

# THE DARK SIDE OF MANDATES

## Why Punitive Legislation Fails

Legislation is often thought of as a quick solution to high rates of shelter killing. “If only we had a law,” the argument goes, “all the bad, irresponsible people would have to take care of their pets properly, and shelters wouldn’t have to kill so many animals.” If this were true, given the proliferation of punitive mandates nationwide, there should be many No Kill communities. That there are not, is because experience has proven that legislation is far from a cure-all. In fact, it often has the opposite effect. Communities that have passed such laws are not only far from No Kill, many are moving in the opposite direction.

Studies show the primary reasons people do not sterilize their pets are cost and lack of access to spay/neuter services. The same is true for licensing. The higher the cost, the lower the rate of compliance. As a result, lower-income households with animals, those who are unaware of these laws, and truly irresponsible people will not comply in significant numbers. Punitive legislation will only discourage people from caring for homeless pets or drive disadvantaged people "underground," making them even harder to reach and help. If a person is feeding homeless cats, they will be loathe to turn to the shelter for low-cost spay/neuter help or other support because doing so risks putting the cats in jeopardy for some technical violation of a community’s pet limit, licensing, or leash law. Compounding the problem is the fact that enforcement of ordinances, such as mandatory spay/neuter is often selective and complaint-based, leaving people who care for animals vulnerable to retaliation from neighbors and others, even when the animals are healthy and well cared for.

Furthermore, legislation may be worded so that the result of non-compliance is the impoundment and death of the animal. Alternatively, the laws contain significant fines which are likely to lead to abandonment, relinquishment to shelters, or people refusing to

offer care to homeless strays. That is why many jurisdictions have seen their impound and death rates increase following passage of laws which give agencies carte blanche to round up and kill outdoor animals. If a shelter has high rates of shelter killing, it makes no sense to support the passing of laws that give them greater power and more reasons to impound—and subsequently kill—even more animals.

Finally, in most jurisdictions, licensing revenues go into a city or county’s general fund, not directly back to the animal control agency. As a result, even where licensing rates increase, it has no direct impact on shelter finances. In the end, the shelter is diverting money from needed programs to hire more officers to write more citations, only to raise money for the city or county, at the expense of its own needs.

When Fort Wayne, Indiana, San Mateo, California, and King County, Washington, passed their animal control legislation, for example, these laws were hailed as “national models.” To this day, animal activists use these as examples of “success” in order to convince their own communities to adopt similar approaches. A hard look, however, reveals they are a dismal failure. Fort Wayne is still killing three out of every four domestic animals, San Mateo killed more animals in the

# TORY LICENSING AND NEUTER LAWS

unincorporated areas of the county which passed their law (resulting in the first ever increase in cats being killed) as compared to cities where the law was not passed, and King County's law reduced the number of animals being saved. (See "There Ought Not to be a Law," No Kill Sheltering, Volume I, Issue I, 2007).

Indeed, no better proof exists for this proposition than Long Beach, California, which has had a breeding ban for over thirty years. If legislation is the answer, Long Beach should be a No Kill community by now. But it is far from it, as many homeless animals have discovered who have had the misfortune to enter that animal control shelter system. By contrast, the two most successful communities in the nation with the highest percentage of animals going home alive—Tompkins County, NY (91% save rate) and Charlottesville, Virginia (92% save rate)—have no mandatory cat licensing or spay/neuter laws.

Nonetheless, local activists and national groups—even those who embrace No Kill and are sincere in their desire to end killing—continue to champion the legislative approach. While activists across the country have been emboldened by the No Kill movement, they have almost uniformly failed to heed the central lesson: never mind the laws, reform the shelter. While they are demanding success in their own communities, they fail to demand that local shelters either replicate the programs that eliminated the deaths in other communities for all but irremediably suffering and non-rehabilitatable animals, or to insist upon the removal of directors who refuse to implement them. Instead, many seek No Kill through traditional legislative models. The end result is not hard to predict.

Unfortunately, the viewpoint that the public, rather than the shelter, is to blame for the volume of killing has been internalized by animal activists all over the country. And the tool they use to make the public responsible is a resurrection of the failed legislation model. Since the very "solution" they propose makes the goal impossible, however, they are forced to seek more citations, greater penalties, more animals subject to impounding, and more draconian laws, increasing the divide between the shelter and the public, and taking themselves further and further away from the goal of true lifesaving with each piece of punitive legislation.



Sadly, it is a pattern played out by animal activists throughout the country, over and over again. Despite animal control's dysfunction and overkill, animal activists continue to ignore and apologize for the shelter's failures by blaming the public, rather than those who are directly responsible: the very staff and administrators who fail every time they inject an animal with an

overdose of barbiturates in the face of alternatives like foster care, offsite adoptions, and working with rescue groups. These activists fail to see the real causes and solutions to shelter killing because the bar or "industry standard" has been set so low, and because the national agencies to which they look for guidance reaffirm this point of view again and again.

In a democracy, animal lovers are free to believe whatever they want. But believing something doesn't make it so, and never will.

## EMPOWERED TO KILL

At a time when shelters are killing the majority of animals they are taking in, they are successfully seeking legislation which gives them authority to impound even more animals. Since they claim they have little choice but to kill most animals, the animals now in violation of a new law or ordinance have little hope of getting out alive. It is hardly surprising that many jurisdictions actually see impound and kill rates increase after passage of these laws.

Meanwhile, animals continue to be killed in appalling numbers and reform efforts are squandered on an agenda that has no hope of achieving success. Moreover, the animals are paying the ultimate price for the false beliefs of animal activists. They are the ones being slaughtered en masse because of it.

With animals being killed every day in shelters because shelter leadership has not embraced the programs and services of the No Kill Equation (See No Kill Sheltering, Volume III, Issue 1, 2007), activists must move beyond the empty hope that punitive legislation will ever be anything but a failure. Animal activists are still championing a nineteenth century model of sheltering rooted in defeatism and failing to demand the real changes necessary for No Kill to succeed, while ignoring over a decade of No Kill success in other communities.

And as soon as activists realize this, they can begin the only proven process of saving lives: comprehensive implementation of programs like foster care, working with rescue groups and volunteers, TNR for feral cats, and offsite adoptions; *or*, regime change for shelter directors who refuse to do so. Unfortunately rather than champion the No Kill Equation, the only course of action that has created a No Kill community, they are chasing shadows. In turn, activists have developed a culture of defeatism, a sense of helplessness that No Kill cannot be achieved. They become apologists for the status quo, championing mediocrity and failure, when they should be demanding the resignation of shelter leadership.

### HSUS: A FELINE'S FRIEND OR FOE?

In order to encourage passing of cat laws, the Humane Society of the United States (HSUS) asks activists and shelters to “document public health problems that relate to cats. Include diseases that are spread from cat to cat as well as those spread between cats and other animals.” They claim that cats:

- are a public rabies threat: “cats are now the most common domestic vectors of rabies;”
- decimate wildlife: “free-roaming cats kill millions of wild animals each year;”
- are invasive, non-native intruders: “Cats are not a part of natural ecosystems, and their predation causes unnecessary suffering and death;”
- cause neighborhood strife: “They also cause conflicts among neighbors.”

It should go without saying that such denigration of cats is not the role of an organization purportedly founded to protect animals, enforce their rights, and increase their social status, and that therefore shelters and humane activists should ignore such harmful advice.