

The Hayden Law Turns 10

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Ten years ago, State Senator Tom Hayden, from the greater Los Angeles area, wanted to reform animal control shelters around the state, particularly those shelters in his home district of Los Angeles. His legislation had the potential to become the most significant piece of companion animal protection legislation in years. As one of its supporters noted:

With some notable exceptions, shelters have failed to provide hours the working public can visit the shelters for adoptions or redemptions of their companion animals. They have failed to provide adequate lost/found services. They have failed to keep records adequate to find pets within the system. They have failed to use freely offered microchip scanning services. They have failed to provide adequate veterinary health care for many animals. They have resisted working with the rescue/adoption community. They have failed to raise funds aggressively to promote lifesaving methods to spare the lives of placeable companion animals. They have used tax dollars to kill animals they didn't have to accept in the first place ("owner-relinquished" pets) and to kill animals whose companion humans never even had a chance to locate them.

Our shelters have a very bad track record when it comes to adoption. In California in 1997 with a statewide human population of close to 33 million, only 142,385 cats and dogs were adopted from our shelters. The vast majority—576,097—were killed.

The legislation required, among other things, that animal control shelters in California give animals to rescue groups and No Kill shelters instead of killing them; provided incentives for shelters to remain open at least some evening or weekend hours so that working people and families with children in school could get to the shelters to reclaim lost pets or adopt new ones; set a statewide preference for adoption rather than killing; and sought to end the practice where animals surrendered by their "owners," including healthy and highly adoptable kittens and puppies, were killed within minutes of arriving. It also modestly increased the time shelters were required to hold *stray* animals before killing them so that lost animals had an opportunity to be reunited with their families.

Shelters mired in killing, afraid of public scrutiny, and unwilling to work with rescue groups predictably opposed the measure. In addition to their desire to avoid being held accountable, their main objection was that the law made it illegal to kill an animal if a rescue group or No Kill shelter was willing to guarantee that animal a home through its own adoption program. This threatened to open up shelter killing and other atrocities to public scrutiny. As frequent visitors to the shelters, rescuers saw systemic problems and inhumane treatment of animals, but their access to animals was tenuous and many times hinged on not publicly disclosing concerns. Under the 1998 Animal Shelter Law, their right to take these animals is no longer legally premised on silence as to shelter practices and violations of the law.

Despite the opposition of shelters and their allies, it made no sense to state legislators that taxpayers were spending money on killing animals when No Kill shelters and other private rescue agencies were willing to spend their own money to save them. Legislators also found that public shelters did not reflect the humane values of their constituents. Not surprisingly, the proposed bill passed the legislature with overwhelmingly bipartisan support—ninety-six to twelve—and the state's Republican governor signed the measure into law.

The reaction was strong and swift. The County of Los Angeles fought the measure through a regulatory challenge, replete with bloated figures and misleading claims. The County claimed the law would be too expensive to implement, a claim debunked by the California Department of Finance. It claimed that the “longer” holding periods, which would give people a chance to find their lost pets or for the pets to be adopted into new homes, would lead to the increased killing of other animals. That argument was also a red herring: the law did increase the holding period from a paltry seventy-two hours from the time of impound to four days if the shelter was open one evening a week or one weekend day. As a commentator pointed out:

When California's holding period was 72 hours, there was only one state with a shorter holding period—Hawaii, with a 48-hour holding period. Now that California has increased the holding period, it has joined the *bottom* six states in the country in terms of holding period. By national standards, California's current holding period is far from generous.

Unfortunately, while full and vigorous implementation of the 1998 Animal Shelter Law could have provided the basis for greater lifesaving success, some shelters refuse to implement either the letter or spirit of the new law. As a result, the hoped-for renaissance of lifesaving has had mixed results, while city governments and shelters continued killing in direct violation of the law.

Kern County's municipal animal control shelter, an agency tasked with enforcing animal-related laws, for example, chose to ignore and violate the law. There, killing illegally continued until a local activist filed a lawsuit to stop it in 2004, six years after passage of the 1998 Animal Shelter Law. Full implementation continues to prove elusive. Unfortunately, Kern County does not appear to be an isolated incident. Sacramento County animal control was also the target of a lawsuit for illegally killing animals before their caretakers could find them, for not making them available for adoption, and for failing to keep records on thousands of others. The Los Angeles County Department of Animal Control joins the list of agencies tasked with enforcing animal laws, who instead routinely violate those laws.