kill rescue groups or other shelters (where they are not at risk for being killed) and those still in the shelter's custody.

What if the Shelter Will Not Provide Statistics?

IF the municipal shelter will not provide statistics on request, advocates should file a formal demand under their state's Public Records Act. Shelters should freely provide statistics on their website and in response to requests without requiring a formal public records or freedom of information law request. A good rule of thumb is that if a shelter refuses to provide these statistics willingly and easily, they have something to hide.



**DOES A SHELTER
STILL QUALIFY
IF IT TRANSFERS
A LOT OF
ANIMALS?**

GUIDING PRINCIPLES

ONE of the key programs of the No Kill Equation is working with rescue groups. On average, a well functioning shelter sends roughly 15% of animals to rescue groups. The idea is that rescue groups *expand* the shelter's adoption program, particularly with more challenging animals, not *replace* it. But regardless of whether they send more or less, to the extent a shelter sends animals to rescue groups or other shelters, the receiving agencies must also meet the criteria in this guide. One No Kill shelter required rescue groups to stipulate that they would not kill the animals, but return them if they could not be placed. By contrast, a Michigan city shelter reported that it had a "live release" rate of 99% of dogs and 98% of cats. Most of the animals, however, were transferred to a killing shelter, rather than adopted out. The shelter can boast of a "live release rate" of 99%, but cannot be considered No Kill given that many of the animals were killed elsewhere. In addition, some shelters transfer injured or orphaned wildlife to rehabilitation facilities and organizations. Shelters should ensure that these facilities likewise embrace a No Kill philosophy.



**Does No Kill mean
warehousing animals?**

No Kill does not mean business as usual (poor care, hostile and abusive treatment of animals, warehousing) minus the intentional killing. It means modernizing shelter operations so that animals are well cared for, socialized daily, provided preventative and rehabilitative behavior

NO

and medical care, and kept moving through the system efficiently and effectively and into loving, new homes. Indeed, about 1,000,000 people now live in communities where the municipal shelter places at least 98% of the animals (about 10,000,000 live in communities where they place at least 90% and many of those save above 95%) thanks to a successful and comprehensive adoption strategy.

At one No Kill animal control shelter, the average length of stay for animals was eight days,

the shelter had a return rate of less than two percent, it reduced the disease rate by 90 percent from the prior administration and the killing rate by 75 percent, even while operating at capacity. Dogs were exercised four times per day, cats got out of the kennel at least two times per day, and no animal ever celebrated an anniversary in the facility. It also rehomed the rabbits, hamsters, gerbils, and all other species of shelter animals, all while operating in a manner consistent with the definition of No Kill provided herein.

ARE THERE COMMUNITIES THAT CAN BE LOOKED TO FOR GUIDANCE?

YES

Visit saving90.org which highlights communities with live release rates in excess of 90%, including many above 98%.



EMBRACING

An Inevitable Future

AT the No Kill Advocacy Center, we come by the definition and guiding principles within this guide through several means: evidence, analysis, an awareness of how far the sheltering industry has progressed over the last decade, and an unequivocal commitment to the highest ideals of the animal protection movement. Nonetheless, we recognize that some of what we advocate involves discussions that many do not want to have. They will argue that the definition and guiding principles are premature and would be more politically convenient to embrace at a later date, when more or most communities are achieving live release rates above 95%. In other words, they will claim that we are setting the bar too high.

We disagree. Much of what our organization has advocated over the past decade was also greeted with admonition and

decried as impossible but has since been adopted by hundreds of shelters and organizations nationwide, including some of the largest in the nation. There is no reason to assume that further innovation will not likewise receive the same eventual acceptance. Second, and more importantly, it is our duty to do so. With animal shelters throughout the nation claiming to be “No Kill” while simultaneously killing animals who are not irremediably suffering, ignoring the plight of these animals by allowing such shelters to claim success short of the actual goal line means animals not only needlessly lose their lives, but that we risk embodying the very things the No Kill movement was founded to combat: the stagnation and complacency with killing that characterized generations of shelter leaders following the industry’s founding.

The animals still being killed matter just as much as those who no longer face death, and for many of them, such as behaviorally challenged dogs, our duty is compounded by the fact that we—as humans—are often responsible for their condition through our neglect, abuse, and undersocialization. Relieving us of that burden by killing such animals does not result in redress for them.

This view does not mean we deny that some communities currently face infrastructure, legal, and other impediments to saving all these animals at this time, but rather that we do not allow such current limitations to hinder our vision, to stop us from setting aspirational goals and continually striving to improve the care of the animals served by working to overcome those obstacles. Indeed, the underpinning of the No Kill philosophy is that it goes beyond what is commonly assumed to be a practical necessity by focusing on what is morally right. It is, first and foremost, a movement of beliefs, of ethics, of what our vision of compassion is now and for the future. Its success is a result of a philosophy prompting us to do better; to embrace more progressive, life-affirming methods of sheltering that address the needs of animals still falling through the safety net of care. Failing to admit to the existence of such gaps means the

impetus to eliminate them simply disappears.

Before many of us within the No Kill movement felt comfortable with the answer to questions of whether or not “feral” cats suffered on the street and whether or not No Kill was possible, we had already rejected mass killing. We had rejected practical explanations based on a “too many animals, not enough homes” calculus, or that a death was preferable to indeterminate future suffering. Even though early in the No Kill movement’s history, though the practical alternative of the No Kill Equation was yet unknown, the movement still recognized that whatever practical explanations there were to “justify” it, the killing was still wrong and had to be rejected. Moreover, calculations which elevate expediency over what is right are generally inaccurate and historically, have been used to excuse atrocities. Ethics will always trump the practical and the two are seldom so inexorably linked that an untoward action must follow some fixed practical imperative.

Every action taken by animal advocates must be subservient to preserving life, a principle that not only puts our movement in line with the successful rights-based movements that have come before ours, but is a philosophy that fosters the motivation necessary for us to figure out how we can bring our aspirations into reality. That is the job and duty of the animal protection movement, not—*as it has historically done*—to justify or enable the killing of animals with tired maxims that are not subjected to rigorous analysis.

A better and ethically consistent future in animal sheltering inevitably awaits us if the No Kill movement can continue to do what it has always done until every last animal entering our nation’s shelters—whatever the species, whatever the challenge—no longer faces killing: overcome the flawed but mutable traditions we have inherited from prior generations. The sooner we recognize the need for change and further innovation, the sooner we will find the motivation and tools to bring that brighter future into reality.

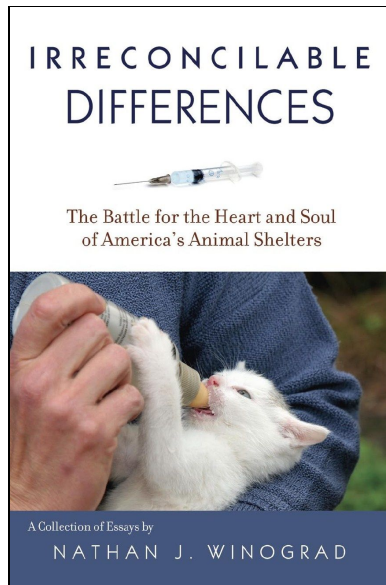


6114 La Salle Ave. #837, Oakland, CA 94611
facebook.com/nokilladvocacycenter
nokilladvocacycenter.org

A No Kill nation is within our reach.

The Great Abortion Non-Debate

Excerpted from Winograd, N., *Irreconcilable Differences*, CreateSpace (2009).



All across the United States, feral cat groups, rescue groups, and No Kill shelters are spaying and neutering animals, with the ultimate goal of reducing shelter intakes and killing. In fact, high-volume, low-cost spay/neuter is a core program of the No Kill Equation. Spay/neuter leads to fewer animals entering the shelter system, allowing more resources to be allocated toward saving lives. Other than leaving them alone, no-cost neutering for feral cats through a program of Trap-Neuter-Release (TNR) is the key to keeping them out of shelters and reducing their numbers humanely.

The vast majority of these organizations, however, also spay pregnant females. In the process, the kittens or puppies are killed. So far, few have questioned the ethics of doing so. But that doesn't mean that as a movement we shouldn't. Those groups that have questioned it, and are uncomfortable with the practice, still defend doing so. According to the spay/neuter coordinator of one of the nation's largest rescue organizations:

Trapping a feral mama and kittens later can be a challenge. People who use our low-cost program might not bring in the mama cat again and her kittens for spay/neuter. And we know that a cat can become pregnant again while nursing.

The coordinator went on to say that even without this problem, the ethics of spaying pregnant animals is a question better suited for the future: "When we save the already born animals, spaying pregnant animals will become unethical because the kittens or puppies will be guaranteed a home."

As to the first excuse, the underpinning of the No Kill philosophy is that we would never end life when that life is not suffering, and—in light of the sanctuary and hospice care movements—even that latter principle is subject to debate. A pregnant animal should be offered sanctuary in a foster home, where she can give birth, raise and wean her litter, before she—and they—are adopted into loving homes (or, in the case of a feral mom, spayed and released back to her habitat). That is the *only* proper and ethical thing to do.

To accept the second rationalization, we have to believe that we can't save them all. But we can, given that pet overpopulation is a myth: With 17 million Americans looking for three million available shelter animals, the calculus isn't even close. Moreover, these are kittens and puppies, the most "adoptable" of animals.

We also have to believe that allowing these animals to live somehow displaces those already alive, a nexus that is tenuous, at best. In other words, the mere fact that a litter of kittens is born and homes are found does not mean an identical litter of kittens at the local shelter will be killed because of it. Such cause and effect can never be determined and, in fact, does not exist. Lack of homes is not why shelters kill puppies or kittens.

As I wrote in *Redemption*,

There are many reasons why shelters kill animals at this point in time, but pet overpopulation is not one of them. In the case of a small percentage of animals, the animals may be hopelessly sick or injured, or the dogs are so vicious that placing them would put adoptive families at risk. Aside from this relatively small number of cases ... shelters also kill for less merciful reasons.*

They kill because they make the animals sick through sloppy cleaning and poor handling. They kill because they do not want to care for sick animals. They kill because they do not effectively use the Internet and the media to promote their pets. They kill because they think volunteers are more trouble than they are worth, even though those volunteers would help to eliminate the "need" for killing. They kill because they don't want a foster care program. They kill because they are only open for adoption when people are at work and families have their children in school. They kill because they discourage visitors with their poor customer service. They kill because they do not help people overcome problems that can lead to increased impounds. They kill because they refuse to work with rescue groups. They kill because they haven't embraced TNR for feral cats. They kill because they won't socialize feral kittens. They kill because they don't walk the dogs, which makes the dogs so highly stressed that they become "cage crazy." They then kill

them for being “cage crazy.” They kill because their shoddy tests allow them to claim the animals are “unadoptable.” They kill because their draconian laws empower them to kill.

Some kill because they are steeped in a culture of defeatism, or because they are under the thumb of regressive health or police department oversight. But they still kill. They never say, “we kill because we have accepted killing in lieu of having to put in place foster care, pet retention, volunteer, TNR, public relations, and other programs.” In short, they kill because they have failed to do what is necessary to stop killing.

Moreover, even while No Kill Advocates encourage spay/neuter, even while humane groups promote it, even while high-volume, low-cost spay/neuter is a central tenet of the No Kill Equation, this effort is a *means* to an end. It is *not* the goal itself. The goal is not “no more animals being born.” The goal is, and has always been, “no more animals being killed” (or, in the case of puppy mills, abused). Killing animals to prevent killing is not only a logical absurdity, it is patently unethical.

No matter what rationale is used to justify the killing, it can never be reconciled with the No Kill philosophy. In fact, proponents of “catch and kill” sheltering use “practical” arguments in favor of ending life all the time, such as “Killing dogs and cats is necessary because there are too many animals and not enough homes” or “Feral cats suffer on the streets and therefore killing is the compassionate option.” These are all arguments based on a calculus of life and death, the number of homes and the number of animals in shelters, and potential suffering. While such arguments are easy to dismiss because the calculus is all wrong, they are nonetheless arguments that advance *expediency*, over what is the *right*—and therefore, moral—thing to do.

Philosophically, advancing a practical over an ethical argument has long been the safe haven for those who want to justify untoward practices. Even accepting the sincerity of the claim, even if the practical calculus was correct, saving life that is not suffering is a timeless and absolute principle upon which responsible animal advocates must tailor their practices. *Every* action they take must be subservient to preserving life. More often, however, the practical calculus is wrong and at least historically, has been used to excuse atrocities.**

Indeed, the underpinning of the No Kill movement is that it goes beyond what is commonly assumed to be a practical necessity. It is, first and foremost, a movement of beliefs, of morality and ethics, of what our vision of compassion is now and for the future. Our success is a result of our philosophy dictating our actions and thereby prompting us to do better; to embrace more progressive, life-affirming methods of sheltering. Before many of us felt comfortable with the answer to questions of whether or not feral cats suffered on the street and whether or not No Kill was possible, we had already rejected mass killing.

We had rejected practical explanations based on a “too many animals, not enough homes” calculus, or that a humane death was preferable to potential future suffering. Early in our advocacy, even if we did not know the practical alternative to killing in shelters, we knew that killing was wrong and we rejected it.

No Kill is, at its core, about the rights of, and responsibilities we have to *individual* animals. This tenet is summarized by one of the Guiding Principles of the *U.S. No Kill Declaration*:

Every animal in a shelter receives individual consideration, regardless of how many animals a shelter takes in, or whether such animals are healthy, underaged, elderly, sick, injured, traumatized, or feral.

But are No Kill and feral cat advocates living up to this principle? Our attitudes and practices regarding pregnant animals reveal a glaring contradiction. When we spay pregnant animals and the unborn kittens and puppies die, the fact that they are not yet born does not relieve our responsibility toward assuring their right to live. When we abort kittens and puppies, we are literally killing puppies and kittens.

If the kittens or puppies are viable, they must be individually killed, usually through an injection of sodium pentobarbital. Even when they are not, however, 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.

The hope is that they would be under anesthesia, just like the mother, so they would not be “aware.” However, since they are more resistant to anoxia than adults, they could theoretically start to recover from the anesthesia before they died. Granted, the recovery may last only a second or two; perhaps even a fraction of a second. Or it might not happen at all. But in the end, it does not really matter. Once dead, no one is aware of being dead—that is true by definition and is not the reason the act of killing is unethical. Killing robs an individual of their life, regardless of whether or not they are able to conceive of it beforehand. It is a violation of their most basic right.

In addition, unlike the human context, the issue is not clouded by cases of rape or incest, and there is no question about the mother’s choice because a dog or cat cannot consent. Literally speaking, we are trapping a mother against her will, cutting her open, and killing her offspring, and we claim to do so for her and their own good.

For a movement founded on the rights of the individual, ending the lives of unborn puppies and kittens is indefensible. Indeed, the more widespread No Kill becomes, the more we will find significant ethical

dilemmas within our own practices and beliefs. Dilemmas that will challenge some of our deeply held convictions, which we may find—if we address them honestly—are still rooted in traditional apologia: killing for space, killing to prevent possible future suffering, killing as a population management tool: the unethical practices we thought we rejected when we challenged the status quo with our No Kill ideals. We have certainly come a long way as a movement, but we still have a long way to go.

* This killing is also being challenged by sanctuaries and hospice care groups, a movement that is also growing in scale and scope and which all compassionate people must embrace.

** For example, revisionist historians claim that, “Thomas Jefferson had slaves because he was a victim of his own time.” Many of Jefferson’s contemporaries, however, refused to participate in slavery on ethical grounds. But Jefferson did not, even as his words on the Declaration of Independence clearly illustrate he knew better. Even if everyone owned slaves and abolitionist viewpoints did not exist, however, the notion that owning slaves is wrong could be morally deduced from our shared human experience. So we should not excuse Jefferson’s conduct. Likewise, as No Kill advocates, we should obviously know and do better than condone the killing of unborn puppies and kittens based on “practical” arguments. Ethics will always trump the practical and the two are seldom so inexorably linked that an untoward action must follow some fixed practical imperative.