

The Animal **RESCUE** Act

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



**Protecting Lives
Saving Taxpayer Money
Mandating Collaboration**

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The Myth of VOLUNTARY Collaboration



Why Rescue Access Legislation Is Needed

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

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

Many of the programs identified as key components of saving lives are more cost-effective than impounding, warehousing, and then killing animals. Some rely on private philanthropy, as in the use of rescue groups, which shifts costs of care from public taxpayers to private individuals and groups. Others, such as the use of volunteers, augment paid human resources. Still others, such as adoptions, bring in revenue. And some, such as neutering rather than killing, are simply less expensive, with exponential savings in terms of reducing births.

A national study found no correlation between per capita funding for animal control and save rates. One shelter saved 90 percent of the animals. Another saved only 40 percent despite spending four times per capita on animal control. One

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

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

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

clude additional savings relative to cost of care).

Rescue Access Laws save taxpayer money by mandating public-private partnerships that not only reduces expenses associated with having to care for, then kill and dispose of an animal, but transfer expenses from taxpayers to private philanthropy. Under Rescue Access Laws, shelters can also charge the cost of an adoption to those groups, thereby bringing in needed revenues and defraying any costs associated with implementation.

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

Animal Rescue Act HIGHLIGHTS

The Animal Rescue Act saves the lives of animals.

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

The Animal Rescue Act saves taxpayer money.

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

The Animal Rescue Act provides whistle-blower protections for rescuers.

A statewide survey of rescue groups in New York State found that 43% of groups have been the subject of retali-

Rescue Access Laws make it illegal for a shelter to kill an animal when a qualified non-profit organization is willing to save that animal.

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

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

The Animal Rescue Act levels the playing field.

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

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

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

The Animal Rescue Act protects public health and safety.

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

The Animal Rescue Act protects animals from harm.

Rescue Access Laws specifically exclude organizations with a volunteer, staff member, director, and/or officer with a conviction for animal neglect, cruelty, and/or dog fighting, and suspends the organization while such

charges are pending. Moreover, because Rescue Access Laws require rescue organizations to be incorporated as non-profit public benefit corporations under Internal Revenue Code Section 501(c)(3), Rescue Access Laws would also improve oversight of groups which perform rescue: a 2010 statewide survey in New York revealed that 70% of organizations performing animal rescue which are not incorporated would do so if Rescue Access Laws becomes law. This would require them to file articles of incorporation, to recruit a Board of Trustees, and to subject themselves to both state and federal mandates.

The Animal Rescue Act improves shelter operations.

Rescue Access Laws reduce the number of animals they kill. They reduce costs for killing, bring in revenue through adoption fees, and transfers costs from taxpayers to private organizations, funded through philanthropic dollars. While Rescue Access Laws require shelters to notify non-profit organizations of animals they are going to kill, this can be accomplished through computer pro-

grams that do this automatically which are available at no cost to shelters.

The Animal Rescue Act is good bipartisan policy popular with voters.

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

A Model Animal Rescue Act

SEC. 1 Policy

(a) The County Commission finds and declares that public-private partnerships between municipal shelters, private shelters, and non-profit organizations reduce taxpayer expenditures by transferring costs from public agencies to private organizations, reduce costs associated with holding and killing animals, bring in additional revenues through adoption fees, and reduce the number of animals killed.

SEC. 2 Definitions

- (a) Animal shelter.—The term ‘animal shelter’ means <<NAME OF ANIMAL CONTROL SHELTER>>; as well as a public or private facility that,
- (1) Has a physical structure, other than a private home, that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals; and,
 - (2) Is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, other non-profit organization, pound, dog control officer, government entity, or contractor for a government entity.
- (b) Licensed veterinarian.—The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.
- (c) Rescue organization.—The term ‘rescue organization’ means an organization that is—

- (1) An organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and
 - (2) An animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.
- (d) Irremediable Suffering.—The term ‘irremediable suffering’ means an animal who has a poor or grave prognosis for being able to live without severe, unremitting physical pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.

SEC. 3(a) No animal shelter may kill an animal if, prior to the killing of that animal, a rescue organization indicates it will take custody of the animal.

- (b) In addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals released.
- (c) This section does not apply to:
 - (1) An animal which has bitten a person and is suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian.
 - (2) A dog determined to be dangerous under <<STATE DANGEROUS DOG LAW>>.
 - (3) An animal experiencing irremediable suffering.