

Report of the Mayor's Animal Protection Task Force

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1. Introduction

In 2004 alone, area shelters euthanized over 80,000 pets. The reason is that Houston has too many abandoned pets and an animal welfare community whose principal solution to the problem is euthanasia.¹

These animals are not wild -- in the main, they are pets whose owners neglect and then abandon them to the streets or animal shelters because they have become inconvenient, costly, or gotten sick or older. The problem is compounded by insufficient spaying and neutering, particularly in economically-disadvantaged communities where pets may roam freely and reproduce. Houston's temperate weather and ample supply of garbage allow these pets to survive, at least until they sicken, are hit by a car, or are seized by animal control officers.

Houston does too little to save these abandoned pets. Adoption rates are low, in part because there is little demand for "used" pets and because shelters do not do enough to find homes for pets in their care. Instead, euthanasia is the principal and depressingly rote solution. A 1997 study conducted by the National Council on Pet Population Study and Policy² estimated that roughly 64% of the total number of animals entering animal shelters in the United States were euthanized for some reason. In contrast, Houston's Bureau of Animal Regulation and Care (BARC) euthanizes approximately 80% of the animals entering its facilities, a significantly greater rate than some other public shelters, including Austin (51%) and District of Columbia (66%). Euthanasia rates at Houston's private shelters are also high, ranging between approximately 45% and 85%.

The Task Force believes that it does not have to be this way. Cities with comparable populations are substantially reducing euthanasia rates and working toward the goal of finding homes for all healthy and treatable pets arriving at area shelters. We believe that Houston should not only do likewise, but take a leading role to develop solutions for the problem of unwanted, abandoned pets in our nation.

¹ On January 26, 2005, the Mayor of the City of Houston appointed the Animal Protection Task Force to study the problems associated with the City's stray pet population and make recommendations for a community-wide initiative to better protect animals and citizens. A copy of the charge to the Mayor's Animal Protection Task Force is attached as Exhibit A.

² The mission of the National Council is to gather reliable data characterizing the number, origin, and disposition of shelter dogs and cats in the United States. For the 1997 study, out of the approximate 3,500 shelters operating in the United States, 1,000 shelters responded. Their data reflected that the shelters handled 4.3 million animals. 64% of the animals entering the shelters were euthanized, consisting of 56% of dogs and 71% of cats. Only 15% of dogs and 2% of cats that entered the shelters were reunited with their owners. 25% of dogs and 24% of cats that entered the shelters were adopted. See www.petpopulation.org.

2. Animal welfare community

The animal welfare community in Houston consists of one public animal control agency, BARC, three large private, non-profit shelters, the Houston Society for Prevention of Cruelty to Animals (Houston SPCA), Houston Humane Society (HHS), and Citizens for Animal Protection (CAP), and numerous breed rescue groups. Harris County also operates public animal control agency, Harris County Public Health & Environmental Service.

A. Public shelters

1. BARC

BARC is not primarily an animal shelter -- it is the City pound. The agency is included in the Houston Department of Health and Human Services, and has historically regarded its mission as protecting the public from loose and presumptively dangerous animals. Consistent with its historical mission of disposing of unwanted pets, it is located in an out of the way, industrial area of Houston some six miles north of downtown. No signs on the freeway or elsewhere direct visitors to the facility and it is difficult to find. BARC's principal kennel facility is old, consisting of extremely small, cramped cages for animals similar to those used in medical research labs.

BARC obtains its pets primarily by seizing dogs and cats that are "at large" in the community. Some of these animals may pose a threat to community; however, most are simply unconfined.³ Pets apprehended by animal control officers (ACOs) in the field totaled 22,713 in fiscal year 2005. In addition, Houstonians turn in their pets to BARC at a rate of approximately 300 a month, totaling about 3,600 owner abandonments to BARC per year.

BARC euthanizes the large majority of pets it receives. The Task Force could not obtain reliable historical statistics from BARC, because, until November 2004, BARC did not track total animal intake. However, using BARC's disposition rates, we derived an approximate 80% euthanasia rate. In fiscal year 2005, for example, BARC received approximately 26,243 animals and euthanized 21,214, or about 80% of them. Correspondingly, BARC adopted out 1,463 or approximately 5.5%, returned to their owners 1,579 or approximately 7.4%, and transferred to other locations 1,698 or approximately 8%. Statistics for the period 2000 to 2005 follow:⁴

³ Until recently, BARC ACOs also picked up pets from owners who desired to voluntarily relinquish them to the pound. This practice was discontinued several years ago in response to a manpower shortage and a recommendation from the National Association of Animal Control Officers.

⁴ Attached as Exhibit B are BARC's Monthly Activity Reports for fiscal years 2000-2005.

	2000	2001	2002	2003	2004	2005
Animal intake ⁵	27,969	27,481	24,336	21,433	23,247	26,243
Euthanasia	23,396	22,161	19,378	16,475	18,107	21,214
Adoption	445	636	585	908	937	1,463
Redemption	1,725	1,945	1,895	1,490	1,350	1,579
Transfer	1,488	1,654	1,699	1,553	1,914	1,698

BARC explains its high euthanasia rate on the ground that the overwhelming majority of the pets it receives are not adoptable. But the Task Force found that BARC has no policy guiding the distinction between “adoptable” and “unadoptable” pets, and instead has a strong bias in favor of euthanasia. In other words, BARC’s conclusion that a pet is unadoptable is essentially a policy choice to euthanize the overwhelming percentage of pets delivered to its facility.

The Task Force was surprised to learn that BARC euthanizes “off the truck” approximately 40% of the animals that the ACOs deliver to the facility, meaning that these pets are immediately euthanized and never have the chance for either owner redemption or adoption. BARC explained that most of these pets have mange or ringworm and thus pose a threat to the shelter population.⁶ However, this explanation is unsatisfactory. Diagnosis of mange and ringworm cannot be made just by looking at the pet⁷ and both are non-serious skin conditions that a lost pet could easily acquire just because he has been living in the streets. Both conditions are easily treatable and would not spread among the shelter population if BARC prevented physical contact between affected and unaffected pets.⁸

⁵ This number is derived from BARC’s records of animal dispositions, which are included in its overall tracking of “kennel activities.” It assumes that total intake approximates total dispositions and is a proxy for intake. To arrive at total number of dispositions, we began with total number of kennel activities and subtracted “kennel intake,” a statistic that BARC began keeping in November 2004 to reflect animal turn-ins at the shelter. Since this number is not a disposition, it was removed from the total.

⁶ BARC also described mange and ringworm as zoonotic diseases, *i.e.*, conditions that are contagious to humans, and that another ground to euthanize these pets was to protect the public health. But mange is “contagious” to humans only in the sense that a scabies mite (the cause of mange) can also bite a human being -- humans cannot develop mange because the scabies mite cannot live and reproduce in a human. The condition in humans goes away by itself in short time and does not generally require treatment. And while people can sometimes pick up the ringworm fungus from pets, it is non-serious and easily treated with a topical shampoo or ointment. *See* Long Beach Animal website, www.lbah.com (sarcoptic mange and ringworm). These criteria are thus not about protecting the public health; they reflect a policy choice to euthanize -- rather than treat --lost or stray pets.

⁷ Testing is necessary for a positive diagnosis. Several skin conditions resemble mange and ringworm, for example, ringworm, demodex and allergic dermatitis. *See* Long Beach Animal website, www.lbah.com (sarcoptic mange and ringworm)

⁸ BARC explained that it also immediately euthanized animals with “debilitating” illnesses, such as advanced heartworms. But heartworms are also easily treatable, usually with a single injection. BARC

The 60% that BARC admits to the facility fare little better: the overwhelming majority is euthanized if the owner does not reclaim them within the mandatory three or six day holding period.⁹ BARC euthanizes pets for the slightest reasons: if they have any injuries, skin conditions or illnesses (even minor ones), if they are older than one year, have ever been pregnant, are too young, have not been well-fed, are “too big”, are not gregarious and well-behaved,¹⁰ and simply because BARC lacks space. Indicative of its ingrained “pound” mindset, BARC provides virtually no veterinarian care to pets it receives or holds,¹¹ and will euthanize a pet even if its condition is treatable. As BARC explained, BARC will not treat animals and it will not let any pet needing treatment into its adoption program -- if a hypothetical adopter would have to spend her own money to treat the pet, BARC considers the pet “unadoptable.” And -- contrary to City ordinance requiring that all healthy dogs be offered for adoption -- BARC’s practice is to automatically euthanize any dog whose “predominant breed” is German Shepherd, Akita, Doberman Pinscher, bull dog, pit bull, Rottweiler or chow chow, regardless of their health or temperament.¹² The story is worse for owner turn-ins, who do not get the benefit of City ordinances mandating short hold periods -- BARC officials estimate that they immediately euthanize at least 80% of the owner turn ins simply because the owner requests euthanasia or states that the animal is sick or injured.

a. Returns to owners. One of BARC’s assigned missions is the return of lost or seized pets to their owners. However, its success rate is low; only 7.4% of all animals impounded in 2005 were returned to their owners. Undoubtedly, some owners are not looking for their pets, either because they have given up the search or deliberately abandoned them. One explanation for the low redemption rate, however, is BARC’s

offered no explanation for automatically euthanizing pets with heartworms, thus depriving owners of any chance to reclaim their lost pets and pay for the heartworm treatment themselves.

⁹ Pursuant to City ordinance, BARC is required to hold any impounded dog for a minimum of three days. If the dog is wearing certain types of identification, BARC must attempt to notify the owner and hold the dog for a minimum of six days after notice is mailed to the owner. Ordinances of the City of Houston, Ch. 6, Art. IV, Div. 4, § 6-111. A complete copy of the City of Houston ordinances relating to Animals and Fowl is attached hereto as Exhibit C.

¹⁰ BARC explained that only pets with a “good temperament” are eligible for its adoption program, which it described as “outgoing, standing near the front of the cage (as opposed to sitting at the back of the cage), and not flinching if touched by a pound employee.” BARC does not employ a professionally accepted temperament test, but instead uses a subjective, ad hoc judgment regarding satisfactory temperament.

¹¹ BARC officials said that they will provide antibiotics to a sick pet during the three day hold period, but will euthanize the animal if it has not recovered within the three day period. Of course, as the Task Force recognizes, the likelihood of an antibiotic course of treatment being successful within three days is nil.

¹² Some other shelters also automatically euthanize some purportedly dangerous breeds, but we found none with as extravagant and lengthy list of allegedly dangerous breeds as BARC. Harris County automatically euthanizes pit bulls and adult Rottweilers. The District of Columbia automatically euthanizes pit bulls. One shelter official expressed shock at BARC’s automatic practice of euthanizing German Shepherds, which were “some of their best candidates for adoption.”

practice of euthanizing 40% of incoming animals “off the truck,” so that owners never even have the chance to find their lost pets. The Task Force believes that this practice violates City ordinances, which mandate that BARC hold animals for possible owner redemption for a three or six day period.¹³

Other factors contribute to the low redemption rate. By ordinance, BARC is only required to contact an owner if it impounds an animal wearing city license tags not more than two years old or current veterinarian rabies tags.¹⁴ There is no requirement that it pursue other evidence of ownership, for example, an owner’s phone number stitched on a dog’s collar or information on outdated tags. BARC also does not scan incoming pets for microchips, despite the ready availability of microchip scanning technology. BARC does post photographs of lost animals on the PetHarbor website, but -- ostensibly due to insufficient staff -- some pets are never photographed or displayed on the site. Even if a pet’s photograph is posted, the pet often cannot be recognized -- the photograph is too dark or blurry or depicts only the pet’s back -- and sometimes no image is shown at all.¹⁵ The text description of the pet is sparse¹⁶ and often wrong. BARC frequently mis-identifies predominant breed type, for example, indiscriminately describing numerous pets as German Shepherd mix when the pet’s breed is clearly not German Shepherd or entirely indeterminate.¹⁷ The problem is not trivial, given BARC’s policy of euthanizing German Shepherds on the purported ground that they are dangerous. And BARC often fails to update the website, continuing to display animals that have been euthanized.

BARC’s short hours of operation further reduce the chances for owner redemption. BARC is open for adoptions and redemptions between 11:30 a.m. to 5:30 p.m. Monday through Friday and noon to 4 p.m. on Saturdays and Sundays, a schedule that makes it difficult for the owner to reclaim his pet. For example, if a pet is impounded on a Monday, she would be destroyed by Thursday and the owner would have had no opportunity to visit the shelter either before or after work.

¹³ Ordinances of the City of Houston, Ch. 6, Art. IV, Div. 4, § 6-111.

¹⁴ Ordinances of the City of Houston, Ch. 6, Art. IV, Div. 4, § 6-111(b).

¹⁵ Attached as Exhibit D are examples of inadequate photographs BARC posted to PetHarbor that we found when we reviewed the website on July 30, 2005.

¹⁶ BARC provides only information regarding the sex and length of stay at the shelter, and guesses at the age and breed mix of the pet. It provides no information on the pet’s distinguishing characteristics or location where the pet is found. The latter may be the most important information enabling an owner to find a lost pet.

¹⁷ Attached as Exhibit E are examples of BARC postings on PetHarbor on July 30, 2005 that clearly mis-identify pets as “German Shepherd mix.”

b. Adoption. BARC statistics also reflect a low adoption rate. Below we compare the 2001-2004 adoption statistics of three public animal control agencies in Texas: BARC, Harris County,¹⁸ and Austin.¹⁹

	BARC	Harris County	Austin
2000	445	869	3,499
2001	636	1,212	3,334
2002	855	1,676	37,94
2003	906	1,869	4,054
2004	937	2,685	4,354

These statistics show that, in all of 2004, BARC adopted only 937 pets, or 4.4% of dogs and 5.8% of cats received that year.²⁰ These numbers are inherently low and also compare unfavorably to Harris County (10.2% of dogs and 10.1 % of cats) and Austin (18.1% of dogs and 19.9% of cats). The Task Force thus questions whether BARC seeks to comply with Section 6-137(b) of City ordinances:

It shall be the duty of the officer in charge of the animal control shelter to offer for sale any and all healthy animals impounded under the terms of section 6-111 and not redeemed within three days, and to sell the same for cash for the amount of the accrued fees against such animal.

Several factors contribute to the lack of success of BARC’s adoption program. Most important, the program is very small. BARC posts photographs of its “adoptable” pets on PetHarbor; however, when we checked PetHarbor on July 19, 2005, we found that only 16 dogs and 19 cats were posted as adoptable. Our subsequent analysis of BARC’s “adoptable” dogs showed that BARC generally saves for possible adoption only small-breed, light-colored puppies.²¹ For a shelter that receives over 26,000 pets in a year, it is remarkable that BARC posts for adoption only 35 animals at a given time. As a threshold matter, unless and until BARC increases the number of animals it attempts to adopt, its adoption program will always be a failure.

BARC has difficulty adopting out even the small number of pets it deems adoptable. Years of high euthanasia rates and periodic news stories regarding mistreatment of animals have branded BARC as a place for killing of animals, not their adoption. Many Houstonians thus shun BARC. BARC statistics reflect that only 10,097

¹⁸ Attached as Exhibit F is a copy of Harris County’s kennel statistics for calendar years 2000-2004.

¹⁹ Attached as Exhibit G is a copy of Austin’s Town Lake Center statistics for fiscal years 2000 to 2004.

²⁰ BARC’s adoption rate improved to 1,463 in fiscal year 2005. As we lacked 2005 numbers for Harris County and Austin, we limited the comparison years to 2000-2004.

²¹ We checked the City website for BARC’s “adoptable” pets on August 20, 2005 and found 34 dogs that were available. We sorted the 34 dogs using the site’s tools, and found only three “medium to large” dogs, only three dogs older than one year, and only three black dogs.

citizens visited BARC kennels in 2004 for any purpose (including owner turn-in or owners searching for lost pets), as contrasted to 26,538 citizens that visited Harris County during roughly the same period.²² When we twice visited BARC, we saw no one visiting to view animals for adoption. The lack of foot traffic is heartbreaking considering its effect -- even the few pets BARC deems adoptable have little realistic chance for adoption simply because so few Houstonians visit the facility.

The problem of BARC's poor reputation is compounded by its out of the way, industrial location, with no freeway or other street signage directing visitors to the BARC facility. The adoption facilities are also inadequate. BARC has only one adoption area: one small room of metal cages (19 cat cages and 17 dog cages) adjacent to the reception area. During some part of the day, the dogs in this area are released to an outside exercise pen. In addition, BARC has assigned two dark, windowless wards in the old kennel, each with 42 cramped, medical research laboratory-like cages to its adoption program. One ward houses "adoptable" dogs, and the other "pre-adoptable" dogs, *i.e.*, dogs that have been admitted to the adoption program but have not yet been sterilized and hence are not available for adoption. The dogs in the two wards get even fewer visitors than do those in the adoption area. No signs direct potential adopters to these two wards. Their low light, narrow passageways, and dense cage bars make it difficult even to see these pets. Further, it is extremely depressing to see them confined in this manner. The isolation and confinement of these pets is also a serious problem. We do not doubt that BARC adequately feeds and waters these pets; however, it does not release them to outdoor pens, or exercise or socialize any of them. Instead, they remain constantly confined in their small cages and risk becoming depressed or sick and hence "unadoptable."

Some BARC practices actually impede adoptions. Like other shelters, BARC refuses to adopt out a pet unless it has been spayed or neutered.²³ But -- unlike other shelters -- BARC will not devote adequate resources to accomplish the sterilization. When we visited BARC on July 29, 2005, we were advised that 32 pets had been spayed or neutered and were ready for adoption. However, another 79 "pre-adoptable" pets were not ready solely because they had not yet been sterilized. BARC explained that it was short a veterinarian technician, but the Task Force found a severe shortage of veterinarian services at BARC for any purpose, including for routine spaying and neutering. BARC has only two veterinarians, but only one performs spays and neuters and BARC performs sterilizations only two days a week. This is in sharp contrast to Harris County, which performs spays and neuters daily.

BARC also does not actively try to place its pets. It has no job positions assigned to the adoption program and does not allow volunteers to assist in the facility's adoption

²² Compare BARC and Harris County kennel statistics, Exhibits A and F.

²³ Pursuant to city ordinance, BARC is required to establish procedures to ensure that no unsterilized dog or cat is released from the city's animal control facilities (other than owner redemptions) except under the terms of a sterilization agreement as required by chapter 828 of the Texas Health and Safety Code. Ordinances of the City of Houston, Ch. 6, Art. IV, Div. 4, § 6-111(b). BARC's practice, however, is to require inhouse sterilization as opposed to the use of owner sterilization agreements.

program. Of the 1,463 pets that BARC reported as adopted in fiscal year 2005, more than half were placed not by BARC, but rather by an independent volunteer group that BARC allows to take pets to three local PetSmart facilities for mobile adoptions.²⁴ BARC has historically refused to recruit or allow volunteers to help adopt out animals at the BARC facility itself, resulting in BARC placing very few pets.²⁵ The Task Force believes that volunteers are essential to the success of a non-profit shelter adoption program, performing essential tasks such as maintaining an adoption website, daily exercising and socializing pets waiting for adoption, and providing the myriad of important adoption services, such as grooming, providing simple obedience training, adoption counseling, and assisting citizens seeking to adopt.

At bottom, BARC's virtually only effort to place its pets is to list them on its website. But, as its meager adoption rate shows, this effort is too little. To advertise its "adoptable" pets, BARC uses the same low quality, often unrecognizable photograph taken upon the pet's delivery to the facility.²⁶ Nothing in these photos is likely to -- or does -- attract Houstonians to BARC for the purpose of adoption.²⁷

c. Transfer rate. BARC statistics also reflect a low transfer rate to breed rescue groups. In 2004, BARC transferred only 395 dogs and 181 cats for any reason, equating to approximately 2.7% of dogs and .3 % of cats received.²⁸ By contrast, Austin's animal control agency transferred 13.6% of its dogs and 8% of its cats. These numbers raise questions whether BARC is complying with Section 6-138 of City ordinances, requiring that BARC make animals that are suitable for adoption available for adoption through private nonprofit humane shelters:

Any animal that is suitable for adoption as a pet and is not placed for adoption through city facilities, may be placed for adoption through a private nonprofit humane shelter. The director shall establish uniform

²⁴ The volunteer group is "Friends of BARC," consisting of approximately 50 volunteers. BARC has not allowed Friends of BARC to volunteer within the shelter, but only to transport pets that BARC selects to the three PetSmart mobile adoption sites. BARC explains that its relationship with Friends of BARC has been adversary, and that this adversary relationship explains the lack of greater cooperation.

²⁵ We understand that BARC is currently considering starting an onsite volunteer program.

²⁶ See Exhibits D and E hereto.

²⁷ Other municipalities, including small Texas towns, post on their Internet sites clear, attractive photos of adoptable pets and warm, lengthy text descriptions regarding the pet and her characteristics. An example is the posting for "Daisy and pups" by the City of Pearland Animal Control on the PetFinder website. See Exhibit H. Pearland included four photographs of Daisy and described her history, physical characteristics, that she was housebroken and had an affectionate temperament. There is no reason that BARC could not employ pictures and text of comparable quality.

²⁸ Harris County statistics are similar. They show that, in calendar year 2004, it transferred a total of 796 dogs (531 of which were sent to rescue) and 148 cats (24 of which were sent to rescue). These translate to approximately 3.7% of dogs and 2% of cats.

criteria for the placement of adoptable animals through humane shelters and shall make surplus adoptable animals available to those shelters that meet the criteria. The criteria shall include requirements that the animals be vaccinated and sterilized in accordance with law and that animals be licensed in the jurisdiction where they will be kept.

While BARC's transfers may occur for multiple reasons, one clear reason is transfer to private shelters or rescue groups for the purpose of adoption. Houston has some 90 volunteer breed rescue organizations, whose mission is to foster and find homes for lost, stray, or abandoned purebred pets.²⁹ These groups frequently accept pets that BARC deems "unadoptable" because they need medical treatment (for example, heartworm treatment). But BARC affirmatively refuses to notify breed rescue groups when a purebred pet is received at the facility, saying that it is the job of the rescue groups to watch the BARC website. The Task Force strongly disagrees with BARC's position -- first, BARC's photography and written description of pets is often poor, making it difficult or impossible to identify breed types by reviewing BARC's website. Second, the breed rescue groups are composed of volunteers who typically have day jobs and may live long distances from BARC. Given the shortness of the stray hold period and the time it takes to post photos to the website, BARC should train its employees in breed identification and telephone these groups at the point a purebred pet is admitted to the facility. Only then can a transfer program be expected to succeed.

BARC's poor rates of returns to owner, transfers to breed rescue groups, and adoption are not surprising, in light of the lack of resources and commitment to these programs. We examined BARC's organizational chart effective July 1, 2005,³⁰ and noted a complete absence of positions to accomplish any of these tasks. The contrast with Austin's animal control agency is striking. According to Austin's 2004 organizational chart for its animal services unit,³¹ Austin has (1) a "lost and found" position; (2) an "animal adoption services" position; and (3) a "placement services" position for foster/rescue coordination, each of which is supported by shelter workers. We do not know the number of positions needed to support these services in Houston; however, we strongly believe that "none" is an unacceptable answer. We believe that the City should create and adequately fund positions at BARC to help abandoned pets. Otherwise, BARC will never be anything but a pound.

2. How does BARC compare? Harris County

It is useful to compare BARC's statistics to those of other animal control agencies. Harris County also operates an animal facility in an out of the way, industrial area of Houston. As with BARC, there are no signs on the freeway directing visitors to

²⁹ A partial list of volunteer breed rescue groups operating in the Houston area is attached hereto as Exhibit I.

³⁰ A copy of BARC's proposed organizational chart effective July 1, 2005 is attached as Exhibit J.

³¹ A copy of Austin's animal services unit organizational chart dated August 2004 is attached as Exhibit K.

the shelter. In its calendar year 2004, it took in more animals than BARC -- a total intake of 26,138 animals of all types -- or approximately 3,000 more animals than were taken in by BARC. Of these, it euthanized 20,263 animals, or approximately 77.48%. In 2004, Harris County adopted 2,685 animals or approximately 10.27% of total intake. Its adoption rate -- while still low -- was thus two times more successful than BARC's.

	2000	2001	2002	2003	2004
Animal intake	18,627	19,541	19,923	22,994	26,138
Euthanasia ³²	16,116	16,619	16,178	18,264	20,263
Adoption	869	1,212	1,676	1,869	2,685
Redemption	1,153	1,198	1,438	1,585	1,710
Transfer ³³	309	309	538	554	570

The reason for Harris County's greater success is its greater commitment to adoption. Under executive director Dawn Blackmar, DVM, Harris County has consciously altered its basic approach to problem of abandoned animals: in determining whether to euthanize or seek to adopt out a pet, Harris County once asked, "Why should I save this pet?" Today, Harris County asks, "Why should I euthanize him?" The County's attitude now favors adoption, and it has begun increasing adoption rates through a variety of measures. Like BARC, Harris County will not release an animal for adoption unless it has been spayed or neutered; unlike BARC, however, Harris County performs spays and neuters on a daily basis -- in contrast to BARC which will only perform sterilizations two days a week. Like BARC, Harris County refuses to adopt certain predominant breed types, but limits the list to pit bulls and adult Rottweilers. BARC, by contrast, broadly (and in the Task Force's view unjustifiably) expands the banned breed list to include German Shepherds, Akitas, bull dogs, chow chows, and Doberman Pinschers. Both Harris County and BARC photograph adoptable animals for display on PetHarbor, but there is a marked difference in quality. To encourage appealing photographs, Harris County sponsors contests among kennel staff regarding the best picture. By contrast, BARC's photographs are poor. Harris County takes care to display only animals who are currently available in the shelter; by contrast, BARC often continues to display photographs of animals who have been euthanized. Harris County operates a foster program, primarily for neonates and pets with minor skin conditions. BARC says it fosters pets, but the program is inactive. Harris County's success rate is hampered by some of the same factors impairing BARC: older and inadequate facilities, failure to involve volunteers in caring for animals, and a reluctance to transfer purebred pets to rescue groups. But its program is clearly improving. Harris County also has a greater commitment to helping owners find lost pets -- it scans every animal for microchips, a

³² In 2000 and 2001, Harris County sold some animals to research. We have included those numbers in the euthanasia column, since the pet would likely have been euthanized following experimentation. The Task Force is grateful to Harris County for ceasing this practice.

³³ Harris County keeps separate statistics for Animals "transferred" and animals "sent to rescue." We have included only the numbers for "sent to rescue here. Thus, comparison with BARC is not apt, since BARC keeps only a single number for transfers, regardless of the purpose.

practice not followed by BARC. The Task Force heard sentiment in the animal welfare community that the City of Houston would be wise to contract out BARC's operation to Harris County.

3. How does BARC compare? Austin Town Lake

It is also useful to compare BARC's performance to Austin/Travis County's public animal shelter. With a significantly smaller population than Houston, Austin has both a greater animal intake coupled with significantly better rates for adoption and returns to owner:

	2000	2001	2002	2003	2004
Animal intake	23,365	23,396	21,867	24,118	24,857
Euthanasia	13,000	11,567	10,722	12,466	12,887
Adoption	3,499	3,334	3,794	4,054	4,354
Redemption	3,340	2,901	2,650	2,863	2,906
Transfer	2,079	4,364	3,282	3,118	3,130

For fiscal year 2004, these numbers translate to an approximate 51% euthanasia rate, and 17.5% adoption rate, 11.6% returns to owner rate, and 12.5% transfer rate. Austin's adoption rate is thus three times more successful than BARC's.

B. Private animal shelters

Houston has three principal private animal shelters: the Houston SPCA, Citizens for Animal Protection and Houston Humane Society. These shelters differ in their physical facilities, their euthanasia rates, and techniques for adoption.

1. Houston SPCA

The Houston SPCA is the largest, most well known private animal shelter in Houston. It started 81 years ago and is located centrally in Houston. It has an excellent physical facility that was constructed 12 years ago, with a capacity to hold 700 pets. It was recently upgraded to include state of the art ventilation for pets. The SPCA has over 100 staff members and over 500 volunteers who assist in the care and adoption of the animals, and two active foster programs (one for animals requiring health rehabilitation and the other to provide temporary housing for healthy animals admitted when there is no room at the SPCA). It also has numerous community programs, including an animal cruelty investigation program (staffed by eight full-time cruelty investigators), a spay and neuter clinic (including free spays and neuters for income qualified Houstonians), public education programs (including "animal camps" for children), and operates a 24-hour rescue service for injured animals. Its budget exceeds \$5 million annually.

Houston SPCA is the largest animal welfare organization in Houston, either private or public, and it admits more than twice the number of pets than does BARC or Harris County. Its statistics follow:³⁴

	2000	2001	2002	2003	2004
Admissions	34,971	42,851	42,420	48,326	34,815
Adoptions	11,125	10,607	11,921	12,319	13,752
Euthanasia	25,745	26,028	28,863	31,894	20,516

SPCA apparently is the favored venue for Houstonians seeking to give up their pets. The result has been a surge in admissions, as well as an increase in the number of stray animals brought to the shelter. The SPCA notes that it is not unusual, on a Saturday in the summer, to receive between 250 and 300 animals from people seeking to abandon their companion pets. Roughly one fourth of the animals the SPCA receives are strays; the rest are owner turn ins.

In 2004, the SPCA acted to reduce the number of stray animals it handled. Rather than admit these animals to its shelter, it opted instead to receive them temporarily and transfer them to BARC or Harris County, depending upon the jurisdiction in which the pet was found. BARC has been making daily runs to the SPCA to pick up these strays. In 2004, the SPCA received 7,615 strays. Of these, it transferred 3,058 to BARC and 1,353 to Harris County. The transfer program reduced both the reported admissions and euthanasia rates at the SPCA. However, in light of BARC's and Harris County's euthanasia statistics, the reality is that these transferred animals were likely euthanized at the public shelters and simply showed up in those agencies' euthanasia statistics. The Task Force notes that this public/private partnership is unusual -- in other areas of the country, animal control agencies and private shelters have entered innovative partnerships, in which the agencies release unclaimed stray animals to private shelters for adoption. In Houston, the reverse has been true -- the SPCA is delivering pets to the public shelter for euthanasia.

In 2003, the year preceding its controversial transfer program, the SPCA successfully adopted out 12,319 pets - a 25 % success rate. Its euthanasia rate was 65%. After initiating the program, the SPCA adopted out 13,752 pets - an increased success rate of 39%. Its euthanasia rate fell to 58%. SPCA adoption rates are inclusive of animals that are transferred to breed groups, so the adoption numbers somewhat overstate actual adoption rates. Like all shelters we interviewed, however, the SPCA generally will not transfer pets to breed rescue groups. Accordingly, the transferred pets counted in the SPCA's adoption statistics are likely a small number.

Factors contributing to the SPCA's greater adoption success include its good location, good physical facility, well-known and respected brand name, and a dedicated

³⁴ A copy of statistics provided by the Houston SPCA is attached as Exhibit L.

staff and ample volunteers. When we visited the facility mid-day during the week, the building was filled with visitors, volunteers, children attending pet camps, pet adopters, as well as owners giving up their pets. Its greater success is also due to enhanced hours of operation. The SPCA is open for adoption seven days a week, from 9:00 a.m. to 6:30 p.m. on Tuesday, Wednesday, and Thursday and from 9:00 a.m. to 4:30 p.m. on Friday through Monday. It is the only Houston shelter that is open after the work day.³⁵

Of all the shelters we visited, the SPCA is clearly the most professional and efficient and we believe that its efficiency contributes largely to its remarkable achievement of finding homes for almost 60,000 pets over the five year period we examined. However, the SPCA's efficiency exacts a price, with which we are uncomfortable. As at BARC, only the best candidates make it into the SPCA adoption program (*i.e.*, the youngest, the cutest, the smallest, the best groomed, the best trained, the healthiest and the best bred), and even these top quality pets have only a few weeks to succeed or fail in the SPCA's adoption program. The SPCA says that a pet's chance for adoption plummets by 80% if it is not adopted in a week, and soon thereafter the SPCA euthanizes these unsuccessful pets to make space for newer candidates.

The SPCA posts photographs of some lost animals to the PetArk website, although its effort is inadequate. When we visited the Pet Ark website on July 31, 2005, we found only 41 lost dogs posted to the site. The photographs were frequently of poor quality and the text information was limited to breed, age, sex, and date of posting.³⁶ The SPCA told us that, if it posted too much information regarding the lost animal, there was a risk that someone other than the owner might try to claim it. We found its explanation unconvincing, as it would be a simple matter to require an owner to provide proof of ownership (*e.g.*, veterinarian records). The SPCA also does not scan animals for microchips. These factors, combined with the SPCA's practice of transferring stray pets to BARC and Harris County, leads the Task Force to conclude that the Houston SPCA does little to reunite lost pets with their owners.³⁷ The SPCA also does not make effective use of the Internet to find homes for its pets. We checked Pet Ark on September 19, 2005 for the Houston SPCA's "adoptable" dogs, and found entries for only 27 dogs. There

³⁵ The SPCA does not generally seek to adopt pets off-site, at venues such as PetSmart or PetCo because it does not believe that adoptions are likely to occur there. It will, however, have off site adoptions as part of other public gatherings.

³⁶ Copies of "lost dog" photographs posted by the Houston SPCA to PetArk are attached as Exhibit M.

³⁷ As a general matter, none of Houston's large private shelters makes significant efforts to reunite lost pets with their owners. An exception to this conclusion recently occurred for all three private shelters, however, in Hurricane Katrina relief efforts. The Task Force believes that all three organizations did receive, board, and seek to reunite victimized pets and owners. The Task Force thanks each organization for its efforts in the Hurricane Katrina crisis and believes that their efforts exemplify the contributions they can and should make in rehoming lost pets on a daily basis.

were no photographs for 11 of the dogs, and photographs for some of the rest were completely unrecognizable.³⁸

2. Citizens for Animal Protection

Citizens for Animal Protection (CAP) takes in approximately 14,000 animals a year, roughly 7,000 cats and 6,000 dogs. CAP accepts both strays and owner turn ins, the latter comprising approximately 40% of its admissions. CAP has no free standing kennels; accordingly, it generally admits only smaller animals. CAP would provide the Task Force with statistics only for 2004,³⁹ and we were thus unable to evaluate its adoption success over the same five year period as other shelters. CAP's 2004 statistics broke down as follows:

Admissions:	13,671
Adoptions:	6,679
Euthanasia:	6,389

This translates to an adoption rate of 48.8% and a euthanasia rate of 46%.⁴⁰

Some portion of the pets admitted to CAP arrive by virtue of contract with the City of Katy, which CAP described alternatively as an "acceptance" or "euthanasia-only" contract. For a fee of approximately \$5 per animal, CAP agrees to accept -- and dispose of -- all unclaimed pets that Katy animal control officers have seized from their community and held for a mandatory three day hold period. CAP explained that CAP's purpose in entering the Katy contract was to ensure that the euthanasia be humanely accomplished. CAP also said that it treated the Katy animals no differently than animals received from Houstonians, and that some might be admitted to its adoption program. However, the Task Force believes that the influx of abandoned pets from another municipality negatively affects CAP's ability to accept and find homes for pets from the Houston area. Also CAP's inability to accommodate larger animals at its facility raises questions whether larger pets received from Katy have a realistic chance of being admitted to CAP's adoption program.

CAP officials report that its adoption program has been increasingly successful. Today's reported 46% adoption rate is up from 32% in 1992. And the adoptive homes may be permanent. CAP accepts returns of adopted animals, but reports that the return rate is very low -- only 3%. CAP attributes its increasing success to hard efforts by its ten employees and the institution of its mobile pet adoption program. CAP offers pets for

³⁸ Copies of "adoptable" dog photographs posted by the Houston SPCA to Pet Ark are attached as Exhibit N.

³⁹ A copy of statistics provided by CAP is attached as Exhibit O.

⁴⁰ CAP's incoming numbers exceed the combined total of adopted and euthanized animals by 585. According to CAP, the excess refers to animals currently in the shelter or otherwise without an assigned disposition.

adoption throughout the week at three area PetSmarts.⁴¹ It also offers pets for adoption at its shelter at 11925 Katy Freeway, located in a strip shopping center alongside the Katy Freeway. It is open between 11:30 a.m. to 5:30 p.m. Monday through Friday, between noon to 5:00 p.m. on Saturday, and between 1 p.m. and 5:00 p.m. on Sunday. Like most shelters, it is not open before or after the work day and thus limits practical access to its facilities for adoption.

CAP reports that its shelter adoption program is more successful than its mobile adoption program because people come to the CAP shelter specifically to adopt. CAP also offers an innovative weekend sponsorship program, by which pet owners “sponsor” their pets for adoption on weekends by lodging them in one of six centrally located pens. CAP’s weekend sponsorship program carries potential for a high rate of success, since weekends are the times of highest adoption and returning the pet to his owner during the week greatly eases the stress on the animal. Unfortunately, the pens are underutilized because most owners prefer to simply abandon their pets to CAP.

CAP has a foster program, and advises us that it has 100 active foster homes. CAP also supplies simple medications to pets in its foster program. It also has an active volunteer program, and affirmatively seeks volunteers over its website to foster pets, walk shelter pets, help with mobile adoptions, and work in the office.

CAP displays pictures on its website for a few pets it offers for adoption. When we checked its website on September 19, 2005, we found photographs for 11 dogs and 17 cats and a general statement that more (unidentified) pets were available at the shelter.⁴² CAP posts no information about lost animals, although it does allow owners searching for their lost pets to provide it with written lost reports. These lost reports are kept active for only four months. Accordingly, CAP does not make significant efforts to reunite stray animals with their owners and makes limited use of the Internet to find homes for pets in its care.

3. Houston Humane Society

Houston Humane Society originally opened in 1956 as a no-kill facility. HHS officers report that the facility was poorly run and that animals were crowded into runs and had mange. In 1980, it ceased being a no-kill shelter and simultaneously sought to enhance its adoption program. Today, the shelter can hold between 150 to 200 dogs, and has 100 cat cages. In addition, HHS operates a low cost wellness clinic and an active spay and neuter program. It also has two full time animal cruelty investigators on staff, under contract with the Harris County constable’s office.

⁴¹ These PetSmarts are located at 12533 Westheimer at Dairy Ashford, 16758 Southwest Freeway in Sugar Land, and Fry Road and I-10 in Katy.

⁴² In addition, CAP listed information (without photo) of some additional cats found in Hurricane Katrina.

Houston Humane is located on 14700 Almeda Road, a remote, industrial area approximately 16 miles south of downtown Houston. Its distant location from the city center is a factor that may have hampered its adoption program. The HHS physical facility is adequate, although small, and its dog runs are not air conditioned. HHS has plans to construct a new building on site sometime in the future.

HHS provided the following statistics to the Task Force for the years 2000 to 2004:⁴³

	2000	2001	2002	2003	2004
Admissions	7,905	11,632	12,528	11,667	14,078
“Animal Control”	6,019	6,039	5,203	3,325	3,474
Total	13,924	17,671	17,731	14,992	17,552
Adoptions	1,498	1,606	1,582	1,785	2,000
RTO/rescue	168	197	227	152	175

The term “animal control” used in Houston Humane’s statistics refers to the animals that it receives pursuant to “euthanasia contracts” with nearby municipalities, including Baytown, Deer Park, Sugar Land, Missouri City, and Alvin. These are pets that have been apprehended or received by animal control in those areas and kept for the minimum holding period; upon the elapse of that period, they are transferred to Houston Humane for euthanasia for a fee. Houston Humane officials report that they try to save these animals, but say that most are unadoptable.

HHS did not provide the Task Force with its euthanasia rates. From the numbers it did provide, however, we derived an approximate adoption rate of 11-14%, with a corresponding euthanasia rate of 89 to 86%.⁴⁴ The lower euthanasia number in the range - - 86% -- applies if the pets that HHS receives from municipalities under euthanasia contracts are not considered. HHS’s returns to owners or transfers to breed rescue groups are very small.

Houston Humane is open for adoption Monday-Thursday from 11:00 a.m. to 5:30 p.m. and Friday through Sunday from 1:00 a.m. to 4:00 p.m. Accordingly, as with all shelters other than the Houston SPCA, it is not possible for potential pet adopters to visit the shelter either before or after work on weekdays.

Houston Humane does very little off-site adoption, explaining that off-site adoptions stress the animal and that they are time-consuming for the staff. Also, it tried

⁴³ A copy of HHS statistics is attached as Exhibit P.

⁴⁴ We assumed that the euthanasia rate approximately equaled the difference between total admissions (including “animal control”) and adoptions and returns to owners/rescue. This may be slightly overstated, as it does not account for pets currently held in the HHS facility for adoption or owner redemption.

mobile adoptions at PetSmart in the Pin Oak area, but there were only a small number of adoptions. It therefore only offers pets for adoption at its facility.

Houston Humane reports that it has over 200 volunteers, including approximately 50 regulars. However, when we visited the facility, we saw few volunteers. Also, the shelter reported insufficient staff to photograph animals for its website, walk dogs more than twice a week, groom them, or take them for mobile adoption.

We viewed Houston Humane's website on July 31, 2005. At that time, Houston Humane did not post any pictures or information regarding lost dogs and posted only four pictures each of dogs and cats available for adoption. We rechecked its website in November, 2005 and found that HHS has begun posting photographs of pets available for adoption on PetFinder. While many photographs were missing (stating that the pet was "camera shy"), HHS has begun using the Internet to find homes for its adoptable pets. We also noted that the overwhelming majority of dogs that HHS listed for adoption were described as "baby" or "young," and only a few were described as "adult" or "senior," suggesting the HHS largely excludes adult dogs from its adoption program.

C. Rationale for high euthanasia/low adoption

Shelter personnel uniformly cite external causes to explain the high euthanasia/low adoption rates in this City: insufficient spay and neuter, widespread owner neglect and abandonment of their pets, and too few adoption homes. In their view, area shelters face a tidal wave of abandoned pets and, in light of too little shelter space and dollars, simply have no choice other than euthanizing most pets they receive. We do not agree with this thinking.

Shelters in other cities face the same external causes, but some have dramatically driven down pet euthanasia rates. Most prominent is the San Francisco SPCA -- a non-profit private shelter that has succeeded in finding homes for nearly all of the pets in its care.⁴⁵ By way of illustration, in 1998, the San Francisco SPCA saved 4,897 dogs and cats, finding only 82 so ill or aggressive that they had to be put to death. A determined effort by shelter officials to end pet euthanasia has led to an outpouring of community volunteerism and support for the shelter: in 1975, the San Francisco shelter operated at a deficit. By 1999, its annual budget was nearly \$12 million. Membership increased from 3,500 to 87,000, annual donations increased from \$47,000 to \$4.5 million and the volunteer roster rose from zero to 2,287. The society also started numerous programs to help its abandoned pets find and keep homes. They included three-month training programs that pair dogs with deaf people, a mobile adoption program, pet day care for working people, an animal behavior program, an elaborate program that helps older people adopt older animals and pays for routine veterinary care, and a program that lobbies landlords to allow tenants to own pets. One out of 3 city households in San Francisco donates time or money to the San Francisco SPCA.

⁴⁵ See "A Campaign for a No-Kill Policy for the Nation's Animal Shelters," The New York Times, A1 (January 18, 1999), attached as Exhibit Q.

The Task Force believes that, if San Francisco can eliminate pet euthanasia as a principal solution to the problem of abandoned pets, there is no reason why Houston cannot either. The choice to euthanize is a relic of an outmoded belief that pets are disposable property and that shelters exist to kill unwanted pets “humanely,” not help them. The euthanasia choice is no longer consistent with our values. New and innovative solutions are needed.

3. Task Force recommendations

The Task Force believes that the City can and should reduce the number of unwanted, abandoned pets in this City and curtail the high rate of euthanasia in area shelters. No single step provides the solution. Instead, we recommend several interconnected steps: (1) the City’s high profile adoption of an achievable, five-year goal to increase adoption and reduce euthanasia in area shelters; (2) a vigorous public education program promoting responsible pet ownership and encouraging volunteerism and adoption at area shelters; (3) instilling in BARC a principal mission to help abandoned and lost pets, including the creation of new BARC job positions for adoption, reuniting lost pets with owners, and developing plans to fund and build adequate adoption facilities; (4) providing additional funds for low-cost spay and neuter programs; (5) regulating private shelters to reduce euthanasia and enhance adoptions and creating a public/private partnership among area shelters to accomplish this purpose; (6) enacting City ordinances to prohibit and punish animal abuse and establish minimum standards for owner care of companion animals; and (7) increasing funding for animal welfare, including by increasing pet license fees (to be dedicated to animals in this City) and through private philanthropy.

A. City council resolution to increase adoptions and reduce euthanasia rates in area shelters

Our success depends on strong commitment from Houston’s highest elected officials. The Task Force thus recommends that the Mayor of Houston spearhead and the City Council unanimously adopt a resolution establishing an achievable, five-year goal to increase adoptions and reduce euthanasia at all area shelters. The ultimate goal is to guarantee the adoption of all healthy and treatable pets delivered to area shelters. An example can be found in Austin Texas, where in December 1997, the City of Austin and Travis County adopted resolutions to improve adoption rates at Town Lake Animal Center and developed a comprehensive plan to accomplish that objective.⁴⁶ Shelters in the City of New York recently made a similar commitment.

B. Public education program

At its source, the problem of unwanted, abandoned pets is a problem caused by people. Many people do not take their responsibilities as a pet owner seriously and will

⁴⁶ A copy of Austin’s No Kill Millennium Plan is attached as Exhibit R.

readily discard a companion pet who they deem inconvenient or costly. In today's society, there is virtually no stigma attached to their behavior.

The Task Force recommends that the City develop and fund a regular program of public education regarding responsible pet ownership and to encourage volunteerism and adoption at area shelters. The campaign should be carried out in the public media, the schools, area shelters, and wherever pets are adopted. We recommend that a full-time position at BARC be created and funded to carry out this responsibility. Key topics we recommend be addressed:

1. Promoting adoption at public and private shelters

Adoption rates will increase substantially if the City regularly encourages Houstonians to adopt pets at each of the area shelters and their mobile adoption sites. Television spots should be aired regarding the desirability of adopting pets at shelters, providing information about each shelter, its location and hours of adoption, and featuring particular pets available for adoption. The Task Force recommends that a professional public relations firm be retained for this purpose and that spots be aired featuring national and local celebrities who love their pets. We believe that these celebrities would devote their time for free.

2. The responsibilities of pet ownership

Many people acquire pets without appreciating the responsibilities of pet ownership and, at the first inconvenience, abandon the pet to a shelter or the streets. A public education program that describes not only the benefits of pet ownership, but also the accompanying responsibilities, will prevent unrealistic owner expectations that lead to pet abandonment and prevent unsuitable candidates from adopting a pet in the first place. In that way, many pet abandonments could be prevented.

The Task Force recommends public education detailing pet owner responsibilities, including the responsibility to adequately shelter, feed, water, and exercise pets, provide them with lifelong medical care and treatment, provide obedience training and socialization, and engage in "good neighbor" behavior such as picking up pet feces during walks. Equally important, the City should explain the necessary owner commitment to the pet, so that an owner's personal issues -- such as moving, divorcing, or having a baby -- are not seen as socially acceptable grounds to abandon the pet or relinquish her to a shelter or an isolated backyard. Public education can help instill these responsibilities in pet owners and create a social stigma against neglect, mistreatment, and abandonment of companion animals.⁴⁷

⁴⁷ The National Council on Pet Population Study & Policy determined that nearly a third of the dogs and cats entering shelters were animals that did have homes, but whose owners relinquished them to an animal shelter. Most of the relinquished pets had been in the home for less than a year and the owner's reasons for relinquishment were largely self-centered or reflected unrealistic expectations about pets and the responsibilities of pet ownership. Tragically, most of the animals relinquished were adults, whose chances for adoption were poor.

3. The importance of spay and neuter

Animals can be prolific breeders. According to the Humane Society of the United States, a fertile dog can have two litters a year, with an average of 6-10 puppies in each litter. In six years, a female dog and her offspring could produce 67,000 dogs. The number for cats is even more staggering. A fertile cat can produce 4-5 litters per year, each with an average of 4-6 kittens per litter. In seven years, one female cat and her offspring could produce 420,000 cats.

Many people are not aware of these facts. Some do not care. Owners of male pets do not have to deal with the resulting puppies and kittens, and thus may feel no need to control the reproductive conduct of their pets. Some also inaccurately believe that a pet's health is improved if she has at least one litter before sterilization or that their children are benefited by observing a pet giving birth. Public education should dispel these beliefs and encourage Houstonians to spay and neuter their pets.

The Task Force recommends that the City focus significant resources in areas of Houston that generate a relatively large number of citizen complaints to BARC. A large number of citizen complaints implies insufficient spay and neutering. The Task Force believes that public school programs teaching children the importance of spay and neuter and of owner responsibility to care for pets is necessary to change contrary and ingrained habits of the children's parents and neighbors.

4. The problem of euthanasia

People do not like pet euthanasia, but do not know that Houston's animal shelters routinely kill healthy and treatable animals or that pet owners' relinquishment or abandonment of their pets is the primary cause of the problem. The Task Force believes that problem of euthanasia cannot be solved unless people learn the facts.

We recommend that the City publicize the problem of unwanted, abandoned pets, including its causes, extent, and the fact that widespread euthanasia occurs at area shelters. Importantly, as we detail below, the City should require that public and private shelters keep and regularly publish uniform statistics regarding admissions, owner redemptions, adoptions, and euthanasias. It is essential to shatter the widespread illusion

The study found the top ten reasons why owners abandon their pets:

Dogs	Cats
1. Moving	1. Too many in house
2. Landlord issues	2. Allergies
3. Cost of pet maintenance	3. Moving
4. No time for pets	4. Cost of pet maintenance
5. Inadequate facilities	5. Landlord issues
6. Too many pets in home	6. No homes for littermates
7. Pet illnesses	7. House soiling
8. Personal problems	8. Personal problems
9. Biting	9. Pet illnesses
10. No homes for littermates	10. Inadequate facilities

that turning a pet into a Houston shelter means putting him up for adoption, when the truth is that the pet will most likely be killed.

Transparency will help in many ways. Knowing the plight of pets in the city's shelters will encourage pet adoption at shelters, attach a social stigma to pet abandonment, and encourage owners to solve pet behavior problems constructively. Also, it will encourage shelters to increase their adoption rates, as the public will not support shelters that run meager adoption programs and persist in high rates of euthanasia.

5. The need for volunteers

The animal welfare community is non-profit, meaning that it is understaffed and underfunded. It thus requires ample volunteerism if it is to succeed in caring for and finding homes for abandoned pets. The Task Force believes that many Houstonians -- if recruited and actively utilized -- would volunteer to help animal shelters achieve the goal of adopting all healthy and treatable pets, and that public service ads seeking volunteers and foster homes would elicit a tremendous response.

We thus recommend that the City actively promote volunteerism at public and private shelters, ideally to create a common group of volunteers available to any of the public or private shelters in the City. We further recommend that the City designate and fund a full-time "director of volunteers" position at BARC.

6. The need for pet identification

Euthanasia rates could be reduced significantly if area shelters made more vigorous efforts to reunite lost pets with their owners and if pet owners kept identification on all pets, including both dogs and cats. Accordingly, the City should encourage owners to keep identification on their pets. That identification should consist of current city license and rabies vaccination tags meeting ordinance requirements, sufficient to trigger BARC's duty to notify the owner in the event of impoundment. The City should also encourage owners to stitch owner identification and phone numbers on pet collars, and to implant a City-standard microchip in their pets as insurance against loss of the collar and tags.

Better identification of pets will lower euthanasia rates in two ways. Many lost pets are found by Good Samaritan citizens and, if the pet is wearing identification, returned directly to their owners. Also, under current ordinances, certain types of identification require BARC to notify the owner of an impoundment.

7. Publicity for volunteer veterinarians and medical suppliers

Achieving the goal of reducing pet euthanasia will require many volunteers. The Task Force believes that the City of Houston can foster volunteerism by honoring Houstonians who contribute their efforts to the goal.

Among the most important are volunteer veterinarians and veterinarian medical suppliers. Animals admitted to BARC and some area shelters receive virtually no

veterinarian care, and even minor injuries, illnesses, or medical conditions are grounds for euthanasia. We recommend developing an enhanced working relationship between the City and local veterinarians and veterinarian medical suppliers, to encourage them to volunteer their services and products for provision of medical care and treatment for shelter animals. As set out below, we also recommend that the City subsidize or arrange for low-cost wellness clinics for pets of income-qualified Houstonians, for which volunteer veterinarians and medical suppliers could provide important support. To encourage volunteerism and to provide “good will” compensation for their services, we recommend that the City run television, radio, and print ads featuring and honoring local veterinarians and medical suppliers who assist in driving down Houston’s euthanasia rates.

8. Pet friendly housing

Studies show that a key reason people abandon their pets is that a landlord will refuse to accept pets. To persuade landlords to change their policy and impose reasonable pet deposits, the Task Force recommends that the City publicize “pet-friendly” housing to provide an economic incentive to Houston landlords to allow pets in their facilities.

C. High volume, low cost spay/neuter programs

An important component of any solution is an effective, high volume and low cost program to spay and neuter companion animals. While progress has been made in Houston, the demand for free and low cost spay and neuter services still outstrips supply.

On average, the price to spay and neuter a dog in a private clinic ranges between \$250-\$320 and a cat between \$75 and \$100 -- costs that are likely too high for many low income pet owners.

In 1996, both the City of Houston and Harris County contracted with the Spay-Neuter Assistance Program, Inc. (SNAP) to provide free sterilization for dogs and cats living with income-qualified families. To carry out its contract, SNAP operates an innovative mobile clinic that can be transported to different areas of the community and perform up to 25 sterilizations per day.⁴⁸ Since 1998, SNAP performed the following free sterilizations in Houston and Harris County:

Free Mobile Clinic

FY04	4,434
FY03	4,355
FY02	4,077
FY01	4,260
FY00	4,028
FY99	3,889

⁴⁸ One mobile clinic costs approximately \$200,000 to build.

Due to budget constraints, however, the SNAP free mobile clinic now operates only four days a week. The Houston SPCA also performs free sterilizations on public assistance day at its stationary clinic.

Several low cost spay/neuter clinics also operate in Houston. SNAP provides sterilizations for dogs (\$45-70) and cats (\$45) at its stationary clinic on 1603 Shepherd Drive⁴⁹ and HHS provides \$35 sterilizations for both dogs and cats at its Alameda location.⁵⁰ Other low cost spay and neuter clinics in Houston are operated by Long Drive Dog & Cat Hospital (\$35 for dog or cat), Low Cost Pet Clinic (cat - \$45-\$35 & dog - \$60-55).⁵¹

The Task Force recommends that the City, working collaboratively with SNAP, area shelters, and local veterinarians, increase the availability and use of free and low cost spay and neuter services. The program for increased spay and neuter could be administered through BARC. Through subsidy, the City could increase the operation of the SNAP mobile clinic, which currently remains unused three days a week, and encourage the location of free spay and neuter/wellness clinics in Houston’s lower income/high pet population areas. In addition, the City should permit pets to be carried in crates or carriers on public transportation, with free transportation to and from veterinarian clinics for sterilization or wellness care.

We also recommend that the City consider a different spay and neuter model pioneered by the Humane Alliance Spay & Neuter Clinic of Asheville, North Carolina.⁵² Acting in a community alliance with 30 non-profit humane organizations, Humane

⁴⁹ The clinic averages approximately 55-60 patients per day. Since 1998, SNAP provided the following low cost sterilizations at its stationary clinic:

Low-cost Stationary Clinic

FY04	8,996
FY03	10,279
FY02	11,945
FY01	12,734
FY00	13,140
FY99	11,945
FY98	7,423

⁵⁰ HHS reports that it has performed approximately 36,000 spay or neuter operations since 2000, thus averaging approximately 5,468 per year.

⁵¹ See Houston Area Low & No Cost Spay & Neuter Services, attached as Exhibit S. See generally www.houstonspca.org.

⁵² Attached as Exhibit T is an excerpt from the Humane Alliance website. See generally the Humane Alliance Spay & Neuter Clinic of Asheville, N.C. website at www.humanealliance.org.

Alliance employs a fixed spay and neuter facility and sends vans radially throughout 18 adjacent counties to pick up pets at pre-arranged locations (generally in low income/high pet population areas). This innovative, free transportation system accommodates delivery of homeless pets from rescue organizations, pets belonging to low income residents, and pets from county shelters. Patients are delivered to the Humane Alliance facility for surgery and returned the next day at the drop-off location. Sterilization prices are low -- \$55 for dogs and \$35-50 for cats (inclusive of transportation costs) -- and are supported by donations and local veterinarians who provide free post-operative exams. The program has accomplished sterilizations that would not otherwise likely occur -- a full 85% of the Humane Alliance's clients have never taken their pets to a veterinarian and 92% cite money/cost as a factor in the decision to sterilize their pets. In 2002 alone, the Humane Alliance accomplished 13,005 sterilizations.

D. Reducing irresponsible pet breeding

Animal welfare professionals advise that much "backyard breeding" takes place in Houston or its environs, in which amateur pet breeders operate puppy mills to earn extra money. The result is the birth of unwanted, poorly cared for pets that these breeders attempt to sell in flea markets, through want ads, on roadsides, or through disreputable pet stores. The Task Force recognizes that pet breeding is often a legitimate business, and when conducted with appropriate veterinarian services and a primary eye to the health and well-being of the mother and offspring, is essential to the propagation of desirable breeds. By contrast, low-cost, amateur pet breeding is harmful to the animals and contributes to the problem of unwanted animals. To that end, the Task Force recommends that the City enact ordinances providing that any Houstonian who undertakes to breed a cat or dog be first required to qualify for and obtain a \$100 annual breeder's license, and absent such a license, the breeder (together with any pet store or other seller) be prohibited from selling the offspring. Persons seeking to sell puppies or kittens should be required to display a current breeder's license number, and any advertisements should be required to show the number. The Task Force also recommends that selling or offering for sale of puppies and kittens on the roadsides or in flea markets be prohibited.

E. Keeping people from turning in their pets: making it easier to keep them and harder to surrender them

Many pet owners abandon their pets because they find pet ownership inconvenient or too costly. The City can do several things to make it easier for people to keep their pets and keep them from abandoning them:

1. Low cost vet services. The Task Force recommends amendment of City ordinances to require pet owners to provide certain minimum levels of medical care to their pets, including monthly heartworm preventative, flea prevention, and essential vaccinations. At the same time, we realize that the provision of veterinarian care can be costly, and accordingly recommend that the City also encourage or subsidize the operation of low-cost, non-profit wellness clinics in targeted communities, where these

essential services can be provided at reduced charges to income-qualified persons. Such wellness clinics are already in operation by SNAP and the Houston Humane Society.

The availability of low cost veterinarian services will address a key reason owners abandon their pets -- because the pet gets sick or is injured and the owner is unwilling or unable to pay for veterinarian care. It will also reduce the need to treat pets turned into area shelters. Houston shelters report that 60% of strays arriving at their facilities have heartworms, a condition resulting from Houston's high mosquito population but that can easily be prevented with the administration of monthly heartworm preventative.

2. Foster care for pet owners in temporary crisis. Another frequent cause of pet abandonment is temporary crisis of the pet owner, for example, loss of a job, death or sickness in the family, arrest, accident, unexpected military service, or divorce. The Task Force recommends that the City establish and encourage volunteer foster care programs through BARC and private animal shelters, in which volunteers care for the pet until the crisis has passed. For example, the Richmond, Virginia SPCA operates its SAAF program, which provides shelter and care for the pets of women and families seeking refuge from situations of family violence.⁵³

The Task Force further recommends cessation of BARC's current "prisoner dog" policy, under which pets belonging to Houstonians who are arrested are euthanized fifteen days after delivery to the shelter. In consultation with the owner, BARC should instead proactively seek to place the pet with the owner's family or friends or arrange for foster care during the owner's period of arrest. If transfer to the owner's family or friends or to a foster home cannot reasonably be accomplished, the pet should be fairly considered for admission to BARC's adoption program, as in the case of an owner turn-in. The pet did nothing to deserve being put to death and the penalty for arrest should not include killing the owner's companion pet.

3. Dog parks. The Task Force commends the development of public dog parks in Houston and Harris County, where pet owners may take their dogs to play and exercise. Pet behavior problems (and consequent pet abandonment) are often caused by lack of exercise, insufficient socialization, and neglect by owners. Dog parks directly address these needs and help compensate for the negative side effects of City leash laws. The Task Force recommends the designation of a "dog park and pet-friendly venue" position with the City Parks Department, whose responsibilities will be the expansion and multiplication of dog parks and other pet-friendly venues in all areas of the City.

4. Behavioral training/hot line and website. Pet behavior problems frequently lead to abandonment, even when those problems are minor and easily addressed. Thus it is not uncommon for pet owners to relinquish a pet because the pet urinates in the house, chews furniture or shoes, barks, or jumps on guests. Other cities

⁵³ See the Richmond SPCA website, www.richmondspca.org, under programs and services (Help for Pets and People).

have addressed this problem by offering pet behavior education at public and private animals shelters, through new owner pet behavior classes, a shelter telephone “hot line” to field questions, and informative web sites.⁵⁴ The Task Force recommends that a position be established at BARC to provide information and assistance to Houstonians who experience pet behavior problems.

5. Pet food assistance to income-qualified Houstonians. Low income individuals who cannot feed themselves or their children likewise cannot feed their pets. To prevent abandonment or neglect of pets belonging to low income Houstonians, the Task Force recommends consideration of ways to make pet food available to income-qualified citizens.⁵⁵ A similar idea is to include pet food deliveries to older Houstonians who are served by “Meals on Wheels.”

6. Making it more difficult to surrender an animal. Some animal shelters are experimenting with making it more difficult for owners to surrender their pets, a good example of which is the Richmond SPCA.⁵⁶ The Richmond SPCA will accept the surrender of pets by appointment only, and will not accept all pets brought to it. For the pets it accepts, however, the Richmond SPCA offers the surrendering owner a guarantee that her pet will not be euthanized. The Richmond SPCA interviews the owner for 30 minutes, and inquires into all actions she took to address or resolve any behavioral problems. It also asks the owner to foster her own animal and help look for a new owner. If the surrender is agreeable to both sides, the SPCA charges the owner a \$30 surrender fee. In this way, pet education is directed to the person who most needs it -- the person who seeks to surrender the animal in the first instance. The Richmond approach has lowered rates of owner surrender and appears to offer a promising solution to reduce pet abandonment. The Task Force recommends that the City consider the Richmond approach, and implement the approach if it would result in owners responsibly choosing to keep their pets and working through any problems.⁵⁷

⁵⁴ For example, the Richmond SPCA operates “Project Safety Net,” which provides pet owners education and support, including behavioral re-training assistance, information on pet-friendly housing, spay/neuter information and re-homing assistance, so they may retain rather than relinquish their pets. *See* the Richmond SPCA website, www.richmondspca.org, under programs and services (Help for Pets & People). The Task Force understands that the Houston SPCA will also take telephonic inquiries regarding pet behavior problems.

⁵⁵ The Richmond SPCA operates “Waggin Wheels,” which provides inner-city Richmond residents with information about proper pet care and importance of spaying and neutering and resources for taking care of their pets, including food, dog houses, leashes and collars. *See* the Richmond SPCA website, www.richmondspca.org, under programs and services (Help for Pets & People).

⁵⁶ *See* the Richmond SPCA website, www.richmondspca.org, under programs and services (Surrender Info).

⁵⁷ The Task Force understands that the Houston SPCA is also experimenting with a similar approach to owners who bring in litters, asking the owner to foster the puppies and kittens until they are old enough to be placed.

The Task Force also recommends that the City repeal Section 6-139 of the City ordinances,⁵⁷ insofar as it provides for euthanasia of pets upon an owner's request. That ordinance provides:

Sec. 6-139. Euthanasia of animals upon owner's or citizen's request.

The director may accept a dog or cat from the owner thereof for disposal at no charge. No fee shall be charged to a citizen who brings an injured or ill cat or dog to the animal control center for euthanasia. The disposal of such animals shall be accomplished in the same manner as though the animals had been impounded and not redeemed.

In our view, this ordinance improperly provides an economic inducement for owners to abandon their companion pets simply because they require veterinarian care or have gotten older, or indeed, for any reason at all. We believe that pet ownership is a commitment, and that the City should not encourage its citizens to flout that commitment by offering free "disposal" services when the owner concludes that the pet is inconvenient or costs money. In particular, we see no reason to (1) allow an owner to direct the City to kill her pet, or (2) provide free euthanasia services for owners with financial means. No pet accepted by BARC should be euthanized just because an owner requests euthanasia or asserts that the pet is sick or injured -- an independent veterinarian analysis of the pet's health status should always be performed and every pet turned into the facility should be fairly considered for BARC's adoption program. Further, we believe that BARC should charge a surrender fee to all persons seeking to abandon pets, with the sole exception of persons who meet low income standards. Any objection that owners will simply dump their inconvenient, sick, or elderly pets on the street should be addressed by enforcement of the animal cruelty laws, which we address below.

4. Returning lost dogs and cats to owners

The Task Force recommends amendment of the City ordinances to enlarge shelter responsibility to locate the owners of animals brought to their facilities. Specifically, we recommend that:

a. A new BARC "lost and found" position be created and funded. To carry out its duty to return pets to their owners, the Task Force recommends that the City create a new job position at BARC responsible for reuniting pets with their owners. That position should coordinate the common website we recommend below for all area shelters.

b. Shelters should scan all pets for microchips. The City should designate a standard microchip for recommended use by Houston pet owners and enact a City ordinance requiring all public and private shelters to own, keep in working order, and

⁵⁷ Ordinances of the City of Houston, Ch. 6, Art. IV, Div. 4, § 6-139.

routinely use microchip scanners capable of reading both the City chip and all other microchips on the market.

c. Public and private shelters should pursue any evidence of pet ownership. By City ordinance, BARC and other area shelters should be required to pursue any evidence of owner identification carried on any pet brought to their facilities, including current or outdated city license tags, current or outdated veterinarian rabies tags, collar identification or microchip identification, and seek to contact the owner of any pet carrying any such information. Shelters should be required affirmatively to locate owners based on the available information, including calling telephone information services for new telephone numbers when the old number is not in working order. Where the only method of notification employed is sending mail notification to the last known address, the holding period should be enlarged to encompass the time required for the post office to forward the notice to any new address.

d. BARC ACOs should return lost pets in the field. City ordinances should be amended to require that, when an ACO of BARC apprehends a non-dangerous pet carrying identification information, the ACO should make reasonable attempts immediately to return the pet directly to the owner and not transport the pet to BARC.

e. Creation of a common website for lost and found pets and pets available for adoption. The Task Force found that only poor and incomplete information is available to pet owners in search of a lost pet. There is no common source of information, and shelters are inconsistent and haphazard regarding when, or if, they post pictures or other information about lost pets brought to their facilities. When posted at all, the information is frequently of poor quality, insufficient to identify the pet, and not current. As a result, a pet owner must search multiple places often in an extremely short period of time for his lost pet. We have no doubt that the lack of available and accurate information leads to many needless euthanasias.

To remedy this problem, we recommend that all shelters in Houston and Harris County cooperate in creating and maintaining a common website for the display of all pets brought to their facilities -- both lost pets and those available for adoption -- that will enable owners to search a single website for all available pets. By City ordinance, all shelters should be required to post quality photographs and complete, accurate, and uniform identifying information regarding each pet in its care. In addition -- in the same way that they post flyers for lost and found pets on telephone poles and bulletin boards -- citizens who have lost or found a pet should be free to post information to the site.

To ensure that all citizens have access to the common website, we recommend that each public and private shelter maintain a free computer kiosk available to owners in search of their pets.

5. Improvements at BARC to enhance owner redemption, adoption program, and reduce euthanasias

a. Creation and funding of new positions at BARC. As set out above, the Task Force strongly recommends that several new job positions be created and funded at BARC to accomplish the goals of increasing adoptions and reducing euthanasia rates in our City. These new positions include: (1) an adoption and rescue coordinator, (2) a lost and found coordinator, (3) a director for recruitment and coordination of volunteers, and (4) a director for public education. Adequate volunteer or professional staff should support these positions.

b. Improved veterinary services. The Task Force recommends that BARC initiate veterinarian care for the pets it receives. Today, pets receive little to no veterinarian care, regardless of their medical needs or injuries -- a protocol that only makes sense if BARC's intent is to euthanize all comers. And we understand that BARC security guards will accept an injured pet outside of business hours, but this pet will receive no veterinarian or palliative care regardless of the state of injuries or need for care. The Task Force believes that the availability of veterinarian care is required on a daily basis -- and 24 hours a day on an emergency basis. To accomplish the long range goal of finding homes for all healthy and treatable pets, the Task Force recommends that the City staff BARC with a sufficient number of qualified veterinarians. In this connection, we recommend that the City coordinate with the Houston Veterinarian Association for recommendations regarding shelter veterinarian care and the possibility of volunteer services by its members.

c. Improved spay and neuter services. A viable adoption program for BARC is severely hampered by its lack of spay and neuter services. Under BARC's policy, no animal may be released from BARC unless it has been spayed and neutered, but BARC performs few of these operations. According to BARC's monthly activity reports for Fiscal Year 2004, BARC veterinarians performed a meager 3,151 spays and neuters as follows:

July 2003	312
August 2003	305
September 2003	452
October 2003	440
November 2003	304
December 2003	274
January 2004	336
February 2004	159
March 2004	125
April 2004	180
May 2004	150
June 2004	114

These numbers suggest that BARC's requirement that a pet be spayed or neutered before it is offered for adoption creates a large bottleneck in making animals available for adoption.

As discussed above, BARC performs sterilizations only twice a week and employs only two veterinarians on staff, one of whom does not perform spays and neuter operations. To eliminate the bottleneck, the Task Force recommends that BARC increase the number and timeliness of the sterilizations it performs either through the addition or redeployment of qualified veterinarian staff or contracting out its spay and neuter services to a third party.

d. Consider implementing trap-neuter-release for feral cats in lieu of euthanasia. The City should consider implementing an innovative solution to the problem of feral cats adopted by some cities: trap, neuter and release (TNR) of feral cats in lieu of trapping and euthanizing them. Studies have shown that the population of feral cats is more effectively reduced through TNR than through trap and kill. If adopted, a TNR program operated by BARC or other designated shelters would itself help drive down euthanasia rates. Implementing a TNR program would require repeal or amendment of City Ordinance 6-22, forbidding the maintenance of congregation of unconfined cats.

e. Professional animal sheltering consultation. BARC's historically high euthanasia rates, poor physical facilities, and periodic news reports of mistreatment of animals have led to a widespread perception that BARC does not try and, in any event, is incapable of protecting animals in this City. The solution it offers is one we emphatically reject -- the rote euthanasia of the great majority of all pets brought to its facility.

The Task Force believes that both the public perception and reality of BARC must be changed to accomplish the goals of increasing adoption and reducing euthanasia rates in this City. To that end, we recommend that the City retain the Humane Society of the United States (HSUS) to review the operational practices at BARC and make recommendations to the City regarding appropriate staffing, facilities, quality of care, spay and neutering services, adoption practices, and reduced euthanasias. We note that HSUS is the nation's foremost authority on animal sheltering, and has conducted such consultations for Dallas, San Diego, New York City and Miami-Dade -- cities that also are vitally interested in reducing euthanasia rates.⁵⁸

f. Building and relocating a new BARC. BARC facilities were designed and located primarily to euthanize unwanted pets. Its facilities are poor and provide no comfort to the pets delivered to its facilities, or to the people who work or visit there. Nothing is attractive about the building or its out of the way industrial location. As part of its five-year plan, the Task Force recommends that the City shut the facility and build a modern animal care facility designed primarily for rehabilitation and adoption and locate it in an accessible, attractive, and well-landscaped area of Houston. To fund the building, the Task Force believes that a capital campaign would entirely fund or largely defray the costs of construction. By way of illustration, the Richmond SPCA launched a highly successful capital campaign, The Campaign for a Compassionate Solution, which educated the community about the need to end the killing of companion animals and

⁵⁸ A copy of the HSUS December 2001 report to Dallas is attached as Exhibit U.

raised \$14.2 million for the construction of the Robins-Starr Humane Center. The Center, which is a 64,000 square foot, state of the art humane center, opened in October 2002.⁵⁹

6. Coordinated/enhanced citywide adoption program

The Task Force found that private shelters are virtually unregulated, a factor that may contribute to high euthanasia rates in this City. City Ordinance Section 6-121 requires that any dog kennel be licensed, including dog kennels operated by humane organizations.⁶⁰ Beyond the mere requirement of a license, however, the ordinance does not prescribe minimum standards for operation, require reporting or record keeping, or authorize periodic City inspections of the facilities. To the contrary, all that is currently authorized is license suspension in the event that the director of the health department finds that:

- (1) Animals at the kennel are being deprived of necessary food, care or shelter;
- (2) Animals at the kennel are being cruelly confined or are otherwise cruelly treated;
- (3) Unsanitary conditions exist at the kennel to such an extent that those conditions create a possible medium of the transmission of disease to the animals kept there or to human beings.

Notably absent is any regulation regarding efforts to return lost pets to their owners or the adoption of the animals. The Task Force recommends that the city ordinances be amended to prescribe uniform standards for public and private shelters to accomplish these goals and provide for periodic inspection and enforcement.

a. Setting a goal for the adoption of all “healthy” and “treatable” pets

The Task Force recommends that the City establish an affirmative goal for both public and private shelters to achieve the adoption of all healthy and treatable shelter animals and, to that end, City ordinances should define what constitutes a “healthy” and “treatable” animal that every shelter must endeavor to adopt. No pet should fall outside the definition of “healthy” or “treatable” on any ground other than a medically-accepted health reason that justifies euthanasia -- further, no pet should be considered unadoptable on grounds such as age, sex, pregnancy/maternal condition, breed type, or temperament

⁵⁹ See the Richmond SPCA website, www.richmondspca.org. The facility accommodates the care of 200-300 homeless animals daily, allows the provision of veterinary care to shelter pets and spay and neuter services to the community, training and exercising of shelter dogs each day in an indoor track and training center, teaching obedience and agility to the pets of the community, grooming pets, and engaging in public education.

⁶⁰ Ordinances of the City of Houston, Ch. 6, Art. IV, Div. 4, § 6-121.

(other than a demonstrated -- and not presumed-- vicious or hostile temperament posing a risk to the public safety).⁶¹

Currently, all area shelters justify euthanasia on the vague and standardless ground that the pets are “unadoptable.” Such a standard is highly subjective, promotes unjustifiable euthanasia, and permits wide variance among shelters regarding the circumstances in which they will euthanize a pet. We note that the problem of vague and varying euthanasia standards has been widely recognized in the national animal welfare community, and recommend that the City consider adopting the uniform definitions set out in the Asilomar Accords of August 2004.⁶²

b. Prohibition of “euthanasia-only” and “acceptance” contracts

The Task Force recommends that shelters be prohibited from entering “euthanasia only” contracts with any municipality or other entity. Every pet received by a public or private shelter should be independently and fairly evaluated by the receiving shelter as an adoption candidate, and no pet should be euthanized simply because it is delivered to a shelter by a municipality for euthanasia. Stated differently, the receiving shelter’s duty to evaluate whether a pet is healthy or treatable (and hence should be placed in the shelter’s adoption program) is nondelegable.

The Task Force further recommends that the City also prohibit “acceptance” contracts, by which an area shelter, in exchange for a fee, agrees to receive the surplus animals of municipalities outside of Houston or their shelters.⁶³ The practice of importing surplus pets from other municipalities plainly worsens Houston’s problem: fewer abandoned Houston pets will find homes and Houston’s already insufficient animal welfare dollars are stretched. We believe that the exporting municipalities should take responsibility for abandoned pets in their geographic areas, and if they did so, abandoned pets in both Houston and the exporting municipalities would be more likely to find homes. Further, the Task Force believes that, in practice, “acceptance contracts” are tantamount to unjustifiable “euthanasia-only” contracts, since area shelters likely will euthanize the imported animals to assure cage space for Houston pets.

c. Reporting requirements. All shelters should be required to collect and publish uniform performance statistics, including statistics showing admissions, returns

⁶¹ We thus call for an end to the practices of BARC and other shelters of euthanizing pets because they are a certain breed presumed to have a vicious temperament. Legitimate temperament testing (recognized and approved by animal behavioral experts) should be employed to identify animals with vicious or hostile temperaments and only if the pet fails the test should temperament be grounds for euthanasia.

⁶² A copy of the Asilomar Accords is attached as Exhibit V.

⁶³ Acceptance contracts should be distinguished from disaster relief efforts, under which area shelters agree to receive and shelter pets from disaster areas, such as in Hurricane Katrina. These pets are intended to be returned to their owners after the crisis has passed, and should not reduce rehoming opportunities for Houston pets. Further, disaster relief efforts are only occasional, as opposed to routine acceptance.

to owners, transfers to breed rescue groups, adoptions, and euthanasias. To track shelter performance in achieving the goal of adopting all healthy and treatable pets, each shelter should be required to keep sufficient records regarding each pet euthanized, including a statement of the reason why she was euthanized, stating whether she was healthy or treatable, and the steps taken to treat and adopt her. These records should be sufficiently detailed to permit audit by professional veterinarians.

The Task Force recommends that the City consider adopting the data collection recommendations set forth in the “Animal Statistics Table” of the Asilomar Accords, including the calculation of a “Live Release Rate.”⁶⁴

d. An effective adoption program. City ordinances should require all shelters to employ a sufficient number of staff members, or recruit and use a sufficient number of volunteers, to carry out an effective adoption program. City ordinances should also prescribe minimum standards for an effective adoption program, which the Task Force believes include at least the following:

- Adequate veterinarian treatment and care, including the correction of treatable conditions
- Separation of sick animals from healthy ones
- Bilingual staff
- Routine, live answering of telephone inquiries
- Posting complete and accurate information about and photographing pets brought to the shelter on lost and found and adoption websites
- Daily walking, socializing, and exercising pets, including reasonable time for exercise in outdoor areas⁶⁵
- Operating a foster program for pets that are too young for adoption, need time for medical respite or recuperation, need socialization, whose owners are in crisis (*e.g.*, prisoner dogs, dogs whose owners are sick or out of work), or when the shelter is filled to capacity
- Professional temperament testing

⁶⁴ A copy of the Asilomar Accords’ Animal Statistics Table and formulas for calculating the Live Release Rate is attached as Exhibit W.

⁶⁵ The importance of these tasks cannot be understated. The mental and physical condition of pets that are confined to shelter cages quickly deteriorate. Behavioral issues start almost immediately in caged dogs, and larger dogs lose muscle tone and thin in only about eight to nine days. They suffer from lack of exercise, lack of positive human contact, and are exposed to excess noise and light.

- Addressing behavioral issues, including providing simple obedience training
- Bathing and grooming pets available for adoption
- Interviewing and counseling of owners seeking to give up their pets
- Adoption assistance and counseling⁶⁶

d. Hours for adoption. All shelters should be open for adoption seven days a week, and the hours of operation should extend to at least 7 p.m. on at least three days a week.

e. Transfer to breed rescue groups. All shelters should be required to work closely with the many breed rescue groups in the City, which can and will accept transfers from shelters of their breed -- including pets with heartworms or other diseases that the shelters have historically refused to treat. Indeed, this would seem to be a current requirement of Section 6-138 of the City ordinances.

The Task Force learned from other cities that shelter cooperation with breed rescue groups can significantly increase the adoption rates of abandoned pets. Nonetheless, Houston shelters have not made serious efforts to transfer pets to breed rescue groups, arguing either that the breed rescue groups were “hoarders” of animals or that the breed rescue groups siphoned off the “best” pets for adoption and left the shelters with only “ugly, mixed breeds” to adopt. The Task Force strongly disagrees with this logic, and believes that any adoption of an abandoned pet -- regardless of which agency or group accomplishes the adoption -- is a success of the animal welfare community. Accordingly, the Task Force proposes that public and private shelters be required to train employees regarding correct breed identification, immediately notify breed rescue groups of the admission of pets meeting the breed standard, and transfer such pets for free or at a discount upon request of the breed group. Such notification should be made at the time of admission, and not delayed until shortly before euthanasia. The Task Force recognizes the need to ensure that the breed rescue groups are legitimate, maintain healthy and humane conditions, and that they actively seek and find homes for the transferred animals. To that end, the Task Force agrees that shelters should not transfer pets to breed rescue groups unless those groups meet approved standards for care and adoption. City Ordinance Section 6-121 already requires that dog kennels be licensed. The Task Force believes that this ordinance should be amended to set out minimum standards for operation (including minimum efforts to adopt). The Task Force also understands that the private shelters have formed an accrediting organization called TARPA, whose purpose

⁶⁶ All shelters should engage in appropriate adoption counseling with potential owners, to ensure that the pet is placed responsibly. This should entail interviewing the potential owner regarding his/her suitability to own a pet, temperament testing of the animal to appropriately match a pet to a new owner, and educating the pet owner regarding the responsibilities of pet ownership. It should also involve a visit by a volunteer to the home, both before adoption and a follow up visit six months later.

is to ensure that the breed rescue groups are legitimate. The Task Force agrees with the concept of TARPA.

f. Creation of a permanent shelter working group. The Task Force strongly believes that all shelters should work together toward the common goal of adopting all healthy and treatable pets received at area shelters. To that end, the Task Force recommends the formation of a permanent working group of public and private shelters, veterinarian professional associations, and citizen representatives for the adoption of best practices and development of uniform standards, making joint recommendations to the City on animal welfare measures, maintaining common record keeping, operating a common website for lost and adoptable pets, joint fundraising, maintaining a common group of volunteers, and employing an effective transfer program among shelters, to breed rescue groups, and to out of town shelters whose census is low.

7. Changing animal control ordinances

At various places in our report, the Task Force has called for the amendment of City ordinances to encourage increased adoptions and a reduction of euthanasia rates in our City. We incorporate those recommendations here. In addition, the Task Force recommends that City enact ordinances addressing the following:

a. Required veterinarian care. Pet owners should be required to provide certain minimum standards of veterinarian care to their pets. The scope of those requirements should be developed in consultation with veterinarian professionals; however, the Task Force believes that, at a minimum, owners be required to provide their pets with regular heartworm preventative, flea and tick prevention, and essential vaccinations. The requirement may also establish a relationship between the pet owners and a veterinarian, which may encourage owners to attend to the veterinarian needs of their pets. Providing veterinarian care will drive down euthanasia rates, as pet sickness is a major cause of pet abandonment.

b. Removing legal barriers to private rescue. Many Houstonians who find a lost dog or cat will seek to locate the owner, and, if unsuccessful, attempt to find an adoptive home for the animal. These private “Good Samaritans” are responsible for placing many abandoned pets in new homes. City ordinances designating possession of four dogs as a “dog kennel” and regulating their location and operation or that otherwise operate as pet limit laws should be amended to exempt temporary arrangements in which a citizen privately shelters abandoned pets and is engaged in bona fide efforts to find the owner or adoptive homes.

c. Prohibition of animal cruelty. We also recommend amendment of City ordinances to prohibit all types of animal cruelty and impose substantial civil and criminal penalties upon persons who mistreat, hurt, or kill animals in our City.⁶⁷ We believe that the City Council should enact ordinances that will:

⁶⁷ The current ordinance regulating animal care is Section 6-6, Ordinances of the City of Houston, Ch. 6, Art. IV, Div. 4, § 6-6. State law also addresses animal cruelty. Texas Penal Code, § 42.09. The Houston

- Ban animal cruelty, prohibiting not only active cruelty but also passive neglect, such as failing to provide animals with sufficient water, food, shelter, exercise, veterinarian care and treatment, and improperly confining or transporting them
- Ban abandoning a pet to the streets or the wild, *i.e.*, to circumstances in which no person or organization has assumed responsibility for the health, safety and welfare of the pet
- Ban chaining, tethering, or keeping dogs or cats in cages
- Ban animal fighting or training animals for fighting
- Ban keeping guard dogs for businesses
- Require veterinarians and citizens to report animal cruelty and neglect to law enforcement authorities and requiring authorities to pursue those reports promptly and vigorously

Banning animal cruelty obviously benefits animals. It also benefits people. Dogs that are trained to fight, or that are abused or mistreated, may develop aggressive personalities or become fear biters. Their behavior scares people, who react by abusing animals themselves or calling for extreme and divisive restrictions on pet ownership (*e.g.*, “dangerous” breed bans).

The Task Force also believes that vigorous prosecution of animal abusers will protect the community. According to a recent U.S. Department of Justice bulletin, studies show a correlation between animal abuse and serious violent behavior, especially among youthful offenders:

As an illustration, a recent study by Verlinden (2000) of 9 school shootings in the United States (from Moses Lake, WA, in 1996 to Conyers, GA, in 1999) reported that 5 (45 percent) of the 11 perpetrators had histories of alleged animal abuse. The most recent well-documented example was the case of Luke Woodham who, in the April before his October 1997 murder of his mother and two schoolmates, tortured and killed his own pet dog (Ascione, 1999).⁶⁸

SPCA operates a 24-hour injured animal rescue hotline (713) 880-4357). The driver could call this number and wait with the animal until help arrives or he himself transports the animal to a shelter or veterinarian clinic.

⁶⁸ Frank R. Ascione, “Animal Abuse and Youth Violence,” at 1, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin (September 2001). A copy of this article is attached as Exhibit X.

Experts believe that animal abuse is a red flag that identifies youths at risk for perpetrating interpersonal violence, *e.g.*, a study of youths referred to mental health clinics for problem behaviors shows that cruelty to animals was significantly higher for referred youth (7-34%) than for a nonreferred sample (0-13%). Animal abuse is also linked to adult violent behavior, including child abuse and domestic violence. For example, a 1983 study of 53 families with substantiated child abuse or neglect revealed that, in 60% of these families, pets were also abused or neglected.⁶⁹ And a study of 38 battered women seeking shelter showed that 71% of women with pets responded “yes” when asked whether their adult partner had ever threatened or actually hurt or killed a family pet.⁷⁰ The implication of these studies is that banning and prosecuting animal abuse is not just about protecting pets -- persons who commit animal abuse also abuse and hurt people. For these reasons, the Task Force also recommends that the City devote increased law enforcement resources to the detection and vigorous prosecution of all incidents of animal abuse in our City, including the hiring of investigators and prosecutors responsible for animal cruelty cases.

c. Adding citizen representation to the animal shelter advisory committee. Section 6-132 of the City ordinances provides that the animal shelter advisory committee consist of four members, none of which is a citizen representative. The Task Force recommends that the ordinance be amended to add one or more membership positions for citizens appointed by the City Council.

8. Funding

The City currently budgets BARC at approximately \$3.2 million annually. It is beyond the scope of this report to analyze BARC’s use of that money, but we note that Harris County operates at half of BARC’s budget. BARC’s budget since 1998 compares to the budget for Harris County as follows:

BARC	Harris County
FY04 \$3,200,000	CY \$1,379,250
FY03 \$3,298,522	CY \$1,753,725
FY02 \$3,298,522	CY \$1,310,349
FY01 \$3,200,000	CY \$1,411,985
FY00 \$3,267,155	CY \$1,100,000
FY99 \$2,937,918	CY \$1,030,926
FY98 \$2,828,176	CY \$964,142

BARC’s budget has thus exceeded Harris County’s by two to three times. At the same time, Harris County encompasses a larger geographic space and a greater population, and

⁶⁹ *Id.* at 8.

⁷⁰ *Id.* at 9.

its adoption rate is also twice the rate of BARC's. This simple comparison suggests that BARC may operate inefficiently and could, with increased efficiency and within its current budget, undertake many of the enhanced programs we recommend in this report.

If more funds are required, they can come from additional sources, including increased pet license fees and private philanthropy. Current BARC license fees are low: for altered pets, the City charges \$10 the first year and \$2 each subsequent year. For unaltered pets, the City charges \$25 for the first year and \$25 for each subsequent year.⁷¹ Yet despite these low fees, citizen compliance with the City licensing ordinance is a mere 5.2% (or only 42,000 out of an estimated dog and cat population of 803,876), much lower than many jurisdictions in the nation.⁷²

The Task Force believes that compliance is low because pet owners correctly understand that their tax dollars are used principally to euthanize companion animals. In other words, paying the pet tax is a means to hurt animals, not help them. It may also be due to the City's failure to dedicate any of these funds to animal welfare and instead deposit them among the general revenues of the City.⁷³

If the City commits to a course of reduced euthanasia rates and guaranteed adoption of healthy and treatable pets, we believe that Houstonians would readily support enhanced animal welfare activities in this City. We therefore believe that the first means to increase pet license funding is to adopt our recommendations. Second, the City should increase the license fees payable to the City *and* dedicate those fees to animal welfare. If annual fees of \$15 were established for altered animals and estimates are correct that some 803,876 pets reside in the City of Houston, full compliance with the licensing ordinance would yield at least \$12,058,140 to the City for use in care of animals. If the City also raised the annual license fee for unaltered pets, in an effort to encourage sterilization of animals, revenues would be greater.

Other funding sources exist for a positive animal welfare program. If the City made the commitments we recommend, it could conduct a major membership drive for area shelters, comparable to the membership drive of the San Francisco SPCA. Between 1975 and 1999 and upon establishing an adoption guaranteed policy, the SPCA increased

⁷¹ According to a survey conducted by Pet Data, the average one-year license fee for (1) an altered animal is \$11.36, ranging from a low of \$5.00 in Asheville, N.C. to a high of \$25 in Miami-Dade County, FL. (2) renewal fees for altered pets averaged \$11.15, ranging from a low of \$2.00 in Houston to a high of \$25 in Miami-Dade County, FL. and (3) an unaltered animal averaged \$27.03, ranging from a low of \$10.00 in Chicago, IL to a high of \$100 in Los Angeles, CA. Copies of the Pet Data surveys are attached Exhibit Y.

⁷² Attached as Exhibit Z is a chart prepared by Pet Data comparing animal licensing compliance rates by various cities.

⁷³ The City's failure to use pet license fees for animal welfare activities may be contrary to Texas state law. Section 826.031 of the Texas Health and Safety Code provides that a municipality may require registration of dogs and cats and specifies that the fees collected may only be used to help defray the cost of the enforcing agency within its jurisdiction.

annual donations from \$47,000 to \$4.5 million.⁷⁴ A similar idea is to enable BARC to accept donations directly. Specific projects, such the development of a common lost and found website or building a new adoption friendly BARC, could be funded readily by private charitable donations. Above we cite the example of Richmond, Virginia's hugely successful Campaign for a Compassionate Solution, which raised \$4.2 million for the construction of a new state of the art humane shelter. If Richmond -- with a population of approximately 200,000 -- can raise \$4.2 million in private donations for a new shelter, we believe that Houston -- with a population ten times that size -- could do so also. Finally, there is Maddie's Fund, a \$293 million foundation of the founders of PeopleSoft devoted to the creation of adoption guaranteed shelters in America. Maddie's Fund will provide qualifying community collaborations of rescue organizations, animal control and traditional shelters, and private practice veterinarians with substantial community grants to implement an adoption guarantee for all shelter dogs and cats and an end to euthanasia of abandoned pets within their community.⁷⁵ In January 2005, for example, Maddie's Fund committed to give New York animal welfare groups and veterinarians \$15.5 million to end the killing of healthy and treatable shelter dogs and cats within ten years. With a similar community commitment to reducing euthanasia and increasing adoptions, there is every reason to believe that Houston could qualify for a like grant. We recommend that the permanent shelter working group take charge of the private fund raising initiatives we describe.

IV. Conclusion

The Task Force has reviewed the state of animal protection in the City of Houston and sees the clear need for change. Importantly, we also see the stirrings of change. The appointment of our Task Force is itself testimony to this Administration's commitment to improving animal protection in this City. Under the leadership of Director of Public Health Stephen Williams and Interim Director of BARC Deoniece Arnold, improvements at BARC have begun. To illustrate, BARC has constructed a new dog kennel with larger runs and, in the last year, increased adoptions of pets from 937 to 1,463 -- an almost 50 percent improvement. And the Task Force -- like all Houstonians -- deeply appreciates the assistance that Houston's private animal shelters recently gave to pets who fell victim to Hurricane Katrina. The Task Force wishes to thank the Mayor and the many compassionate citizens of Houston who devote their time and efforts to the welfare of companion animals in our City. We are grateful for those efforts and for the opportunity to make this report on improving animal protection in Houston.

⁷⁴ *A Campaign for a No-Kill Policy for the Nation's Animal Shelters*, *The New York Times*, January 18, 1999 at 1. See Exhibit Q.

⁷⁵ A description of the Maddie's Fund Community Grants Program is attached as Exhibit AA. For a full description of Maddie's Fund and its operations, see www.maddiesfund.org.

MAYOR'S RESPONSE TO THE ANIMAL PROTECTION TASK FORCE REPORT

The Mayor's Animal Protection Task Force was asked to examine, from a big picture, community-wide perspective, the issues surrounding animal over-population in Houston. Their detailed and thoughtful report reflects a significant amount of research and analysis on the part of the members. The report should be shared with the animal welfare community, because the solutions recommended by the Task Force reach well beyond the scope of the City's resources, and will require support from all sectors. The Task Force report makes dozens of recommendations which can be grouped into two broad categories: (1) changes in pet owners' and animal shelter practices; and (2) changes at the City's Bureau of Animal Regulation and Care. Our response to the recommendations is grouped accordingly.

Changes in pet owners' and animal shelter practices

A. Increasing adoptions and reducing euthanasia rates in area shelters

We certainly agree with the Task Force that increasing adoptions and reducing euthanasia rates are worthy goals, and that the community should adopt a multi-faceted long-range plan to achieve those goals. We would suggest that the best way to develop such a plan is through a community-based task force consisting of public employees, private shelter staff and interested community members. The plan should contain specific goals and objectives, with a timeline and a corresponding budget, including the identity of all sources of funding necessary to complete the plan. We will convene such a group to begin the process by March 31, 2006.

B. Multi-faceted, multi-media public education campaign

Public education is the key to changing people's attitudes and behaviors, and the report identifies numerous areas in which the public is not well informed, and that lack of information contributes to animal over-population. Specific actions the City will undertake include (1) conducting public education through BARC staff and Friends of BARC who will seek out opportunities through Super Neighborhood Councils, libraries and schools to engage with the public on animal welfare issues; (2) enhancing the BARC website so that it is a complete source for animal welfare information; and (3) engage volunteers in a more effective manner so they can supplement our staff's work. The City supports the idea of raising private funds, including in kind donations from media, to reach a variety of target audiences. We recommend that the messages be developed by communications professionals to increase the likelihood of success.

C. Spay/neuter programs

Clearly, the availability of spay/neuter services will contribute to a reduction in the number of unwanted and abandoned animals. The City expects to enter into a contract with Saving Animals under which Saving Animals will build a clinic on BARC's property to facilitate the spaying and neutering of more of the animals received at BARC. This will enable BARC to make more animals available for adoption. The Saving Animals clinic will also have a low cost wellness clinic for pet owners to access. The value of spay/neuter programs cannot be overstated, and BARC is committed to making the first dollars it gains through operational efficiencies available for additional spay/neuter services.

D. Reducing irresponsible pet breeding

This matter will be referred to the City Attorney to determine whether the City has the authority to legislate in this area. We believe a legal, and perhaps more effective approach to this problem, is public education. The public should learn about the true consequences of irresponsible breeding and be encouraged not to purchase from these breeders.

E. Restrictions on surrendering pets

The report's recommendations for subsidization of pet ownership (vet services, foster care, behavioral training, and pet food assistance) are more properly provided by private agencies with private dollars. We cannot utilize tax dollars to subsidize pet ownership. Many of these services are available in the market today, and in many cases are reasonably priced. The report also recommends that the City require pet owners to provide a certain level of vet care for their pets and to pay fees in order to abandon a pet at a shelter. The former suggestion is beyond the scope of the City's authority (we do not require that children be immunized). The latter suggestion merits further consideration in light of the experience of Richmond, however, we must be certain that imposing a fee on animal surrender does not lead to animal abandonment by those who do not want to or cannot pay the fee.

4. Returning lost pets to owners

Since September, BARC has scanned animals for identifying microchips to facilitate the return of lost pets to owners, and staff undertakes extensive efforts to locate owners, including sending ACO's to homes to notify owners that their pet is at BARC. The report's suggestion that ACO's return lost pets while in the field, rather than processing them through BARC, is well taken and is an operational efficiency which we will undertake. Regarding the need for a website for lost animals, we would refer this issue to the planning group. There are already two sites and perhaps their consolidation is in order.

5. Improvements at BARC

The report's recommended changes at BARC will be taken under advisement. As the report notes, BARC has been operating under a new management team, during which time many improvements have been realized. As this report indicates, as well as Controller Parker's performance audit, there are many opportunities for BARC to adopt new practices that will improve the welfare of the animals and bring operational efficiencies. Examples of such changes include engagement of the 3-1-1 system in call intake to expedite call handling; development and continuous measurement of performance standards for staff to ensure competency and efficiency in work practices; and overhaul of the ACO staffing pattern and work schedules to align workforce with demand.

6. Adoption program

We appreciate and accept the recommendation that a citywide shelter working group be convened to meet regularly and discuss common shelter issues, including adoption. Stephen Williams will spearhead this working group. Through this group, in coordination with the community-wide planning group, realistic goals for adoption at area shelters can be set.

7. Changing animal control ordinances

Many of the report's recommendation in this section and throughout the report require legal authority to enact ordinances governing the behavior of individuals and businesses. In many cases, the city lacks the authority to regulate in these areas; in some cases, the cost of enforcement is not justifiable; and in other cases, the recommendations are well-stated and will be considered by the City Attorney. Responding to the specific ordinances addressed in this section:

- (a) Required vet care—this is beyond the scope of the city's authority.
- (b) Kennel designation—we do not agree with this recommendation
- (c) Prohibition of animal cruelty—we will consult with the District Attorney on this recommendation
- (d) Adding citizens to the advisory board—we agree and have asked the City Attorney revise the ordinance for presentation to Council to add two citizen spots

8. Funding

The report's recommendation that the City review the fees it charges for animal-related services is well taken. We commit to review all fees and seek adjustments by Council as appropriate. We are also exploring ways in which the City and County can work more effectively together on animal welfare issues, including program management. A community-wide fundraising effort will be essential to implement many of the programmatic enhancements suggested by the report.