

SHELTER LAW WEBINAR SERIES

COMMUNITY CATS

October 18, 2022

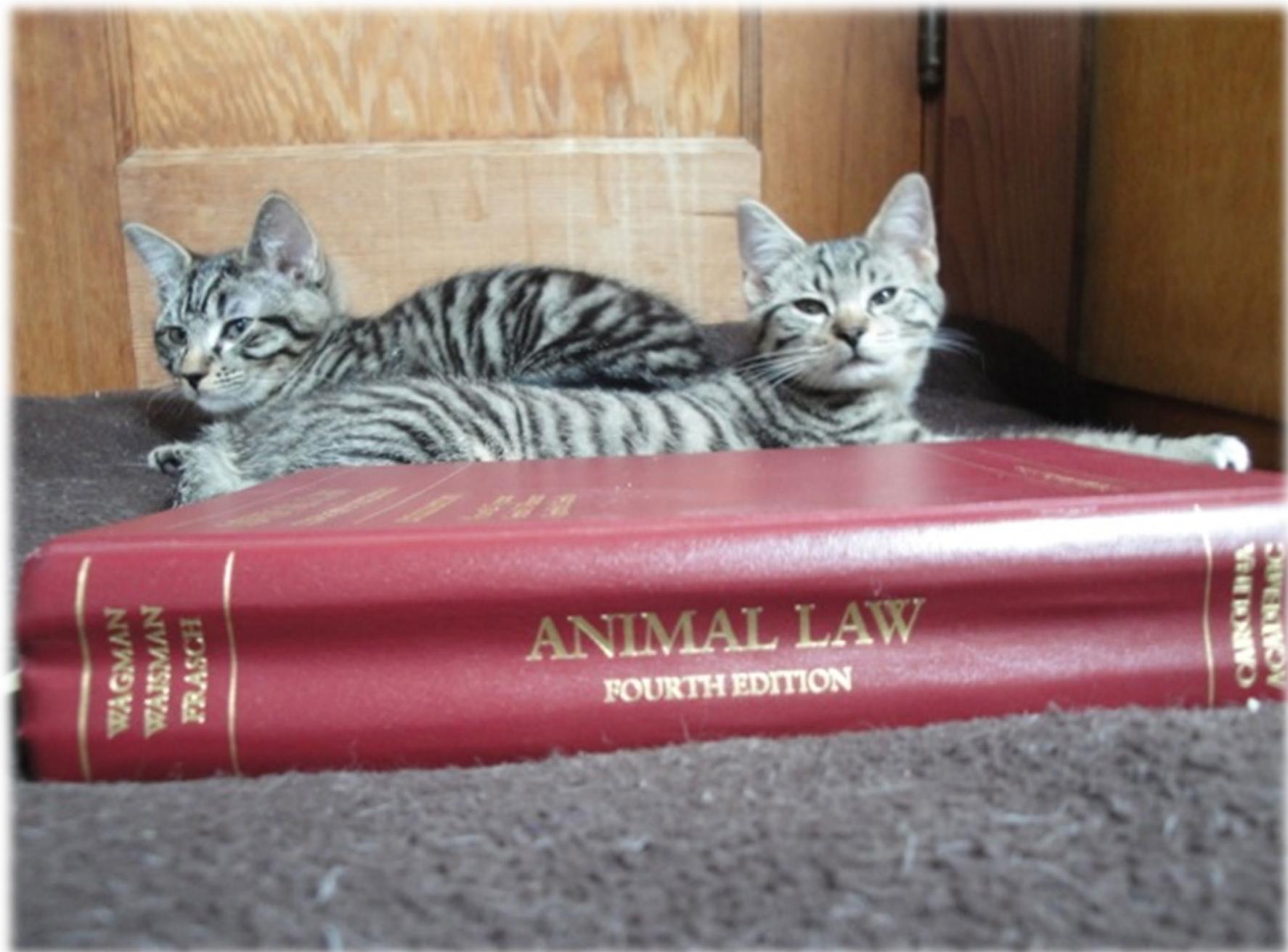


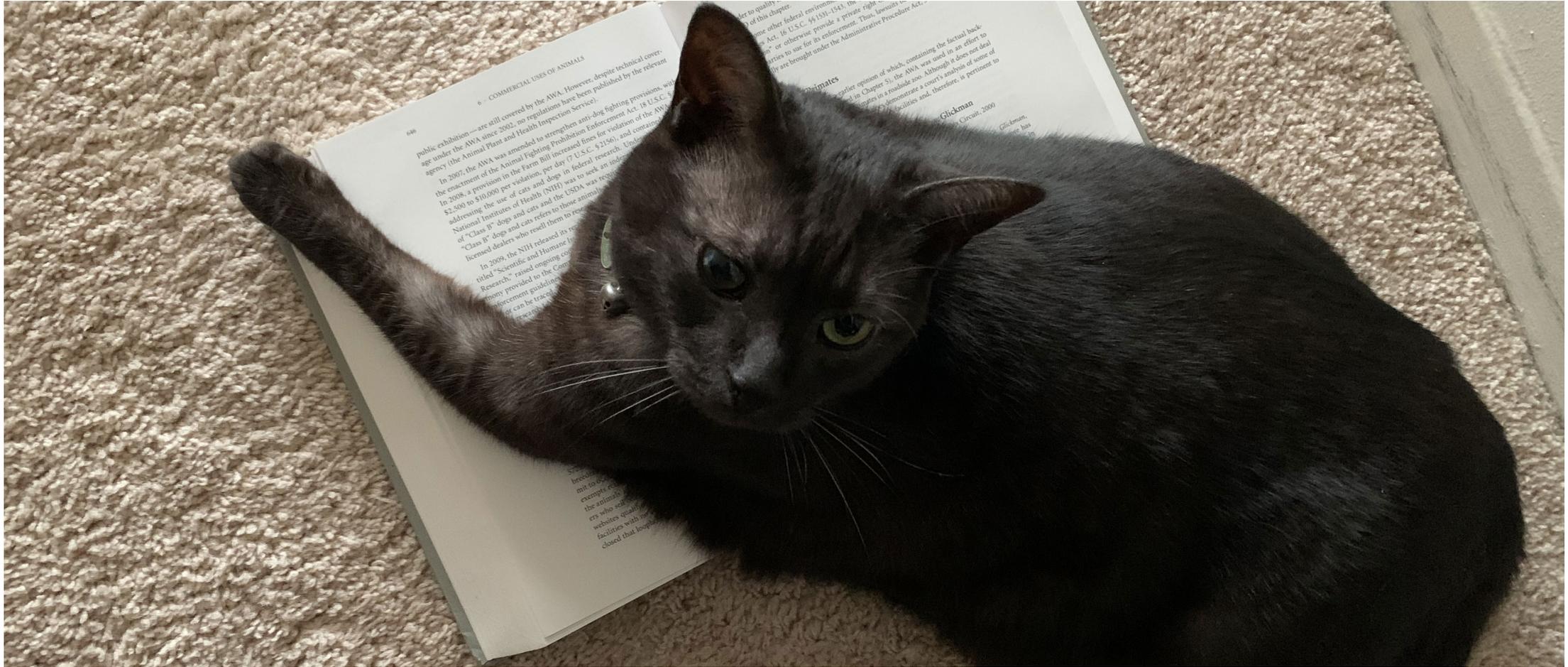
AGENDA



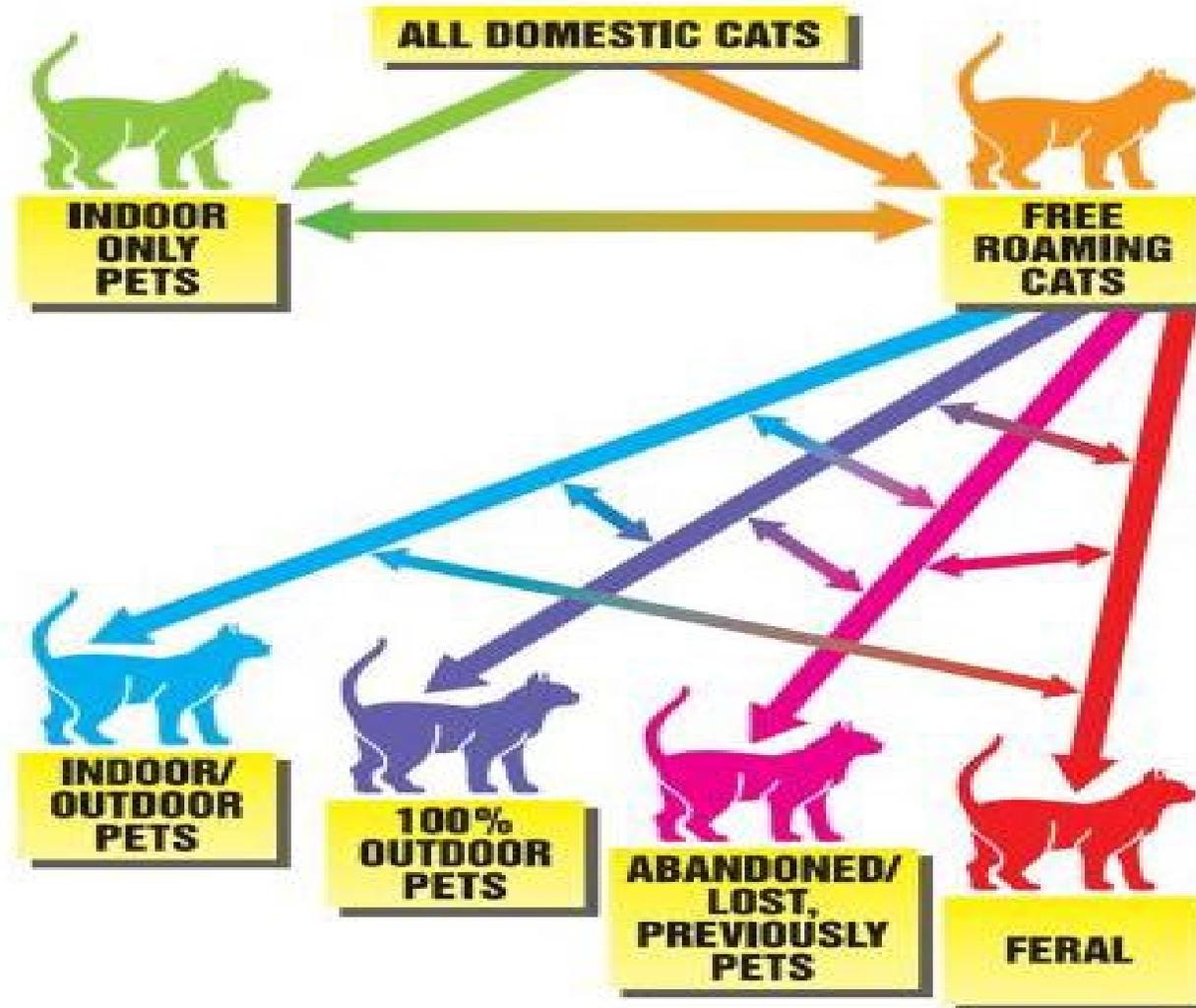
A PROGRAM OF THE SF SPCA

1. What is a community cat?
2. Why are they a topic of debate and discussion?
3. Community Cat Facts
4. Goals and promises of Community Cat Programs (CCPs)
5. Devising a CCP
6. Day-to-day operations of a CCP
7. Benefits
8. Legal considerations
9. Responding to objections
10. Q&A





SPECIES-SPECIFIC POLICIES (*BECAUSE CATS ARE NOT DOGS!*)



Traditional treatment causes problems

for community cats

- Positive outcomes in shelters for all cats is much lower than that for dogs
 - Limited reunification
- Longer stays → compounded confinement problems and behaviors

DEFINITION AND SCOPE

- Community cats are cats
 - Without identifiable owners,
 - Who live primarily outside,
 - And who are either
 - “Feral”, e.g., whose usual and consistent temperament is extreme fear and resistance to contact with people, OR
 - Nonferal/ “friendly”, i.e., approachable and socialized
- Most who have considered the numbers agree there are *more than 30 million community cats nationwide*



Community Cat Programs, or “CCPs”:

Life-saving programs

Most humane treatment of CCs

The humane community is stronger together if each shelter approaches CCPs similarly



NATIONAL POLICY THAT BEGINS WITH LOCALS

- The problem at this point is a societal one – nationwide, worldwide -- given the size and expansion of the community cat population.
- Prior to the scientific and veterinary suggestions for the current approach, we were trying to plug a dam that had already broken loose, either with inadequate tools, or by simply ignoring the problem and hoping it would go away
- We can work towards resolving the problem only through a concerted nationwide effort of community cat programs



The only “problem” with community cats

- Humans!
 - Uninformed and unthinking resistance to CCPs exacerbates the problem, wastes resources that could work to help cats, and poisons community sentiment against counties/communities/shelters working to help address the issue.
- Cats’ gestation period is roughly two months, so reproduction is rapid, and it will take time to catch up

Community Cats: Why We Do It

- No way of obtaining a truly accurate count but
 - Thirty million-plus community cats nationwide
 - An estimated 3-4 million community cats live in California
 - 300,000 to 500,000 in San Diego County alone
- And -- hundreds of thousands of cats are euthanized in shelters across America annually

WHY COMMUNITY CAT PROGRAMS?

Practical considerations leave CCPs as the only option:

- **Numbers**
 - There are too many CCs to find homes for any significant percentage of the population
- **Impossibility**
 - They have reproduced to the point where they cannot all be collected and either placed, or euthanized, before just as many cats replace the population completely



Summary – The Reality

- Society can't absorb them
- Killing untenable and can't be done, and nobody wants to euthanize them anyway
- Healthy and unhealthy cats fill the space before it's emptied
- Detractors say "fix it" or "take in all the friendlies" but have no solution except the methods that have gotten us here
 - And "friendly" vs. "feral" is a judgment call with many "false positives"

CCP Semantics

- ▶ Single use of term “CCP” from here on
 - ▶ *Includes all the following abbreviations used previously: TNR, SNR, TVNR, RTF*
 - ▶ All were models based on same principles and ideas behind CCPs, but with slight variations in procedures and participants
 - ▶ No need for the variation or confusion at this point



CCP Basics

- In all CCPS, CCs are trapped in their outdoor homes, then taken to a facility where they are:
 - Given a veterinary exam and routine vaccinations;
 - If healthy:
 - Surgically sterilized by veterinary personnel;
 - While sedated, marked (usually by “tipping” their ears) so that it is obvious they have been sterilized; and
 - Returned to their original habitat or other suitable habitat.

CCP ELIGIBILITY

- Free-roaming cats are ***not eligible*** for CCPs if they have
 - Indicia of current ownership (e.g., collar, tag or microchip)
 - Significant medical problems likely to need extended veterinary care
 - Judgment call for veterinarian
 - If a CC “fails” the veterinary exam, s/he is removed from the CCP and placed in the pathways available for similarly-situated cats



WHO CAN BE INVOLVED?

- CCPs can be carried out by many individuals
 - Municipal & private shelter workers
 - Rescue groups
 - Private individuals engaged with proper veterinary support at a shelter or private veterinarian
 - Veterinarians
 - Contractors with municipal governments



CCPs – GOOD FOR CATS AND THEIR PEOPLE

- Cats do not do well in shelters—not in the best shelters, and certainly not in ones that are not the best
 - Exacerbated in community cats
- Provide health benefits to cats for longer, healthier lives
- Owner redemption rates are tiny for cats in shelters because statutory holding periods are shorter than the time it takes for most owners to come in
 - But cats returned to same outdoor homes will often be reunited with families, after a free veterinary visit, vaccinations, and valuable sterilization



CCPs – GOOD FOR LOCAL GOVERNMENTS

- Taxpayers deserve programs that are animal-friendly and cost-effective, that reduce the burdens placed on animal control and local municipalities – both fiscal and administrative
 - *The cost of capture and euthanasia is roughly double the cost of performing a sterilization procedure*
 - Cost is not “the issue,” but it is always an issue
 - Lower intake and euthanasia → reduced cost
 - Less need for cat housing
 - Increase in employee morale
 - Greater community goodwill
 - Reduced nuisance calls



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CCPS – GOOD FOR THE COMMUNITY

- CCPs:
 - Protect people from preventable impacts from community cats
 - Increase vaccinations → reduces disease
 - Stabilize and reduce the community cat population
 - Reduce any strain on municipalities
 - Benefit wildlife, including birds and terrestrial animals
 - Respond to community concerns about CCs



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Establishing + Operating

a legally sound CCP in California



In Practice -- Establishing a CCP

Overview

- Key aspect and message to all – “Community cats are different”
- To the extent possible, set up the CCP as a unique function of the shelter, including when possible:
 - Physical separation between treatment of CCs and other cats/animals in the shelter
 - Informational separation
 - Separate line of entry in databases
 - Separate database **not** necessary, just separate coding
 - Separate expense item
 - Track funding mechanism

NON-OWNERSHIP OF COMMUNITY CATS

- By definition, community cats have no owners
 - No ownership by shelter or finder at any point
- Intake forms should not suggest finders or shelter have any rights in the CCs
- Community cats are moving through the CCP as part of the shelter's overall effort to provide humane treatment to animals and to serve the human community
- *CCPs involve time-limited, purpose-driven visits to the shelter, rather than an intake or impoundment*



Intake: Entry and qualifications

- *Anyone* can bring a CC in for potential entry into the CCP program
 - Private “finders”
 - Shelter workers
 - Municipal workers, including animal control, law enforcement
- Immediate actions – apply temporary CCP collar different from other collars used in shelter
 - Microchip/ID inspection
 - If active chip or other positive ID, remove from CCP
 - Veterinary wellness check
 - If any significant medical problems that cannot be easily and quickly treated, remove from CCP

Pathway Planning

- ▶ Once a CC is in the CCP (no ID, healthy):
 - ▶ *Separate forms/data entry for CCP with Q+A tailored to program*
 - ▶ *Intake forms should not suggest finders or shelter have any rights in the CCs*
 - ▶ *Keep CC separate from general population to the extent possible and in CCP-designated enclosures*
 - ▶ *The less time the CC spends in the shelter, the better (while balancing appropriate welfare)*



Going Home

- ▶ CC should leave the shelter ASAP after surgery and recovery
 - ▶ *Animal welfare first, but 2- or 3-day turnaround should work for most situations*
- ▶ CC should be returned to same location where found, or as close as possible if area is dangerous or otherwise unavailable, e.g.:
 - ▶ *Private property with unwilling owner*
 - ▶ *Prohibited area under local laws*
 - ▶ *Areas with identified endangered species that may be target of cats*



CCP “Don’ts”

- ▶ CCP cats should **not** be:
 - ▶ *Listed as, or described as, or actually be “impounded”*
 - ▶ *Microchipped or provided with any permanent ID (other than ear tipping)*
 - ▶ *Registered or licensed*
 - ▶ *Placed on shelter’s website*
 - ▶ *Fostered*
 - ▶ *Adopted (even as “barn cats”)*
 - ▶ *Held under applicable holding periods*



Internal Education

- ▶ All personnel should be given training on specifics of CCP
 - ▶ *Management, veterinary, kennel workers, administrative, volunteers etc.*
- ▶ Dedicated CCP employees are great, but not necessary (and depends on program size)
- ▶ Designate one employee as CCP Coordinator



External Education

- ▶ Public communications should be cleared by shelter and municipal management/legal
- ▶ Promote an affirmative statement of the value of the CCP and the national trend
- ▶ Statement may include:
 - ▶ *Reasons for undertaking*
 - ▶ *Benefits to humans and animals*
 - ▶ *Goals of program*
 - ▶ *Separate process for CCs vs. other cats*
- ▶ Carefully weigh community receptivity vs. opposition in all external communications



POTENTIAL OBJECTIONS -- “CAT WELFARE”

- Opponents claim that community cats are suffering, could be hit by cars, attacked, subject to the elements. But:
 - These cats are thriving outdoors, may not do so indoors
 - No pathway is perfect, and balancing of best interests of CCs and community interests strongly favors CCPs
 - More will be killed in shelters—benefits v. disadvantage calculation is easy
 - House cats also are hit by cars, attacked, harmed



RESEARCH CONFIRMS CCP VALUE

- *Key Largo 23-year study*
 - 5 cats in 1960
 - 2000+ in 1980s
 - Relatively isolated community with CCP adopted in the late 1990s
 - “The free-roaming population decreased from 455 cats recorded in 1999 to 206 recorded in 2013 (55% decrease)”
- *Jacksonville, FL*
 - 6000 cats in the program
 - None of the negative results (hit by car, attacked by dogs etc.) occurred
 - Feline euthanasia reduced by 92 per cent over 8 years



Legal Compliance

CA law, CEQA, local laws + contracts



Caveat

- ▶ Shelter PALS believes that if a CCP is established in this manner, it has a good chance of defeating a legal challenge to its validity.
- ▶ But this webinar is not:
 - ▶ *A guarantee from a court*
 - ▶ *Protection against litigation from uninformed opponents bent on inhumane treatment of CCs*
 - ▶ *Legal advice*
 - ▶ *Only from your counsel*
- ▶ No final decision has been made by a court in order to determine if CCPs are legal acts



CCPs Comply with CA Law 1

- ▶ CCPs do not represent cruelty to animals
 - ▶ *Complex legal analysis, but short answer is that CCPs are done with the humane intent of providing for animal welfare and avoiding suffering – the antithesis of animal cruelty*
 - ▶ *Animal cruelty requires “intent” or acts of “neglect/omission” to be committed*
 - ▶ *CCPs involve intentional actions, based on scientific and veterinary research -- to **help and save** CCs*



CCPs Comply with CA Law 2

- ▶ CCPs do not involve “abandonment” under California Penal Code 597s
 - ▶ *Only owners (those with a legally enforceable ownership or possessory right in the allegedly-abandoned animal) can abandon their animals*
 - ▶ *Shelters do not own their animals, therefore not abandonment*
 - ▶ *Humane actions to save cats do not constitute the crime of abandonment*
 - ▶ *Does not fit within legislature’s concept of “abandonment”*
 - ▶ *CCPs return CCs to their *homes* therefore no abandonment*



CCPs Comply with CA Law 3

- ▶ CCPs do **not** violate intake requirements for shelters under state law
 - ▶ *No legal obligation under state law to accept/impound healthy (owned or unowned) cats*
 - ▶ *Unhealthy cats would not enter CCP, but would follow alternative pathway*
 - ▶ *Shelters' provision of free veterinary exams, vaccinations, and spay-neuter surgery provide far **more** care than legally required*



Other legal issues: CEQA

- ▶ The California Environmental Quality Act (“CEQA”) requires government agencies to consider environmental consequences of public projects
- ▶ CEQA does **not** apply to actions of private entities
 - ▶ *But if a municipality or government agency funds or supports a CCP, CEQA should be considered*
- ▶ If CEQA applies, the government agency **may** have to go through the CEQA administrative process
 - ▶ *Various exemptions likely apply*
- ▶ When CEQA is ignored:
 - ▶ *CEQA litigation blocked the City of Los Angeles’ original CCP and resulted in ~10-year delay*
 - ▶ *CEQA issues should be addressed with counsel for any municipality involved with the shelter when starting a CCP*



OTHER LEGAL ISSUES – COMPLIANCE WITH LOCAL LAWS

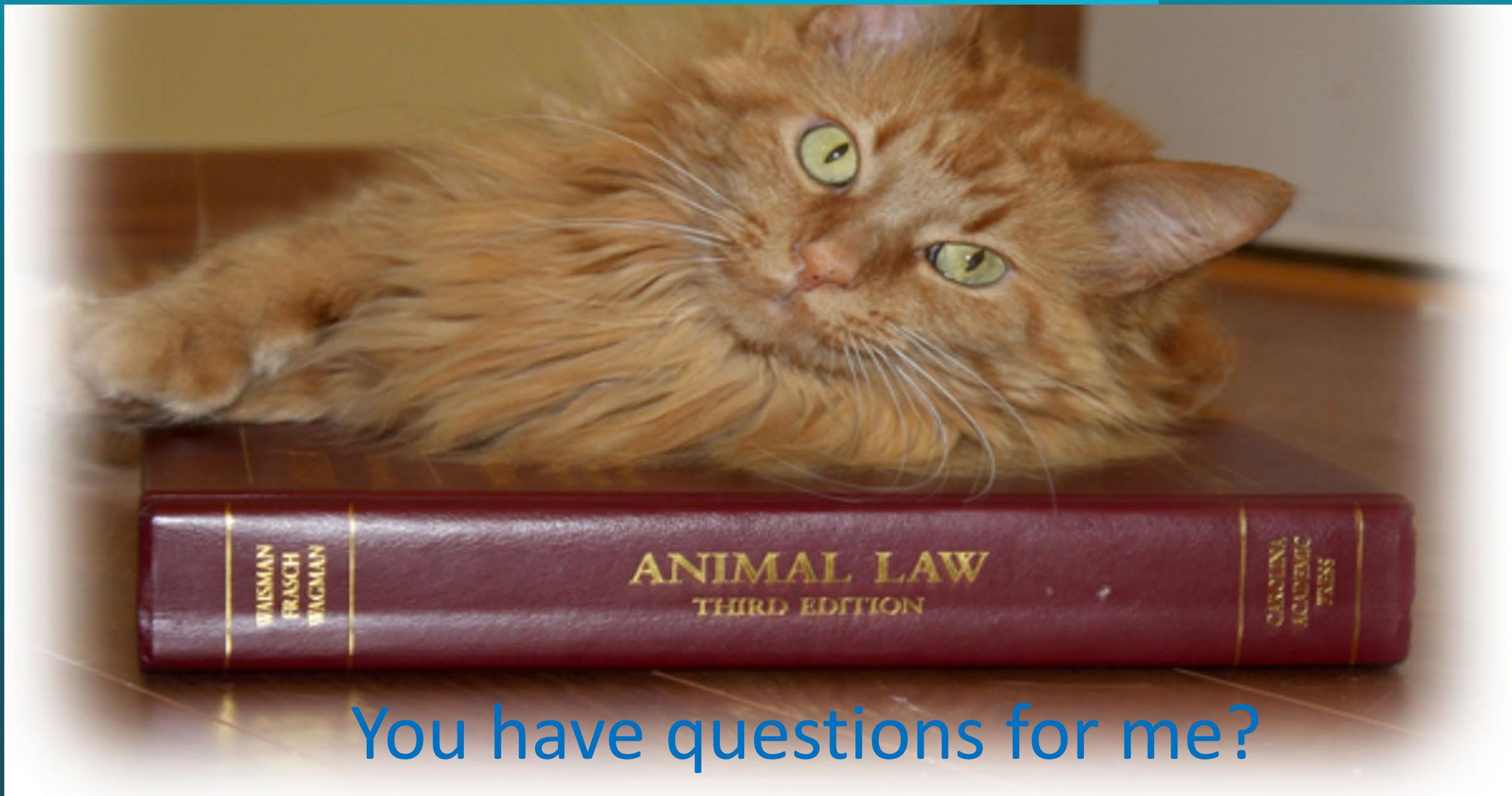
- CCPs often cover multiple jurisdictions (where one shelter covers many municipalities), and each may have its own relevant laws/ordinances, in addition to state laws that govern globally.
 - Therefore, both state law, and the codes of all affected municipalities, should be considered with respect to CCPs.
- Laws regarding the following topics could impact operation of CCPs:
 - Trapping, releasing, maintaining or feeding animals outdoors
 - Limits on numbers of cats
 - Leash, collar, tag or confinement requirements
 - Mandatory pickup and/or impoundment of healthy animals (despite absence of state law requirements)
 - Public and private nuisance laws



SUPPORT FROM NATIONAL LEGAL GROUPS

- The American Bar Association urges all local governments to adopt uniform laws and policies that allow the implementation and administration of CCPs.
- The **National Animal Care & Control Association** believes “that indiscriminate pick up or admission of healthy, free-roaming cats, regardless of temperament, for any purpose other than [involvement in a CCP], fails to serve commonly held goals of community animal management and protection programs and, as such, is a misuse of time and public funds and should be avoided.”





You have questions for me?

ENROLL



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