



## **New York State Survey Shows Animals Being Killed Despite Rescue Alternative**

*Oreo's Law would save lives and taxpayer money*

April 2010

*The No Kill Advocacy Center sent postcard invitations to participate in a survey to hundreds of non-profit organizations that rescue animals in New York State. The survey was also announced through various social media sites including websites, blogs, Twitter, Facebook, and e-mail listserves. Participation was open to all groups. No criteria were used to limit participation, except these organizations had to be located or have a rescue presence within New York State. (Respondents from outside New York State were discounted in analyzing data.) According to the survey, non-profit organizations that rescue animals in New York State are routinely denied animals, experience inconsistent and arbitrary treatment, are subject to retaliation and/or fear retaliation if they expose inhumane conditions in shelters, while shelters are killing animals these groups are willing to save.*

**P**ending in the New York State Legislature is Assembly Bill Number A09449, commonly known as "Oreo's Law." Oreo's Law was introduced following the decision by the ASPCA, a non-profit organization in the State, to kill an abused dog for whom another non-profit organization was willing to offer lifetime care. The bill would make it illegal for shelters to kill animals when a qualified non-profit organization is willing to save that animal's life.

The bill makes exceptions for animals who are dangerous, irremediably suffering, or have rabies, and it prevents groups with volunteers, staff, or leadership charged with animal neglect or cruelty related offenses from participating. It is based on a successful California law, passed in 1998, which is credited with saving thousands of animals every year, a fact that even Ed Sayres, current head of the ASPCA and an opponent of Oreo's Law cannot deny. In 1999, as then head of the San Francisco SPCA, his own analysis of the California Law showed that the law was not only responsible for a reduction in shelter killing rates, but also saved \$486,480 in taxpayer funds in San Francisco alone.

To maintain control over smaller non-profits, however, the larger New York State non-profit organizations, such as the ASPCA, are trying to derail Oreo's Law. In order to do

so, they are employing various misleading claims; including fear mongering that Oreo’s Law would put the public at risk by forcing the release of dangerous dogs and animals in harm’s way by placing them with animal abusers. But an analysis of California law, where similar claims were made in 1998, shows these to be false.

As a result, the ASPCA—which does not want the public reminded of its killing of an abused dog for which the law is named—has changed tactics and is arguing that the law is not needed, claiming non-profit organizations that rescue animals already have access to animals on death row in all New York State shelters.

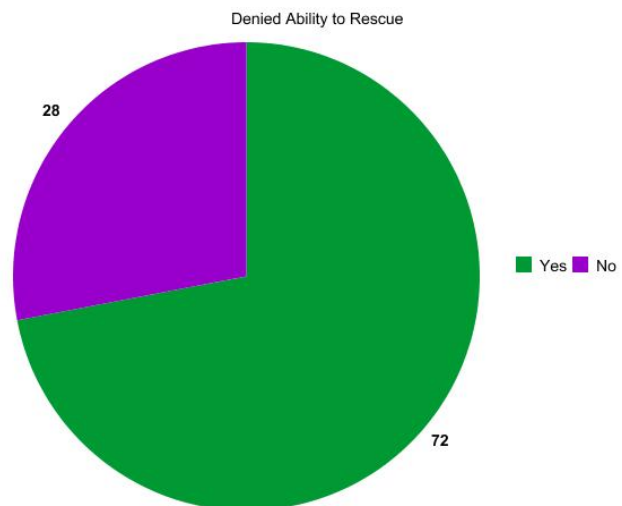
Because this is highly unlikely given the contrary reality throughout the country, and because non-profit organizations that rescue animals in New York State have long complained of being denied access to animals being killed, the No Kill Advocacy Center conducted a state-wide survey to determine the status of rescue access for New York State’s non-profit organizations.

This survey revealed that animals are being needlessly killed in New York State, for which taxpayers are footing the unnecessary expense. The survey also showed that non-profit organizations that rescue animals are being prevented from fulfilling their mandates by government agencies and larger non-profit organizations such as the ASPCA that not only want to maintain control over these smaller non-profits, but also maintain their almost unlimited discretion to kill animals.

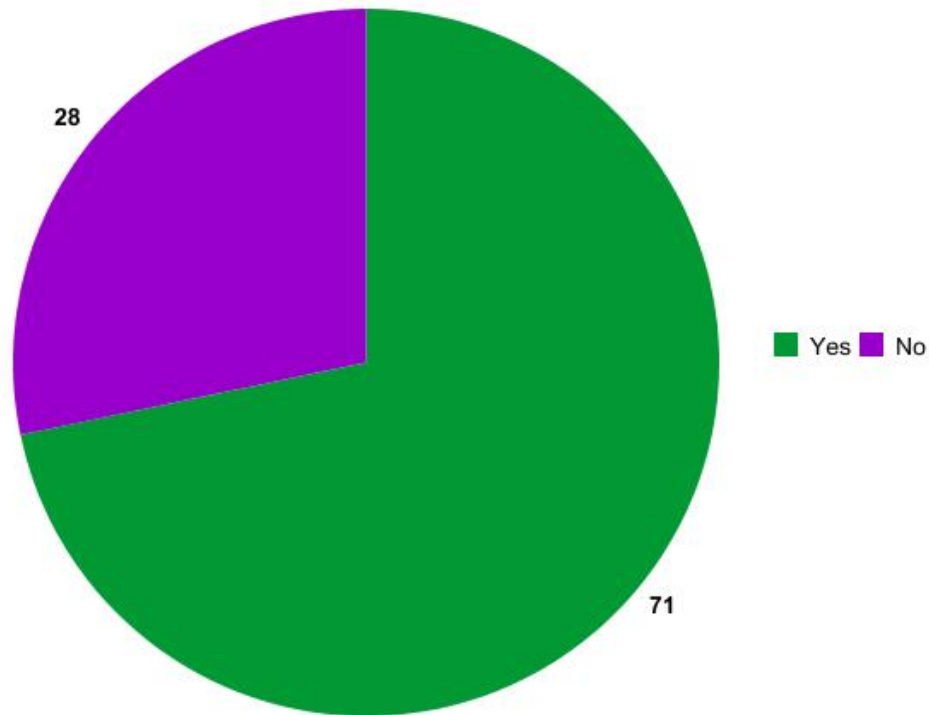
### Survey Results

Seventy-two percent of non-profit organizations—nearly 3 out of 4—are denied the ability to rescue by *at least one NYS shelter* they are willing to save animals from, and these shelters are in many cases killing these animals instead. Less than one third—only 28%—said that “all shelters allow us to save animals.”

Of those who have been denied the ability to save animals a New York shelter has scheduled to be killed, 18% of those shelters have a firm policy of not working with other shelters or non-profit organizations, 33% have some staff members hostile to working with non-profit organizations that rescue animals, and 48% said it varied. The most common responses included variations of the following: “It depends on who is working” and “Hostility of shelter director.” As a result, some have stopped rescuing within the State and others



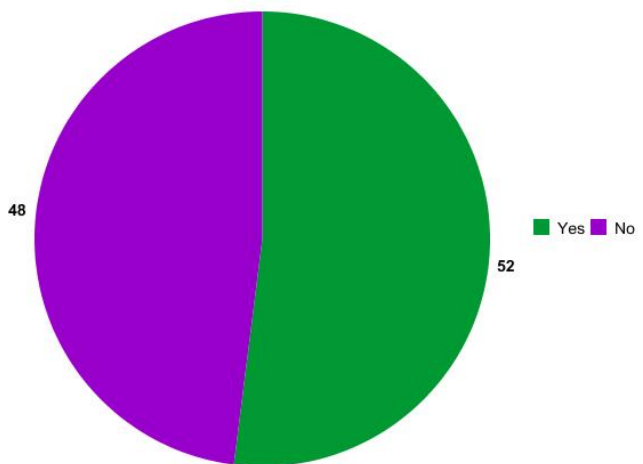
Killed Animals Despite Rescue



employ a variety of other strategies, all of which add expense, inefficiency, and lost opportunities to save lives.

Almost all non-profit organizations that have tried to rescue from more than one shelter (92%) said that shelters have different rescue policies, and that the criteria is largely arbitrary. The vast majority (88%) said that the rescue policy of many state shelters “depends on the whims of director/staff” and “if staff likes you, you can rescue” whereas “if they do not like you, you can’t rescue.” To try and overcome this, 70% of respondents say they only try to save lives if certain staff is on duty at these shelters. These practices and attitudes are costing animals their lives: 71% of respondents have had shelters kill animals their group had indicated they were willing to save. (28% said this had not occurred, while 1% were unaware.)

Afraid of Retaliation



In fact, 43% of respondents who have expressed concerns about inhumane conditions which they have witnessed in New York State shelters said that their non-profit rescue organizations became the subject of retaliation, while over half

(52%) who have witnessed it but did not express concerns said they were afraid to complain about inhumane conditions—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.

One non-profit organization summed up the frustration of many groups by saying they have tried to work with shelters in New York State to save more lives but have encountered bureaucratic resistance: “They do what they can to wear you down mentally, financially, and emotionally.”

It is not surprising then that the vast majority of respondents believed Oreo’s Law would attenuate these problems. If Oreo’s Law were passed, the overwhelming majority (88%) said their organizations would either return to rescuing animals in New York State or increase rescuing animals from state shelters, as it would eliminate these bureaucratic and arbitrary hurdles.

In addition, the survey showed that Oreo’s Law would also improve oversight of groups which perform rescue. While the vast majority of organizations (78%) are already recognized under Internal Revenue Code Section 501(c)(3) as not-for-profit public benefit organizations, the survey revealed that 70% of those organizations performing animal rescue which have not yet obtained this status would do so if the pending legislation were to become law. This would require them to file articles of incorporation, to recruit a Board of Directors, and to subject themselves to other state and federal mandates.

The ASPCA is allegedly conducting its own survey, but it appears that only carefully selected non-profit organizations, approved by killing shelters, will be allowed to participate, resulting in the predetermined conclusion that Oreo’s Law is not needed. Unfortunately, if this point of view is accepted by the Legislature and Oreo’s Law is defeated, shelters will continue killing without restraint, at great cost in animal lives, at great waste of taxpayer funds, while thwarting the mission of hundreds of non-profits that exist throughout the State.