

# Defining No-Kill

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A "no-kill" fervor is spreading across the United States like wildfire. It is advocated by our neighbors in Canada and Mexico and has found supporters in nearly every continent on the globe. What does it mean? Can shelters really save ALL animals? What about the sick or vicious?

The term raises many questions and an eager public, weary of all the killing, wants answers.

**The most widely accepted definition of a no-kill shelter is a place where all adoptable and treatable animals are saved and where only unadoptable or non-rehabilitatable animals are euthanized.**

See [Best Friends Animal Society](#).

## ■ The California Legislature Defines No-Kill Terms ■

California Law, SB 1785 Statutes of 1998, also known as "The Hayden Law" has defined no-kill terms. See [full text](#).

### What is Adoptable? 1834.4. (a)

"No adoptable animal should be euthanized if it can be adopted into a suitable home. Adoptable animals include only those animals eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future."

Adoptable dogs may be old, deaf, blind, disfigured or disabled.

### What is "Treatable"? 1834.4. (b)

"No treatable animal should be euthanized. A treatable animal shall include any animal that is not adoptable but that could become adoptable with reasonable efforts."

Sick, traumatized, infant or unsocialized dogs need appropriate medical treatment, behavior modification and/or foster care to turn them into healthy animals ready for placement. See [Maddies Fund](#).

### What is "Unadoptable"? 1834.4. (a)

"Unadoptable" or "non-rehabilitatable" means animals that are neither adoptable or treatable. By way of exclusion, SB1785 defines "unadoptable":

- 1) Animals eight weeks of age or younger at or subsequent to the time the animal is impounded;
- 2) Animals that have manifested signs of a behavioral or temperamental defect;
- 3) Those that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet and
- 4) Animals that have manifested signs of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future.

## ■ Rescues and Animal Control Define No-Kill Terms ■

A widely accepted definition of "unadoptable" or "non-rehabilitatable" is set forth as follows:

- 1) Animals for whom euthanasia is the most humane alternative due to disease, injury or suffering that can't be alleviated;
- 2) Vicious dogs, the placement of whom would constitute a danger to the public; and
- 3) Dogs who pose a public health hazard.

See [Austin SPCA](#).

Interpretation of the term "unadoptable" varies drastically between individual municipalities and organizations.

On one end of the spectrum is [MaxFund](#), which holds, "There is no pre-sorting of animals into 'adoptable' and 'non-adoptable' and cats, with euthanasia reserved only for non-rehabilitatable." The MaxFund takes every animal it has the space for. EVERY animal is kept until its owner is found or it is placed in a new adoptive home. The only reason for euthanasia is when it is in the humane interest of the animal. No animal is discarded to municipal shelters."

No-kill purists believe that no animal should be euthanized unless the condition is terminal and there is extreme physical suffering and no remaining quality of life. They believe that even a less-than-ideal life is better than no chance of life at all. "We need to question whether killing animals for population control is compassionate" says Bonney Brown, currently with Alley Cat Allies. "Is it truly for the benefit of animals or for the convenience of people? If we asked the animals, I'm pretty sure they would prefer to take their chance at life."

[Maddies Fund](#) takes the middle road but promises more in the future. "No-kill means saving both adoptable (healthy) and treatable dogs and cats, with euthanasia reserved only for non-rehabilitatable animals. When we reach the point where the nation's healthy, adoptable animals can be guaranteed a home, Maddie's Fund will then focus its resources on funding programs to rehabilitate the sick, injured and poorly behaved, knowing that when these animals are whole again, there will be a loving home waiting for them."

At the opposite end of the range is [Monterey County Animal Control](#) in California, who expands the term 'unadoptable' to any animal it fails to find a home for! "The way the law reads is you can euthanize any unadoptable animal, but it also allows each shelter to come up with its own definition of "unadoptable." We are going to define "unadoptable" animals as animals that are not going to a home." Many would disagree with this extraordinary interpretation which ignores [state law](#) and begs for a legal challenge by shelter reformists.

## Fine-Tuning No-Kill

The term "no-kill" raises a myriad of questions:

- When is taking a life euthanasia and when is it killing?
- What medical conditions warrant taking an animal's life?
- What is a 'dangerous' animal?
- How do you test an animal's temperament?
- What is a 'public health hazard'?
- Which conditions justify killing to protect the public's interest?
- Who makes these decisions?

### Euthanasia vs. Killing

"Euthanasia" means painlessly ending the life of one suffering from a hopelessly terminal illness or incurable medical condition. Euthanasia does not by definition mean taking a life because of behavior, impractical medical costs or inability to adopt because of age, disfigurement, unpopular breed, lack of appeal or dearth of available homes.

[Tails A' Waggin' Rescue](#) will only resort to euthanasia when there is no remaining quality of life because of extreme pain and suffering that cannot be alleviated by medical treatment AND only after trying everything possible to try to save it, regardless of expense. But even 'pain and suffering' can be subjective. Perhaps the final determination is best left to a committee that includes at least one veterinarian and several volunteer rescue workers.

Maddies Funds believes, "One way to think about the meaning of no-kill is to apply the same standard to an animal shelter as you would to your own pet. Would you put your cat down if he had a broken bone? What if your dog had kennel cough or separation anxiety? I don't think most people would take their pet's lives for these conditions".

But applying the same standard most people would use for their own pet would not fare well for animals. If 150,000,000-250,000,000\* animals were killed in pounds last decade, because the guardians just don't care. A huge number of impounded animals are there, **then euthanasia bring them there.** [Tufts University](#) says 44% of shelter animals are owner-surrendered. Even more surprising is the number that instruct the pound to *kill* their healthy and adoptable pets! Last year 4,873 pets were killed in San Diego County alone because of [owner requests](#)!. And of the strays captured by animal controllers, many were dumped in fields by their caretakers or pushed out of cars or were never sought after they got out of the yard. Real estate agents nationwide can attest to how many animals are left behind in vacant homes and yards when properties are sold and homeowners move on. According to [Animals Voice](#), what 'most people' would do is regrettable. It is conceivable that almost every animal that ends up in the pound is a direct result of a guardian who didn't make a life-time commitment of care and *protection*. Perhaps we need to start asking people to apply the same standard as they would to their own *child* instead of their pet.

Problems arise when killing is permitted for reasons other than to end extreme physical suffering. Definitions start adapting to the decision maker's whims, convenience, prejudices and no-kill targets. Suddenly the opening becomes a floodgate. For example, [San Diego County Animal Control](#) claimed that out of 17,421 animals killed in 2004, only 15 were healthy and 8,089 were 'non-rehabilitatable'. So 46.4% of the total animals killed were labeled 'non-adoptable.' The agency is currently a Maddies Fund recipient and stands to gain millions of dollars by meeting no-kill goals.

[Francis Batista](#), co-founder of Best Friends Sanctuary, believes *the way* quotas are set is important to avoid schemes. "Communities and organizations that are truly committed to saving lives are moving away from the whole notion of rating their success on percentage of adoptable animals placed. Instead, we focus on the 'live release rate,' a calculation that includes all the animals that come into our care. [San Diego County Animal Control, supra, killed 33% of its total intake of dogs and cats].

"The no-kill movement is not a numbers game or an accounting scam that shifts column headings on the numbers of animals killed to alter the balance sheet. It is a repudiation of the whole idea of using mass killing as a means of pet population control. Instead, it calls for a commitment to the lives of those animals already born, a reduction in the pet birth rate through spay/neuter, and a dramatic change in the way we, as a nation of self-described animal lovers, regard our pets."

### Killing for Behavior & The Temperament Test

Killing animals for behavioral reasons opens a Pandora's box. Some animals have been labeled "vicious" merely because they growled when a dog-catcher put a tether around their neck, dragged them to the street and threw them in a dark box inside a dispatch truck. There is no across-the-board consensus of what constitutes a "dangerous" animal.

Still, many municipalities, SPCA's and even private rescue organizations continue to kill based on behavior. The 'crime' could be snarling at a fake hand used in a test, snapping at a foster parent or injuring or killing an animal or person. Even in the later scenario there may be extenuating circumstances such as self-defense, defending a guardian, abusive treatment, illness, starvation or mistake.

It appears there is no way of easily assessing temperament and it is extremely [controversial](#).

[Chihuahua Rescue](#) argues, "There is a "test" being peddled to shelters across the country. This test is a "temperament test." It "sticks" the dog's disposition by subjecting him to a series of standards such as being prodded with a stick, slapped with a rubber hand, being teased with treats, then having it snatched away [and more recently hanging an animal snarl.] Kind of similar to the way some dogs are tormented by abusers. In this case if the dog...even snarls or curls a lip, he "FAILS" the test and is deemed "unacceptable" so he doesn't count toward being exterminated. How many, scared, starved, abused and confused dogs, being thrown in a strange, hostile environment such as a municipal shelter, "fail" these tests? The answer? Most. But who cares, right? Once these ghastly and unscientific tests are administered, then a shelter can kill 1000's of dogs every year - bid-ness as usual- but now say they're a "no-kill" municipality! Dogs that are unplace-able don't count towards "killing!"

### The 'Sue Sternberg Slaughter'?

Sue Sternberg created the "Assess-A-Pet" test, used by 'shelters' and private rescues across the country to identify and kill 'unadoptable' companion animals. The test usually lasts about 15 minutes and uses a fake hand to test aggression. The pound dog, already in a high-stress atmosphere, has a food bowl or toy or bone put in front of him or her and the fake hand starts poking and prodding the dog while it is trying to eat. If no reaction is achieved, the prodding continues and once the dog snarls or growls, the dog is often marched off immediately to be killed. This test is one of the most widely used in the country. Sternberg has been quoted to say none of [her own dogs](#) would pass her test. Her



**Sue Sternberg with her fake hand, a wand of death for thousands**

seminar [audience](#) witnessed her state that 70% of dogs in the Northeast part of the country are 'unadoptable' and 'should be killed.' Sternberg reportedly called herself "Hitler" in her classes, asked attendees not to tell shelter donors about her tests and killings and has caused [seminar attendees](#) to cry and vomit upon seeing the administration of her tests. Many claim that dogs that fail her test make [wonderful companions](#) though Sternberg would have killed them. An outcry from her [seminar audience](#) can be found throughout the [internet](#). Former [employees](#) of her 'rescue', Rondout Valley Kennels in upstate New York, say she is out of control and her slaughter is totally unjustified.

[Francis Batista](#), supra, has come out squarely against Sternberg. He calls these tests "a license to kill" and only values such tests to evaluate training needs and to select an appropriate home - *not* for

deciding who lives and who dies.

Batista continues, "Killing animals on the basis of a temperament test is such a horrendous crime that those who do it have to become hardened in their defense of the theory in order to justify their [crime](#). Sue Sternberg is a lousy trainer who justifies her inability by labeling her students as dangerous and uneducable. Imagine the uproar if this were suggested as a way of sorting students at inner city schools".

[Jean Donaldson](#) from the San Francisco SPCA also has problems with Sternberg's methods. "We couldn't get Sue's test past the reliability issue, and four of her five unadoptable dogs did fine."

[Animal Match Rescue Team](#) believes that testing at the pound site is a basis for invalidating the test *ab initio*.

No-kill NOW director [Vikki Shore](#) states, "Behavior-killing has become epidemic. It is huge at 'shelters'. But on a smaller scale, breeders, veterinarians and some rescuers end pet 'owners' routinely practice it.

"Sue Sternberg tells 'the ice cream' story which I've heard too many others tell. It goes something like this: 'Willy snarled today so I took him for an ice cream, and then straight to the vet to have him 'put to sleep'. It was a wonderful last day. I feel so good about it!"

"I know I'm expected to rejoice along with the story-teller but every time I hear it I feel ill. No medical evaluation, no behavior-modification training, no re-homing. These poor animals were never given a fair chance. I've heard the same story when the issue was instead medical expenses that exceed \$100.

"Too many innocent lives are being snuffed out based on convenience, subjectivity, false positives and personal gain. We've become too comfortable playing God when it comes to companion-animal lives.

"Prior to imposing a death sentence, at the very least there should be minimal prerequisites to behavior-killing, such as:

- a) a *pattern* of prior dangerous behavior;
- b) a demonstration of meaningful remedial efforts, such as extensive training, treatment and/or finding a new home more compatible with the animal's personality and needs and
- c) a final determination made by a committee, preferably composed of a majority of volunteer rescue workers, a least two behaviorists and a veterinarian in conjunction with a thorough investigation of the facts and a psychological and physical assessment of the animal.

Ideally, these animals would be kept alive in a safe haven where they can cause no harm and live out their natural lives".

### Killing to "Protect the Public"

What poses a "public health hazard" is a true hazard clarification. A search on the internet finds "ringworm" under this category. To be a need further, the animal's disease must be such that it is incurable, contagious and life-threatening to humans or other species and that there is **no other reasonable remedy** to protect the lives and safety of others. A volunteer committee with a veterinarian and rescues workers should make this decision.

### Killing Weaning Puppies & Kittens

[California law](#) excludes all protections for kittens and puppies younger than 8 weeks old. But many believe they should not be killed and instead should be placed in foster homes with their mothers and siblings if at all possible. If a foster is not available, they should be cared for at the no-kill facility.

### Transferring Animals to Kill Shelters

[Hugs for Homeless Animals](#) believes an animal should never be transferred from a no-kill to a kill facility for any reason whatsoever. Those that are euthanized are entitled to die in a place that can offer loving and compassionate arms to hold them in their last moments of life. A no-kill facility is the better choice.

### The Lure of Killing

The more clearly the term "unadoptable" is defined, the less likely abuses will occur. There will always be tremendous temptation for no-kill administrators to manipulate kill rates by mislabeling animals as "unadoptable" to meet no-kill objectives. Pressure to curry favor with the public, contributors, board members and superiors will at times be overwhelming. Deterrents must be put in place at the outset to discourage fraudulent representations. Remedies may include regular reviews by outside committees, open-door policies for rescues and visitors, public display of impound data, published guidelines and procedures and criminal prosecution for intentional misrepresentations.

### The Differing No-Kill Policies

Here are some examples of entities that apply their own interpretations and refinements to no-kill terms:

[MaxFund](#)  
[Hugs for Homeless Animals](#)  
[Maddie's Fund](#)  
[Chihuahua Rescue](#)  
[Friends of Michigan Animals Rescue](#)  
[Friends For Life](#)  
[San Diego County Department of Animal Services](#)

[Read More:](#)  
[When Does No-Kill Mean No-Kill?](#)  
[What Happens When the Cages Are Full?](#)

\* We may never know the true numbers. Out of approximately 5,000 animal control facilities in the country (those with more than 100 animals), less than half report ANY statistics. And it has been stated that out of those, some don't report accurately. Kill numbers could be *much* greater.

Why do facilities refuse to report or manipulate kill rates? Donations are based on the public's perception of how the animals are cared for. Lower kill-rates translate to increased donations.

Another reason is "image". People don't like puppy and kitten killers. From that realization grew a public relations campaign initiated in the 1990's by the Humane Society of the United States, the largest lobbying entity in the country for animal control facilities. The purpose was to give the public a better image of pounds and make staff 'feel better' about what they do. It was this image-enhancing propaganda that focused on bringing about new names: 'animal control pounds' became 'shelters'; 'dog-catchers' turned into 'humane officers' and staff now insists "We don't 'kill'. We 'euthanize'." The tragedy is that this multi-million (billion?) dollar campaign did little for the millions and millions of animals killed within 'shelter' walls.

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