

Walking the Animal Control Tightrope: Striking the Balance between Animal Control and Animal Welfare

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It's midnight. A dog was hit by a car in New Orleans, Louisiana. A passing driver sees the dog still alive and badly injured. He calls the police who then calls the dispatcher at the Louisiana SPCA, an organisation that is both the animal control agency and the state's largest animal welfare group. An Animal Control Officer (ACO) is dispatched to the scene to retrieve the dog. The ACO takes the canine to the all-night private veterinary clinic for triage until the animal control facility opens the next day.

HBC, or "hit-by-car", an unappealing but descriptive term, happens across the globe but may be handled in many different ways depending upon your region, your Council's legal code, resources, and community's insistence that such situations be handled humanely.

Whose job is it to pick up the injured dog? The SPCA because an animal is suffering? Council because the dog was running at large when hit or because it may be a safety issue on the road? Police because there's no one else to do it?

In South Australia, the RSPCA is legislated to do it, but it often falls to the Council. In Darwin, the RSPCA does not have an Inspectorate nor does the local Department of Animal Welfare. According to Peter Chandler, Regulatory Services Manager, City of Palmerston, it can also "depend on what part of the road you're talking about". Additionally, the Northern Territories Animal Welfare Act provides for a person who comes across an injured animal to take responsibility to seek medical help for the animal or to destroy it humanely. That's a big ask.

Gray areas abound in the world of Animal Control, Management, and Welfare. In New Orleans, we were lucky in some ways because the LA/SPCA handles any and all animal issues. We had our feet firmly planted in both camps of Animal Control and Animal Welfare. Nevertheless, we constantly discussed and analysed our dual roles as there were times when the two clash and one must win over the other.

Lines in the Sand – where are the differences?

Firstly, there are funding issues. By and large, Local Government funds Animal Control to address issues related to the public safety and well-being of a community while donors fund animal welfare groups to ensure that animals' best interests are the first order of business. While this isn't entirely true for Australia because both Local Government and State Government do in fact to varying degrees sponsor Animal Welfare organisations, it suffices to say that Animal Control is government business while Animal Welfare is a charity enterprise.

Secondly, there are job description variations. Issues such as dangerous dogs or other code violations are clearly the purview of animal control because the animal is causing a safety threat or nuisance thereby reducing a neighbourhood's overall well-being. Whereas activities such as low-cost veterinary services and programs are more to do with human/animal bond issues that commonly fall to non-profit groups.

Most activities in animal control are responsive in nature...the incident has already occurred and Animal Control must respond. For example, an animal is impounded as it's running at large or the dog has bitten someone. The same is true for animal cruelty in the U.S. (unlike Australia), the cruel act has occurred, the law

has been broken, therefore Animal Control responds with an investigation and legal action.

At the LA/SPCA, where we had full responsibility for both sides of the coin, we broke down our roles in the following way:

The Animal Control aspect of the LA/SPCA IS TO:	The Humane Services aspect of the LA/SPCA OFFERS:
1. Remove animals that are a threat to human life	1. Free s/n services for indigent, low-cost veterinary services
2. Capture stray bite cases	2. Education programs
3. Rescue trapped animals	3. Foster care
4. Investigate cruelty accusations & enforce law	4. Obedience training for dogs
5. Handle emergencies (ie HBC)	5. Off-site adoptions
6. Capture strays	6. Volunteer programs
7. Respond to police, etc	7. Special adoption programs; temperament testing, etc
8. Enforce code infringements	8. Dogfighting experts; support animal control agencies across State
9. House, treat, adopt or euthanize	9. Legislative advocacy
10. Disaster preparedness & response	10. Disaster preparedness & response (beyond AC responsibility)

Shifting of the Sands

In the US, the lines between animal control and animal welfare are becoming increasingly blurred. For example, some U.S. Animal Control agencies provide free or low cost spay and neuter services to pets as it attempts to reduce their community's cost of labour required to catch strays born to the roaming companion animals of an indigent population. Historically, these types of spay/neuter programs would only be offered through a non-profit. From a City Council perspective, it makes long-term economic sense to foot a portion of the bill since the expected outcomes will be a reduced stray population in the years ahead. Consequently, tax dollars of all citizens (regardless of whether the person is a pet owner) is paying to have animals fixed to prevent a problem down the road.

Many years ago, responding to cruelty cases (violations of laws / codes) in the U.S. was not always handled by animal control. However, today nearly all animal control agencies also handle cruelty. It makes economic sense and fits the regulatory nature of the business.

Let's look at a barking dog problem. A neighbour calls Animal Control about a dog that barks many hours day and night. His frustration level is high and he demands that something be done. An ACO arrives to find the dog in deplorable condition and tethered by a short chain. The ACO has a few options. She/he can call the SPCA, if one exists in the region, to investigate or charge for cruelty. She/he can impound the dog or convince the owner to surrender ownership, or give a citation for barking. None of these options are necessarily effective or efficient. It is a compound problem with both cruelty and public nuisance aspects and a common cause. Consider the following:

1. If the dog is impounded or surrendered, the owner can simply get another one in the months ahead. The problem hasn't been solved and repeat behaviour is assured. New learning has not been achieved.

2. If the ACO cannot address cruelty issues, he/she must write a citation for the public nuisance issue and wait for SPCA to respond to the cruelty issue separately. The dog continues to bark and the ACO leaves feeling powerless knowing that she's leaving a dog in a bad situation.
3. Efficiencies are lost as two agencies are attempting to address a problem that one could have handled. A waste of already limited resources.
4. If there's no SPCA in the region, animals that are valued as members of a community continue to suffer because Councils have not given Animal Control authority to enforce cruelty codes.

Responding to animal cruelty cases conforms to the regulatory aspect of animal control in that the event has already occurred, a solution needs to be found, established regulations apply and there are duties and actions that have to be carried out. An analogous situation in the human world may be domestic violence. In such situations, police respond to complaints, write citations (or make an arrest in this instance), and incarcerate the offender. The police however are not obliged to do any psychiatric remedial treatment for the offender. That is someone else's job. But they may alternatively be able to "talk people down" and serve as a voice of reason to prevent an offence occurring in the first place.

Domestic violence safehouses, support groups and the like are the work of non-profits and some Department of Welfare/Social Services. Comparatively, in the animal world, ACO's would respond to cruelty complaints, investigate and/or write citations, and if necessary, impound the animal. The treatment of the animal after that time and the role of inspiring empathy toward animals in hopes of ultimately reducing potential cases of animal cruelty would be assumed by animal welfare groups.

Striking a Balance

Drawing a distinction between everyday cruelty or neglect issues such as tethering or a starving animal and dogfighting, for example, is necessary. An ACO's role and training in animal handling, animal behaviour, public education and regulatory process is well suited to the role of cruelty investigation.

In a remedial sense, a good exercise plan may help the dog sleep during the day, overcome it's boredom and improve its environmental quality of life sufficient to resolve both its welfare issues and its public nuisance problem. A good ACO can help problem-solve ultimately producing good results for the community, owner, and animal. Likewise, local police officers are often more successful at managing community concerns if they're considerate of broader 'quality-of-life' issues. A good cop can shift a situation simply by how he handles it. Carting the offender off to jail isn't always the best way to achieve a successful outcome nor is impounding an animal or issuing a citation always the ideal solution.

If the ACO did not take on the role of educating owners, the dog in our example will continue to bark and the ACO will be visiting the home frequently as neighbour complaints increase. To increase our impact, we might consider a partnership with agencies like the SPCAs that results in a leave-behind brochure on "managing the barking dog" distributed by ACOs on their rounds.

Animal Control, Animal Welfare and Animal Activism

The decision about where one role ends and another begins is usually clear (see Diagram A). However, even then it is not so easy. At the LA/SPCA, for example, while carrying out the mandatory aspects of our animal control responsibility, we would make decisions that put us at odds with the animal loving community - the very people who provide us with donations to protect animals first and foremost.

Let's take the LA/SPCA's dogfighting investigative work as a case in point. Louisiana is well known for its underground love of bloodsports. Although illegal, dogfighting is big business and Louisiana is home to some of the country's most revered 'dogmen' and cockfighters. Louisiana is the last state to outlaw cockfighting in the U.S., which only took effect in August 2008.

The LA/SPCA took the lead in investigating dogfighting and worked alongside the State Police to take down legendary fighters. Due to our expertise and ability to manage large cases with 50 or more dogs, we worked throughout the state (and sometimes in other states managing large and serious cases) overseeing cases involving hundreds of dogs, some who were winning US\$50,000 in a single fight.

Louisiana considered fighting dogs 'contraband' and their immediate euthanasia was permitted by law. If the impounding agency did not immediately euthanize the dogs, they were to be held pending bond by the owner. If the owner paid the bond, the dogs could potentially be held for years pending the outcome of the case. If bond wasn't paid, the dogs could be euthanized after 15 days. If evidence was clear, the LA/SPCA euthanized fighting dogs upon intake.

As you might expect, the general public and dog lovers across the globe wanted to see the dogs saved and rehomed so the dogs could enjoy loving homes and be given a second chance. Angry letters, calls, and media pleas would follow a big case once the dogs' fate was known. Donors who supported our humane mission threatened to walk.

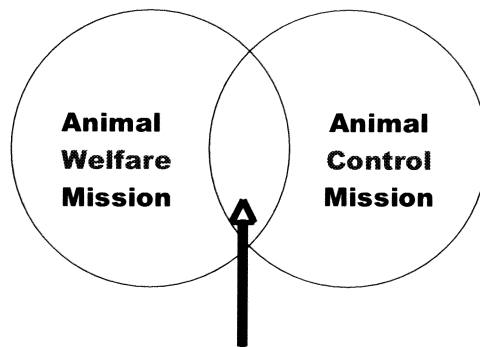
The LA/SPCA, however, believed that fighting dogs would always pose a community risk. Fighting dogs are unsocialized and, although generally sweet to humans, were bred for maximum dog-on-dog aggression. If a fighting dog was rehomed, there would always be a risk that the dog would injure another animal or land into the wrong hands and back into the pit. Additionally, holding fighting dogs for months or years would mean that many healthy and adoptable animals would be euthanized in their place simply because the shelter does not have adequate space to hold as many dogs as demand required.

Our Animal Control obligation was to protect the community, do so humanely, and serve the greatest good. Consequently, fighting dogs were euthanized.

Another example: After weeks of rescuing animals during Hurricane Katrina, the volunteers working to assist us broke down into two camps - Animal Control professionals and animal activists. As the animal control authority, all decisions were based in law and we were seeking the best interest of the animals as well as their owners. Animal activists, however, disregarded the law and made decisions based on what they perceived to be the animal's best interests. Television footage shows collars being removed and angrily tossed back to the house from which the animal was rescued. Philosophically, the rescuers believed the owners didn't deserve their animals returned and the animals would be rehomed on their terms. Animal rescuers broke into homes without regard for property if they thought an animal may be inside.

There are countless stories of disrespect and disregard by those who love animals, but did not have the concern or responsibility for the community.

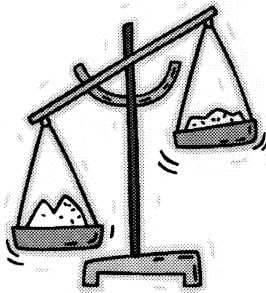
Diagram A



Crossover: solving animal/owner problems that affect the community in an effort to prevent habitual offenders (helps Council save dollars in long-term) and fulfils role of managing animal problems. animal problems are generally people problems and must be addressed with both in mind.

From an Animal Welfare Perspective:

Animal **WINS** if conflict resides in crossover zone and community solution not within reach.



From an Animal Control Perspective:

Community **WINS** if conflict resides in crossover zone and solution not within reach.

The Tipping Point - The Rationale To Discuss With Government

So...we know that ACOs are under-paid, overworked, and under-resourced. How can they take on anything else? Or, maybe the ACOs and administrators are happy with the status quo.

For those of you who want to expand your role, start building your case and work with your Council to clarify the needs and reasons it makes sense to look at the bigger picture. Some points to consider:

1. Animal Control is a regulatory agency that enforces laws related to animals. Asking ACO's to enforce most of the law, but not all of the law, doesn't make regulatory sense. Police, for example, are expected to enforce local laws on the books. Enforcement is not selective.
2. Assess your agency's performance in all areas:
 - Response time
 - Waiting list
 - Complaints and concerns; unmet expectations
 - Cases for which you're unable to respond
 - Solving problems with owners the first time rather than continuing to go back time and time again to address the same issue
 - ...and so on.

Where are you weak? Strong? What would you need to do your job effectively, efficiently, and within reasonable budgetary constraints?

3. Identify the gaps in your community by outlining responsibilities. Highlight those activities that are regulatory in nature in red (even if your agency doesn't handle them). The other non-regulatory activities are generally picked up by other groups. For example:

	My Animal Control	Name Other agency	Name Other agency
Stray animal pick-up	♦	♦	
HBC	♦		
Cruelty Investigation			
Law enforcement	♦		
Educating the community with handouts or via website			♦
Rehoming			♦
Livestock issues		♦	
Etc...			

Where are there regulatory gaps? Are they acceptable or is the community left unserved, over-served, or served at a premium (e.g. police responding to calls)?

Begin analysing your case to tailor it for your community and its needs. Identify the reasons for changing.

For example:

With no agency responsible for overseeing animal cruelty, the government is failing to meet its obligation in protecting its citizens on many levels:

- Animal Control is an essential service just as police and fire are fundamental to a community operating effectively. An appropriately resourced and effective Animal Control agency makes a community "better off".
 - When Animal Control cannot handle cruelty complaints, the police are often obliged or asked to manage situations. Asking police to solve animal problems means that the community is paying more to provide a service than if it was provided by Animal Control. Police officers are not trained and they are generally better compensated than ACO's so the cost per hour is higher. It's an inefficient use of talent from both the police and Animal Control aspects of government. If police perform cruelty investigation, consider the costs for providing the service. How much are police officers compensated compared to ACOs?
 - Attitudes and expectations of the general public evolve. Our pets are considered members of the family. As such, it is expected that the government will provide the necessary protection.
 - SPCA's are not fully staffed nor established in all areas of Australia yet every municipality is dealing with a level of animal cruelty in their communities. Consequently, there's a serious service gap in communities across Australia.
 - Additionally, being permitted to enforce all areas of law means a more efficient service and increased employee satisfaction. Staff who are unable to solve problems can grow frustrated and depressed when they have the skills, but not the authority to address an issue that relates to their work. As responsibility and accountability expand, so does satisfaction, retention, and recruitment.
4. Once you have clarified the reasons, begin putting numbers to paper. How many calls do you expect to receive? What staffing is required to service the demand? Is there a law change required to respond to cruelty calls, for example? If there's an increase in cost to provide a service, how do you justify it? Research a few benchmarks. Determine the cost of animal control in neighbouring or similar communities. What is the cost per person or kilometre (if living in a rural area)? You will be surprised to see the significant variances between communities.

Animal Control of the Future

As pet spending increases so does the public's expectations that the government will fully serve all aspects of a region's safety, health, and well-being. Public expectations will drive change within government and animal control is likely to be a featured topic. Laws across the globe indicate that animals are taking greater prominence as society advances. The tipping point will eventually come to your community.

Animal Control staff have much to offer in helping shape their job role to best fit the (possibly changing) expectations of the communities they serve in designing the change to make it a win/win for all.

About the Author

Laura Maloney's career has been devoted to companion and exotic animal issues. As the former Chief Executive Officer of the Louisiana Society for the Prevention of Cruelty to Animals, she earned national recognition for managing high-profile dogfighting cases, leading the LA/SPCA through the greatest animal disaster in history when Hurricane Katrina devastated New Orleans in 2005, and lobbying for the successful passage of major legislative battles.

Prior to joining the LA/SPCA, Laura served as the Assistant Director for the Central Park Zoo, Animal Programs Manager for the Philadelphia Zoo, and Education Curator for the Aquarium of the Americas.

Laura has served on the boards of the Louisiana Animal Welfare Commission, PATH (People Protecting Animals and Their Habitats), Gulf Coast Herpetology Society, Coalition for Captive Elephant Well-Being, and the National Companion Animal Advisory Group of the Humane Society of the United States.