



October 14, 2014

The Honorable Kathy Lantry, President
Members of the Saint Paul City Council
St. Paul, Minnesota

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Dear Council Members:

We have been following with interest the introduction of the Companion Animal Protection Act Ordinance 14-41 (CAPA), which, however well intentioned, attempts to restrict emergency triage decisions at facilities that provide animal control and sheltering services in St. Paul. **PETA opposes the ordinance as drafted.**

Many well-intentioned legislators who care about animals have been persuaded to introduce bills like CAPA, modeled on California's Hayden Law, which has been a proven disaster for lost and homeless animals and municipal budgets in that state. The Hayden Law was put together by lawyers and aides with no experience running animal shelters. And it shows: The bill did nothing to curb breeding (the real cause of the animal overpopulation crisis). Instead, it took away shelters' ability to make the critical decisions needed to keep animals in their custody healthy by controlling the spread of contagious diseases and to give the most adoptable animals the best chance of finding homes through necessary means, including the euthanasia of less adoptable animals.

These efforts are part of a national agenda that seeks to vilify animal shelters and pounds for having to make difficult decisions—including euthanasia—for unadoptable and unadopted homeless and unwanted animals. The proposed language belittles the hard work of people who are working in open-admission animal shelters, many of whom have dedicated their lives to helping animals. Contrary to what the people behind this agenda attempt to make legislators believe, the fact is that *no shelter wants to euthanize animals*. Many, if not most, responsible animal shelters in your community and across the country already call on nonprofit sheltering agencies and/or rescue groups whom they trust for help with specialized placement when appropriate.

CAPA would also essentially task underfunded and overburdened animal shelters with inspecting and regulating individuals and groups claiming to be "rescues" and wanting shelters to provide them with animals, without providing the training requirements and additional staff and funding to do so.

Animal shelters in Delaware, where a similarly deceptive CAPA bill went into effect in 2011, have experienced predictable results. Just one year after opening, a large "no-kill" shelter in the state closed after exhausting funds, in part by

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paying outside kennels to board unadopted dogs. Its leaders admitted that they had "underestimated the number of abandoned animals and the difficulty of getting them adopted."¹ When speaking about the closing, Kevin Usilton, the executive director of First State Animal Center and SPCA, explained that "[t]he millions of dollars spent on [the Safe Haven] shelter could have saved thousands of animals. . . . Delaware is not a great place to be an animal. Our laws hurt animal welfare."²

In California, animal shelters trying to comply with Hayden Law requirements have sent animals to hoarding "rescues" that eventually required the intervention of law-enforcement officials to seize animals sent to them by shelters. Merced County Animal Control sent nearly 2,000 cats and kittens to Last Hope Cat Kingdom, a "no-kill rescue" from which law-enforcement authorities in 2013 removed nearly 300 cats, 200 of whom had to be euthanized because of critical health issues, including contagious diseases.³ During the raid, 74 dead animals were found—some in cages with live animals.⁴ That same year, Brooks, Ore., humane and sheriff's officials raided Willamette Animal Rescue, where more than 140 dogs were found starving and stuffed into tiny stacked travel carriers amid their own waste and without access to water, after reportedly being "saved" from euthanasia at the Porterville Animal Control shelter in California. Animals were found with their eyes sealed shut by mucus and pus, and urine and excrement were dripping onto them from the cages above. One dog was confined to a carrier so small that "he was unable to lie down, sit or stand up."⁵ **It's estimated that purported animal "sanctuaries" and "rescues" constitute one-quarter of the approximately 6,000 hoarding cases reported annually in the U.S.**

A grand jury recently found the Mendocino County Animal Care Services in California to be severely crowded, confining animals to crates and keeping some animals at the shelter for a year or longer. The jury reported that "keeping a dog in a four-by-eight-foot kennel or a cat in a two-by-three-foot cage for a year or more is cruel treatment." Conditions at the "no-kill" facility were found to be "severely detrimental to the well-being of the animals," and the shelter was found to give the impression to animal-control officers that "they would rather not have (officers) bring in animals, (which) results in officers working with owners longer than usual in cases of abuse or neglect rather than confiscating animals."⁶

In Colorado, the public safety dangers resulting from misguided "no-kill" policies were seen when the Longmont Humane Society was cited on suspicion

¹Rachel Swick Mavity, "Safe Haven Could Close Its Doors," 21 June 2013, SmallTownNews.com <<http://smalltownnews.com/article.php?catname=Community&pub=Cape%20Gazette&aid=145507>>.

²Shirley Min, "Safe Haven Animal Sanctuary Closing," 29 Oct. 2013, Newsworks.org <<http://www.newsworks.org/index.php/local/delaware-feature/61340-safe-haven-animal-sanctuary-closing>>.

³Ramona Giwargis, "Animal Control Played Role in Trouble at Last Hope Shelter," 20 Sept. 2013, MercedSunStar.com <http://www.mercedsunstar.com/2013/09/20/3233734_animal-control-played-role-in.html?rh=1>.

⁴Sara Sandrik, "Dozens of Animals Found Dead and Sick in Atwater," 28 June 2013, ABC30.com <<http://abc30.com/archive/9156393/>>.

⁵Kimberly A.C. Wilson, "'Rescued' Dogs Found in Brooks Warehouse in Awful Shape," 13 Jan. 2013, OregonLive.com <http://www.oregonlive.com/pacific-northwest-news/index.ssf/2013/01/rescued_dogs_found_in_brooks_w.html>.

⁶Ukiah Daily Journal Staff, "Animal Shelter in Ukiah Found to be Overcrowded, Infested With Rats," 17 June 2014, UkiahDailyJournal.com <http://www.ukiahdailyjournal.com/news/ci_25985237/animal-shelter-ukiah-found-be-overcrowded-infested-rats>.

of keeping a dangerous dog after a dog in foster care attacked a neighbor and his dog, who was being walked on a leash. Police officials reported that a disproportionate number of dog-bite incidents involved dogs who were adopted from the shelter, which is striving to increase its live-release rates.⁷ In Stamford, Conn., the city's animal-control manager recently turned herself in to police after a warrant had been issued for her arrest for three counts of reckless endangerment. Among other similar allegations, the shelter advertised an 84-pound dog—who had been returned because he had bitten someone—as "harmless in play." The dog was adopted out again and bit someone so severely that the victim had to go to the hospital.⁸

Please consider that to reduce the number of animals who must be euthanized at animal shelters in St. Paul, the city must prevent animals from being abandoned and bred indiscriminately in the first place. A growing number of jurisdictions are implementing laws that require that dogs and cats be sterilized unless their owners purchase an annual breeding permit—the cost of which funds low-cost spay-and-neuter services—and forbid the sale of dogs and cats at pet shops and flea markets in order to prevent the sale of intact animals and stop the impulse buying of animals who, when adequately cared for, can live for 10 to 20 years. We can provide sample laws and language at your request.

Thank you for the opportunity to share our position with you. We would be honored to meet with you and/or to arrange for a meeting with others who have experience in this difficult field.

Sincerely yours,



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⁷Pierrette J. Shields, "Longmont Humane Society Faces 'Dangerous Dog' Case," 17 Oct. 2013, TimesCall.com <http://www.timescall.com/longmont-local-news/ci_24334020/longmont-humane-society-faces-dangerous-dog-case>.

⁸John Nickerson, "Former Stamford Animal Shelter Manager Faces Charges," 25 June 2014, StamfordAdvocate.com <<http://www.stamfordadvocate.com/policerereports/article/Former-Stamford-animal-shelter-manager-faces-5568389.php>>.