



Contemporary Justice Review

Issues in Criminal, Social, and Restorative Justice

ISSN: 1028-2580 (Print) 1477-2248 (Online) Journal homepage: <http://www.tandfonline.com/loi/gcjr20>

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To cite this article: Jennifer B. Sinski & Patricia Gagné (2016) Give me shelter: the state of animal sheltering in Kentucky's county shelter system, Contemporary Justice Review, 19:2, 250-266, DOI: [10.1080/10282580.2016.1169706](https://doi.org/10.1080/10282580.2016.1169706)

To link to this article: <http://dx.doi.org/10.1080/10282580.2016.1169706>



Published online: 24 Apr 2016.



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Give me shelter: the state of animal sheltering in Kentucky's county shelter system

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ABSTRACT

The Commonwealth of Kentucky Animal Control and Advisory Board estimates that in 2012, approximately 285,000 dogs and cats entered the shelter system, but only 15% were retrieved by owners or adopted to a new home. While some shelters incorporate adoption, fostering, and low-cost spay and neuter programs, many shelters euthanize the majority of the animals that enter the shelter system. In an effort to address severe deficiencies within the shelter system, Kentucky passed the Humane Shelter Law which defined minimum care and facility standards for animals held in shelters, along with required data collection. The law also placed responsibility with the individual county governments for oversight and implementation of these requirements. This paper presents the background and history of the state policy regarding animal shelters followed by results from a study of the county animal shelters in Kentucky. Results from the study suggest that numerous problems with data collection and maintenance exist throughout Kentucky and that levels of care vary widely for animals in the system. We discuss these issues before making recommendations for improvement to this system and its oversight. Our research suggests that with proper funding and oversight, Kentucky's statute could become a model for humane animal sheltering.

ARTICLE HISTORY

Received 2 July 2014
Accepted 26 January 2015

KEYWORDS

Companion animals; animal shelter policy; euthanasia; fostering; adoption; data collection

Introduction

Companion animals are an important part of the American family life with over 60% of families owning pets, meaning that approximately 78.2 million dogs and 86.4 million cats live in homes (Industry Statistics & Trends, 2011). According to the American Pet Products Manufacturers Association, Americans spent \$53.33 billion dollars in 2012 on pet supplies (Industry Statistics & Trends, 2011). Companion animals are often described as members of the family, sharing in familial rituals like birthday parties and holiday gift-giving (Holak, 2008; Irvine, 2004; Sanders, 2003). They serve as work partners and therapists in the capacity of guide dogs, seizure alert companions, and emotional support partners. Not only do

companion animals share our lives and hearts, many people are deeply concerned with unwanted and abused companion animals. Frank (2007) found that 20% of Americans donated to animal welfare organizations and animal protection advocacy groups. It is evident that companion animals are very much a part of the US social world.

Despite the deep and enduring connections that companion animals provide, unwanted healthy and adoptable companion animals are euthanized in shelters across the country. Commonly referred to as the problem of pet overpopulation, lost or unwanted companion animals are housed in animal sheltering organizations. Scarlett (2004) estimated that between four and six million dogs and cats were euthanized yearly; other researchers place the figure much higher, at about 18 million dogs and cats euthanized per year in the United States (Morris & Zawistowski, 2004). While euthanasia rates have been decreasing over time, down from over 20 million dogs and cats during the 1970s (Voith, 2009), the number still remains high. The United States spends approximately one billion dollars annually to impound, house, and euthanize companion animals (Companion Animals & Chicago Communities: A Strategic Assessment for the city of Chicago, 2010). Needs assessments performed by animal welfare organizations indicate a dire need for more financial support to fund programs and services that would work to reduce euthanasia rates (Scarlett, 2004, 2008).

Due to the organizational structure of the sheltering industry, it remains difficult to find firm data regarding the number of animal sheltering and control organizations in the United States. Shelters are operated by local, county, and state governments, non-profit animal welfare organizations, and partnerships among such entities. Estimates suggest that between 4200 and 5000 animal shelters exist throughout the United States (Guidelines for Animal Sheltering, 2010; Miller, 2007; Morris & Zawistowski, 2004; Rowan, 2006; Scarlett, 2004). Data on the animals held in shelters is difficult to obtain (Frank, 2007). Statistical information about the companion animals held in shelters is based on estimates, as very few studies have been done on the population of companion animals held in shelters (Guidelines for Animal Sheltering, 2010; Kass, 2001; Marsh, 2009; Scarlett, 2004; Winograd, 2007).

Given the large number of animals cared for in these facilities and the large number of dollars necessary to provide this care, surprisingly few studies have been done on animal care and sheltering in the United States (Arluke, 2002). In 1994, the National Council on Pet Population Study surveyed animal shelters throughout the United States to determine statistics on animals cared for in these facilities. Much of the research published to date on the data surrounding animal sheltering utilizes the NCPPS database (Kass, 2001; Scarlett, 2004; The Shelter Statistics Survey, 2001). Smaller state and county surveys of animal shelters have been performed more recently (Hamilton, 2010).

Collecting data from animal shelters remains difficult for a number of reasons. First, these organizations are operated by counties, local governments, non-profit organizations, or publicly funded shelters contracted with other state shelters or non-profit organizations to provide services (Miller, 2007; Morris & Zawistowski, 2004) and do not report to any overarching regulatory body. Second, animal shelters follow different policies regarding the care of the animals held there. Third, definitions of what constitutes a healthy pet, an unadoptable pet, and an adoptable pet are different among these organizations, making data collection and comparison very difficult (Guidelines for Animal Sheltering, 2010; Marsh, 2009; The Guiding Principles of the Asilomar Accords, 2004).

Given that this heterogeneous and fractious industry is not regulated or licensed by any overarching organization, animal sheltering regulations vary widely between and within states. While

other animal care organizations, such as zoos or science labs, must follow rigorous regulation by both federal and state governmental agencies, sheltering organizations do not have such requirements or oversight. Eighteen states require animal shelters to be licensed or registered, and a minimal number of states have designated advisory boards including Kentucky. These laws often do not include enforcement of the regulations or do so on a piecemeal basis (Newbury et al., 2010). While some states may identify specific information to be kept on each animal and the period of time that the information must be kept at the shelter, only nine states require that the information be distributed to a state-level official and made publically available to citizens. Of these nine, not all require that shelters, both public and private non-profit, report their data for publication. As pressure from constituents increases, more local and state governments are considering implementing recordkeeping and data reporting regulations. For example, Florida recently passed SB 0674 requiring all animal shelters to gather and disseminate to the public specific pieces of data which must be published monthly beginning July 2013 (Animal Shelters & Animal Control Agencies, 2013).

As science focuses on defining the difference between humans and non-human animals, the divide between nature and culture continues to shrink. Recent research indicates that common markers used to set humans apart from animals, such as use of tools, empathy, fairness, and language, can no longer be taken for granted. In conjunction with advancing science, companion animals have become members of our families, sharing in familial rituals like birthday parties and holiday gift-giving (Holak, 2008; Irvine, 2004; Sanders, 2003). Over 60% of families in the United States keep companion animals in their homes, and they spend over \$53 billion on care for them (Industry Statistics & Trends, 2011).

This growing focus on companion animals represents a paradigm shift in attitudes, from animals as objects to subjects. Companion animals, or pets, are defined differently from wild animals. Allowed in our homes, pets are given names and never eaten (Serpell, 2009). Pet owners or guardians describe companion animals as family members and treat them as children or infants. Furthermore, much of a domesticated animal's appeal comes from the neonate qualities they have developed over time (Serpell, 2002). Companion animals are valued for their emotional support rather than their individual economic value or working value the way that livestock are valued (Blouin, 2013).

While many Americans value their companion animals and treat them like members of the family and individual subjects, others view pets as either workers or objects that provide service to their owners (Blouin, 2013; Greenebaum, 2004; Sanders, 2003). Unfortunately, some owners combine both subject and object view by petting and cuddling with them as puppies and then relinquishing them to shelters when cute puppy behaviors become annoying as adults (Irvine, 2002). These differences in owner attitudes toward companion animals have been associated with cultural variations, biographical, and demographic factors like race, gender, family structure, and socioeconomic status (Brown, 2002; Brown & Katcher, 2001; Campbell, 2013; Podberscek, 1997). While research has been conducted connecting varying attitudes toward animals to various attributes, this does little to explain how to deal with the ambiguous attitudes toward animals held by the US pet owners. This places pets in danger of being treated like objects that may be abused or thrown away after the initial attraction has worn off.

Similar ambiguous attitudes toward companion animals are reflected within our legal system. Companion animals are treated by the law as chattel or personal property in most cases, and despite the fact that some courts have acknowledged the familial aspect of pets,

they represent only market value. Damages recoverable by pet owners when a family pet has been intentionally harmed are limited to the market value of the animal (Root, 2002; Tiemessen & Weiner, 2004). Recently, one court noted that ‘it would be wrong not to acknowledge the companionship’ provided by pets when calculating damages that can be awarded from wrongful death, but did not allow for damages for emotional distress related to the loss of the pet (Gluckman v. American Airlines, 1994; SquiresLee, 1995).

This is the crux of conflicting attitudes toward policy in animal sheltering organizations. While significant support exists for implementing policies that commit resources to work toward reducing or eliminating euthanasia, support continues for euthanasia as the front line tool to deal with the large number of companion animals entering the shelter system daily. The paradigm shift regarding the divide between humans and non-human animals combined with the divide between attitudes toward companion animals as objects, subjects, or both along with the heterogeneous and fractious nature of the animal sheltering organizations creates an extraordinarily difficult terrain to establish policy. Given that the policy debate is ultimately rooted in terminating animal lives and the divide between animal as subject or object, human emotions and emotional language make compromise unlikely.

Kentucky policy

The Commonwealth of Kentucky estimates that approximately 285,000 dogs and cats enter the shelter system with only 15% achieving new homes (Kentucky Animal Control Advisory Board, 2009). Only four shelters in Kentucky have published data on the population of companion animals housed. In 2010, the Louisville Metro Animal Service department received 14,149 animals. They adopted 17% (2147), returned 9% (1140) to owners, transferred 16% (2193) to other organizations, and euthanized 57% (Brammell, Hankins, Little, Norman, Wallace, & Woosley, 2011). Grant County Animal Shelter reported in 2009 that they accepted 1748 dogs and cats, adopted 804 (46%) of these, transferred 235 (13%) animals to organizations within the community, 115 outside the community, returned 92 (5%) to their owners, and euthanized 162 (9%) (Grant County Animal Shelter, 2009). Shelby County Animal Services have identified themselves as adhering to the No Kill philosophy and have not euthanized any of their average 900 per year animals in the past year due to space concerns (Moss, 2010).

Kentucky maintains state laws with statutes regarding animal control provisions, vaccinations, licensing, and dog bites. Prior to 2004, no alterations or amendments to the original 1954 statute had been made. Legislators in Kentucky began to hear from organizations regarding the state of Kentucky’s shelter system. In 1996, the Trixie Foundation, an organization led by the director of an eastern Kentucky No-Kill Shelter, launched a statewide campaign to lobby officials to force counties to comply with animal control laws. The 1954 statutes required each county to operate a dog pound supervised by an elected dog warden. The Trixie Foundation alleged that 30 counties in Kentucky had neither pound facility nor elected dog warden. The campaign lasted for several years and worked to bring increasing attention to the poor conditions companion animals faced in some counties (Press, 1996). In 1998, Senator Barry Metcalf (R-Richmond) introduced a bill to create an advisory board funded from taxes charged on pet food (Meltzer, 1998). Although the bill received support, it was ultimately defeated in the House. In the following years, more allegations about poor

conditions in counties began to surface, among them that county employees were utilizing a gunshot to the head to euthanize animals.

In 2002, Kentucky's shelter system received national attention. A shelter volunteer videotaped a Henry County Shelter employee shooting dogs designated for euthanasia. The videotape also showed dogs piled into a pit, bleeding from gunshots, and howling in pain. The video was picked up by a national broadcast organization (Schreiner, 2004). Despite the evidence presented in the case, Henry County Attorney Virginia Harrod elected to not prosecute the employee, on the basis that gunshots to the head to euthanize pound animals were legal in Kentucky (Press, 2002). In response to the massive public outcry over the disturbing images, Commissioner Billy Smith, called for lawmakers to craft legislation to address problems in the shelter system (Schreiner, 2004; Wolfe, 2002). Significant changes to the statutes were made in 2004 from House Bill 336 and House Bill 348. These revised statutes are contained in KRS §258.005–.991 (Kentucky, 2004a). As a result of the amendments, the Commissioner of Agriculture no longer has regulatory power over county shelters. The new laws referred to as the Humane Shelter Laws, define minimum care standards but fail to provide an enforcement mechanism. The changes reflected new euthanasia requirements, minimum shelter facility requirements, and required specific data collection by shelters on the animals in their care (Kentucky, 2004a). Kentucky also legislated in KRS §258.117 that the Animal Control and Advisory Board (ACAB) be created, a group of 12 individuals appointed by the governor to serve for four years. The statute describes the board as 'created for the purposes of evaluating applications for and reviewing disbursements from the animal control and care fund, creating training programs, and other duties relating to animal control and care in the counties of the Commonwealth' (Kentucky, 2004a). Under the supervision of the Kentucky Department of Agriculture, the board works to advise and train county and city animal shelter employees and distributes funds collected from the Animal Care and Control Fund set up by the State Treasury. Shelters were given three years to meet minimum standards and were encouraged to apply for grants provided by the ACAB. Kentucky tasked the newly created ACAB to assist counties with the training necessary to update facilities so they would come into compliance within the three-year period. The ACAB maintains control of the Animal Care Fund, maintained by the state treasury from fees from licensing and private donations.

The Humane Shelter Law clearly prescribed minimum animal sheltering requirements in Kentucky. Sheltering facilities were defined as 'any facility used to house or contain animals, operated or maintained by a governmental body, incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization' (Kentucky, 2004a). The law also outlined minimum care standards for animals and the structures used to house them. Shelters were also required to maintain records for two years, collecting the date the animal was impounded; location found or picked up; sex of animal and spay or neuter status, if known; breed or description, and color; and date reclaimed, adopted, or euthanized (Kentucky, 2004a). While the shelters within the State of Kentucky were given three years to update facilities and practice, the law required them to fully implement the requirements by July 2007. In August 2008, citizens in Robertson County Kentucky sued their County for maintaining insufficient facilities to house animals as outlined by the minimum requirements in the Kentucky Humane Shelter Law. They also noted that the dog warden continued to euthanize animals by gunshot to the head (Penrod v. Robertson County, 2008). The Circuit Court for the eighteenth Judicial Circuit ruled that Robertson County must have a new and modern facility built within one year to address all requirements in the KRS §258. A similar suit was filed in Estill County. In December 2009 a settlement was

reached whereby Estill County would undertake critical changes in the care and housing of the animals in its care (Animal Legal Defense Fund, 2010). Change continues in Kentucky's 120 county and local government shelters today. ACAB member Beckey Reiter stated in an interview regarding the problems in Robertson, Estill, and other counties in Kentucky that change is an ongoing process. Reiter noted that the advisory board maintains a fund of \$3000,000 to disburse among counties for new animal shelters or upgrades to existing facilities. She declared that additional training must be provided to municipal shelter employees and that oversight needs to be provided by the state (Associated Press, 2008).

Planned methods

In an effort to build a database of the animals held in the public shelter system in counties in Kentucky, we submitted an open records request to each of the 120 county shelters in Kentucky that are listed on the Animal Control Advisory Board's website. Each shelter is required to keep the following six pieces of data according to KRS §258.119, which states:

Maintain a record on each animal impounded. Records shall be maintained for a period of two (2) years and shall include: a. date impounded; b. location found or picked up; c. sex of animal and spay or neuter status, if known; d. breed or description, and color; and e. date reclaimed, adopted, or euthanized. (Kentucky, 2004a)

In 1992, Kentucky enacted statutes KRS §61.870 to §61.884 that allowed access to records held by state and local governments (Hoffman, 2005; Open Records, 1976). After receiving a request for these records, the responding agency has three days to acknowledge the request and either provide the information or reject the request based on specific reasons outlined within the statute.

A questionnaire was included with each request which asked for the shelter director to provide information about the physical structure of the facility, number of employees, number of volunteers, and any additional information on unique programs or services provided at that shelter, such as spay and neuter programs or companion animal behavior training classes. All data were to be uploaded into SPSS and statistical analysis performed on the data to analyze the characteristics of the companion animals held in shelters throughout Kentucky. Although the specifics of each animal were not to be published, any general trends and correlations that could be determined would be. For example, if a county had an abnormally large number of Beagles housed but a relatively small percentage of the Beagles was adopted, suggestions for programs to increase adoption rates, and educate Beagle owners would be made. From this collection of data from our open records requests and the facility surveys, we hoped to analyze the data in answer to the following research questions:

What are the demographics, intake distribution, and outtake distribution of the companion animal population held in Kentucky's publicly funded shelters?

Does the presence of special programming at these shelters increase adoption rates?

Does the presence of special programming at these shelters decrease euthanasia rates?

Does spaying/neutering or behavioral training reduce the rate of return for previously adopted animals?

We intended to draw a very clear picture of the demographics of the canine and feline populations held in animal shelters including breed details, geographic county-by-county intake maps, rate of adoption, return to owner and euthanasia, length of stay, and any trends

that appeared from the analysis. This analysis would provide a baseline analysis of the data under the Humane Shelter Law so that progress could be measured within Kentucky.

The data collected from this study would represent the first known analysis of the population of companion animals in Kentucky animal shelters, as well as the first analysis of the state's public shelters since the passage of the Kentucky Humane Shelter Law. Future interested parties would then be able to access this data in a timely fashion and utilize it to help guide improvements to Kentucky's shelter system. Other animal welfare organizations could utilize the database to guide future resource allocation or implementation of education and training programming for community animal shelters. Once the procedure for data collection was in place, future updates to the database were to be possible, making the data dynamic.

Despite our best efforts over a two-year period, we were unable to collect data from all of Kentucky's 120 county shelters. We received completed surveys from 66 counties, and data in some form from 26 counties. Further, the way data were collected at most shelters made it impossible to standardize, clean, code, and analyze the data we did collect. In the following sections, we focus on the issues we encountered in gathering and analyzing data. Our objective in this paper is to identify the systemic barriers to data collection and analysis. Ultimately, our purpose in doing so is to craft policy recommendations that, if implemented, would enable future researchers to gather and analyze data that will provide a scientific foundation for the further improvement of animal shelters in Kentucky. Our goal is to share what we learned from our research so that data collection and analysis throughout the United States might be improved and so that, ideally, the unnecessary euthanasia of healthy adoptable pets will cease.

Barriers to data collection

Mailing

The first barrier we encountered was the distribution of research materials to each shelter director. Materials were mailed via the United States Postal Service addressed to shelter directors at the mailing address published on the Kentucky ACAB website. The addresses were verified by checking against shelter webpage listings when available. Over the course of the two weeks following the mailing, about 30% of the 9 × 12 envelopes were returned as undeliverable, some missing the \$1.00 postage stamp that had been carefully peeled from the envelopes. After initial research into the problem, two issues became clear. First, because the Kentucky Humane Shelter Law allows counties to enter into agreements with another county or a private, non-profit organization to provide animal control and sheltering services the serving organizations or facilities change frequently. The ACAB has not required counties to update them regarding service arrangements or mailing address changes. Second, many of the sheltering organizations did not receive mail at the physical shelter location, instead using a Post Office Box or the County Judge Executive's office. At times, it was difficult or impossible to determine the actual physical location of the county shelter facility despite requirements in the KHSL that all facilities provide open access to the public during convenient times so that animals may be retrieved or adopted.

Initially, only six organizations responded to the open records request and survey. Mayfield-Graves County Animal Shelter responded quickly, providing a digital file for the data requested and the completed survey instrument. Fayette County Lexington Animal

Care and Control followed with a complete electronic file and completed survey. The offices of two County Judge Executives responded by stating that they contracted with other counties to provide their services and did not have access to the requested data. The Morgan County Judge Executive's office responded that no information was available due to the recent tornado that had destroyed the records held at the shelter.

Despite the requirement that state offices must respond to an open records request within three days, the majority of the Kentucky counties did not initially respond in any form. After significant research and discussion, we decided that shelter employees may not understand the requirements of the open records request procedure. Our next contact needed to be directed to the County Judge Executive who would understand the procedure required and know to whom to direct the request. We accessed the Kentucky State Government website list of elected County Judge Executives and emailed each the open records request and the survey. This procedure resulted in a higher response rate. Ultimately, 66 Kentucky counties returned a completed survey, but only 10 counties provided an electronic file of their KHSL data.

Digital data

The open records request asked for sheltering organizations to return data in an electronic format, either a spreadsheet document or a text file that was comma delineated. We offered help in exporting data to any organization that requested it. If the data were not available in an electronic format, we offered to copy or scan the documents on site. The majority of the county offices reported that records were not kept electronically. If records were kept electronically, many Judge Executives or Shelter Directors reported that they were unable to create a report that excluded pet owners' personal information and that they were not allowed to share personal information. Some counties provided us with monthly totals of intake, returned to owner, adopted, and euthanized dogs and cats, some provided a yearly total of the same information, and others declared that this information was stored on crate cards. Crate cards are individual 5 × 7 cards with a companion animal's hand written information kept in a holder above the cage or crate door. (Figure 1). Several counties provided copies of these cards for which we reimbursed copy costs, but the information provided on each card was often difficult to decipher and sometimes incomplete.

Examples of some of the myriad issues we encountered are as follows: The Bracken County Animal Shelter Director reported that his county judge executive stated that we would need to pay 50 cents per copy in advance to copy each shelter card of which there were 1500. The Warren County Animal Shelter is operated by a private, non-profit organization. The Director maintained that as they were not a public organization, they did not have to provide us with access to this information, which was kept digitally. The Campbell County Judge Executive's Office provided access to their crate cards at the courthouse facility and allowed us to scan each of the 5000 cards. They were in the process of moving to computerized data collection but had not completed the switch. Pulaski County offered to make the crate cards available at the courthouse for a window of a few hours on a date specified by them.

Even when documents were submitted in an electronic format, very few included all the items required by Kentucky Humane Shelter Law, rendering analysis of the data very difficult, if not impossible. Shelters used different programs to store and access data digitally and each program dictates the types of information kept by that shelter. So, for example, while

1, JK-9 SCANNED VLL 8/27
 9/30
 No. 33777
COUNTY ANIMAL SHELTER RECEIVING FORM

| | | | | |
|--|---|--|--|---|
| Date Rec'd: 8/26 | Male <input checked="" type="checkbox"/> Female <input type="checkbox"/> | Dog <input checked="" type="checkbox"/> Pup <input type="checkbox"/> | Neutered <input type="checkbox"/> Spayed <input type="checkbox"/> | Stray <input checked="" type="checkbox"/> Owned <input type="checkbox"/> |
| Breed: HOUND/PIT | Color: BRINDLE | Age: OLDER | | |
| EARS: Cropped <input type="checkbox"/> Button <input type="checkbox"/> Floppy <input checked="" type="checkbox"/> Erect <input type="checkbox"/> | COAT: Long <input type="checkbox"/> Short <input checked="" type="checkbox"/> Med. <input type="checkbox"/> Wavy <input type="checkbox"/> Wire <input type="checkbox"/> | Tails: Docked <input type="checkbox"/> Short <input type="checkbox"/> Bushy <input type="checkbox"/> Bobbed <input type="checkbox"/> Ring <input type="checkbox"/> | | |
| Housebroken: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Good with children: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Watchdog: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | State of Health: Good <input type="checkbox"/> Poor <input type="checkbox"/> Questionable <input type="checkbox"/> | |
| Shots: D. H. <input checked="" type="checkbox"/> P. <input checked="" type="checkbox"/> K. <input checked="" type="checkbox"/> | Rabies Shot: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Date: 8/26 | License # Year: 110 | Collar: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Reason For Surrender: _____ | | | | |
| If Stray Where Found: _____ | | | | |

STATEMENT OF SURRENDER

I hereby relinquish all ownership rights to the animal described herein to the Campbell County Animal Shelter for adoption or disposition at their discretion.

I certify said animal has not bitten anyone during the last 14 days to my knowledge.

Signature: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

Received By: _____ Donation: \$ _____

Figure 1. An example of a crate card from a Kentucky county shelter.

a particular software program might require the user to input the animal’s intake information, the outtake information is kept in another program because it is not required by the intake software program. Also as the federal government requires very strict recordkeeping on the use of all euthanasia drugs, that information might be kept in a log book format and not integrated into the digital recordkeeping process. The euthanasia log may be the only form of recordkeeping for documenting a companion animal’s exit from the shelter, and it becomes very difficult to access the complete record of information that is required by law to be kept.

Open records request

Finally, because counties may choose to contract out their entire animal care and control services or choose to contract a portion, such as sheltering, not all services are provided by public employees. For example, the animal control agent might be a public employee who surrenders all captured or surrendered animals to a non-profit shelter. Non-profit organizations provide these services either in a publically owned building or in their own organization-owned building. Despite the fact that the organization is providing a public service, there is much confusion over whether the organization is required by law to comply with the open records requests or keep data in accordance with the KHSL. Furthermore, the originating county does not keep the required data in its office and does not require the servicing organization to report the required data to them.

A director from a county humane society contracted to provide services for the county government responded angrily to our request for data. She stated that if she had to respond to requests for information, her organization would simply drop the county contract. Animals would then be euthanized at a much higher rate. Many of the non-profit organizations responded to our request for information and survey negatively and in one case refused to discuss the request at all, referring me to its legal counsel. Finally, because many of these

contracts are negotiated on a yearly basis, they change frequently. In Taylor County, several citizen groups have claimed that the county animal shelters were providing subpar care to the companion animals held there. In response to the both the claims and a recent series of open records requests submitted to the shelter, Taylor County officials at the newly constructed animal control and care office announced their decision to contract the care of the animals with another county. The Taylor County Judge Executive Eddie Rogers stated that the number of open records requests received recently had caused both a financial and time burden on the county. Despite the fact that Taylor County had been a recent recipient of a \$150,000 ACAB grant for shelter improvements, the shelter would close. The new facility would be used solely to house animals for the five day required hold but then animals would be transported to another location for sheltering for adoption or foster care. Local citizen groups state that county leadership developed the plan to avoid addressing their concerns for treatment of the animals (Gonzalez, 2013).

Implications for the humane shelter law

The ACAB distributed an initial survey to the county animal sheltering offices in 2007 and asked for the following: county name, physical address with hours of operation, the number of animals serviced, whether the current needs of the county were being met, and whether the organization expected an intake increase in the next five years. Only 40 returned this survey. The department recently mailed the second survey asking whether the shelter was county managed or services were contracted out, in addition to address, phone, and hours of operation. Neither survey asked for the information that must be collected as required by the Kentucky Humane Shelter Law (Kentucky Spay & Neuter, 2013). As of February 2014, 54 of the 120 counties did not list complete information on the shelter profiles published on the ACAB website. Louisville Metro Government's shelter, the publicly funded animal control and shelter organization for Jefferson County, listed incorrect information, and the address for the new facility had not been updated at the time of our research. The purpose for the Kentucky Department of Agriculture's ACAB as assigned by KRS §258.117 is to provide 'disbursements from the animal control and care fund, creating training programs, and other duties relating to animal control and care in the counties of the Commonwealth' (Kentucky, 2004b). If the distributing office does not have access to current addresses, the sheltering organizations will not receive important granting and funding information. Public offices are required to maintain accurate and up to date records. In this case, the minimum expectations for public information were not met (Bunker, Splichal, Chamberlin, & Perry, 1992).

The Humane Shelter Law designates specific pieces of data that must be kept on each animal entering and exiting the shelter (Kentucky, 2004a). Through our collection efforts, it became clear that accurate and complete record keeping regarding the data required by the law is often inaccurate or non-existent. If the data are kept, they are not in a format conducive to systematic collection and analysis because the information is frequently kept on handwritten 5 × 7 crate cards that are stored in warehouses outside of the facility. No efforts, other than our own, have been made to verify that shelters are maintaining the required data. In an interview with the attorney who represents the Department of Agriculture's ACAB, it was noted that the Commonwealth of Kentucky has no interest in the information, or in county rates of euthanasia (2012). In many cases, the forms used by the sheltering organizations dictate the information that is kept. Many of these forms were

developed two or more decades ago and the information requested or dictated by the forms came from the initial description of the social problem – in this case, pet overpopulation. The forms commonly do not include data required by Kentucky law.

As society's attitudes toward animals have changed greatly over the past two decades, the definition of the social problem has also changed. Yet, many organizations have not updated their methods of data collection nor evaluated what data need to be collected to determine effective organizational operation. Originally described as 'Tyranny of the Form' (Gubrium, Buckholdt, & Lynott, 1989), Irvine (2003) focuses on the role that forms play in defining the social problem of pet overpopulation. In this case, 'crate cards' restrict the amount and complexity of information that may be recorded on each animal by the shelter staff. Recordkeeping procedures also work to keep the information on the animal apart from the information about whether the pet was retrieved by owner, fostered, adopted, or euthanized. Data are, for the most part, being recorded, but in outdated and inconsistent formats that frequently do not comply with Kentucky law.

Although the law requires each county in Kentucky to maintain an animal control and sheltering office or to contract services with another county or a private, non-profit organization (Kentucky, 2004a), several counties responded that they did not offer animal sheltering services. When the animal control officer picked up an animal, these animals were dropped off at either a veterinarian's office and kept for five days before being euthanized or given to a local animal rescue group that would attempt to get the animal adopted. Such relationships were often informal and non-contractual.

Contracts between the county government and local private, non-profit organizations create confusion regarding responsibility for data collection and reporting. Many non-profit organizations do not respond to open records requests assuming that only public, government offices are required to report data when requested. This is not always the case. In 2008 in the case of *Clarke v. Tri-Cities Animal Care & Control Shelter* the Washington Court of Appeals, Division III ruled that the non-profit organization operating the shelter for the local government animal control must be treated like 'any other local public agency' and would be subject to the Washington Public Records Act (*Clarke v. Tri-Cities Animal Care & Control Shelter*, 2008; Ware, 2009). The court used the *Telford* test, a three-pronged analysis, to determine whether private agencies were actually 'quasi government agencies.' In the case of *Clarke*, a private citizen sued after being denied access to euthanasia records held by Tri-Cities Animal Care & Control that was contracted to provide animal sheltering services for three local counties. The plaintiff was forced to appeal the first ruling which denied her access, and the appellate court decided that the agency was required to provide information as requested under open records requests (*Clarke v. Tri-Cities Animal Care & Control Shelter*, 2008; Ware, 2009). Kentucky public agencies that have contracted with private organizations need to make the organizations aware of the responsibilities in this regard.

Spay and neuter procedures are required on every adopted dog or cat in Kentucky as designated by the KHSL. Of the 66 counties that submitted our survey, 74% responded that they required spaying or neutering of all adopted animals, 26% stated that they did not require adopted animals be altered despite the Kentucky requirement. Of the 74% of responding counties that required spay/neuter, only 66% provided the service prior to adoption. Of the 34% of counties that required new adopters to have their adopted pet altered at a veterinarian of their choice, 35% did not follow up to ensure that the surgery was

performed. The reason most often given was lack of funds and staff to follow up with the new owner.

The Humane Shelter Law also addressed accessibility issues within the county shelter system. Citizens had complained that the shelters were only open during a few hours and only on weekdays. The Humane Shelter Law attempted to address these complaints by requiring that each shelter ‘provide access to the public for no less than twenty-four (24) hours in one (1) week, with the hours that the facility is open to the public posted in a visible location’ (Kentucky, 2004a). Despite the concern regarding the facility hours and accessibility, the ACAB’s website lists 54 counties that did not provide information regarding hours of operation. Given the confusion that we encountered in attempting to mail our research materials to shelter facilities, identifying physical location, or mailing addresses remains relatively difficult.

Finally, the euthanasia rates in Kentucky remain high throughout the state and vary considerably by county. Hickman, Morgan, Montgomery, Webster, Wayne, and Clay counties have live release rates of approximately 0–25%. In these counties the majority of companion animals are euthanized unless an owner retrieves the pet. Some counties, such as Hickman, reported that they do not offer fostering or adoption programs. In Hickman County, animals are kept for five days at a local veterinarian’s office and if not retrieved by their owners are euthanized. By contrast, in Shelby County, which has a no-kill policy for adoptable (i.e. healthy and non-aggressive) dogs and cats, companion animals have a 100% chance of leaving the shelter into an adoptive or foster home or to a partner program which will guarantee that it will be adopted.

The so-called need to euthanize healthy adoptable companion animals is often conceptualized as a problem of pet overpopulation. In recent years, however, a new paradigm has emerged in which shelters make strong efforts to ensure that every animal that leaves the shelter is spayed or neutered and offer behavioral information and training classes to help owners understand and deal with destructive or disobedient pets. Shelters are also working with volunteers that foster pets, keeping companion animals out of the shelter environment while they await adoptive homes. Although anecdotal evidence suggests that such programs work to reduce rates of euthanasia, the fact remains that little scientific data is available to researchers seeking to understand which programs work and under what social and geographic circumstances.

Kentucky statutes have the potential to foster a clearer understanding of the system of companion animal sheltering and the conditions under which pets are more likely to be adopted into new homes or unnecessarily euthanized. Whether considered as an economic issue, in which the cost of sheltering animals might be reduced, or one of social justice, in which healthy animals are given a second chance, it will take minor adjustments to current law for Kentucky to become a national model in data collection and analysis that will lead to improvements in the shelter care of companion animals.

Suggestion for improvement

Florida, North Carolina, and California all publish basic shelter statistics online and make these data accessible to the public providing some accountability for the services provided by sheltering organizations. Kentucky provided the outlines for accountability but did not mandate collection and publishing procedures. The law provides some accountability within

the shelter system and local citizens have successfully sued county governments for transgressions in service. Unfortunately, the law also provides counties with a way to avoid basic accountability. If the county contracts with a private, non-profit organization, it becomes very difficult, if not impossible, to obtain the data required by law. In most cases, private citizens would need to have access to legal resources in order to force private agencies to conform to the requirements of open records requests. Most citizens in Kentucky do not have the financial resources or the time and travel resources required to pursue legal action. Depending upon the county of residence, citizens' companion animals may incur a much higher risk of being euthanized if they accidentally enter the shelter system. Citizens may also have difficulty obtaining entry into the facility to search for a lost pet due to restricted hours open to the public or lack of access to information regarding the facility location. Without access to transportation, citizens may not be able to travel two counties away to visit their home county's contracted service provider. These problems result in a system of unequal access and unequal level of service provided to county residents throughout the state of Kentucky. One suggestion provided by Ware (2009) in the analysis of the *Clarke v. TCAC*, is to amend the language in the Public Records Act definition of 'public record' to include services 'paid for to comply with [the] public contracting requirements' (p. 774) of any state or local agency. Such regulations would require the publicly contracted agency to maintain the records required by law and to make them available upon request.

Furthermore, the Kentucky ACAB should require that each shelter complete a survey similar to the one we used reporting on the identifiers defined by the Humane Shelter Law. If counties do not meet the minimum care identifiers, then the ACAB should visit that county shelter and meet with the County Judge Executive. This removes the responsibility from individual citizens to challenge county shelters through the legal system and places it back on the advisory board and state government officials. Such a change would spare the county the expense of defending itself against unnecessary lawsuits and shelter data would be updated on a regular basis so that residents could remain informed about location, hours of operation, and programming available.

Computer systems are considered to be a requirement for any government office to maintain accurate public records. By 1985, even city governments had computerized with over 97% of the nation's cities keeping records digitally. (Bunker et al., 1992). Kentucky's county public offices all have computers and each Judge Executive is required to have email access (County Officials Training program, 2014; Division, 2008). Counties' publicly contracted agencies should be no different in their ability to access computer programs that work to accurately maintain data as well as digitally transmit that information via the internet. Many programs designed to address data collection needs of animal shelters are available free or at a very low cost. Spreadsheet programs or database programs are often included on computers or may be purchased through a state contract for a reasonable price. The ACAB must address the problem of the lack of technology throughout Kentucky immediately. The law already requires that the data be kept and Kentucky could be a model state by simply requiring that the data be published annually by each shelter. The ACAB should include these statistics on their website. Furthermore, a specific computer format should not dictate access to data. In Florida, public access laws incorporated the following statement regarding computerized data: 'all of the information in the computer, not merely that which a particular program accesses, should be available for examination and copying in keeping with the public policy underlying the right-to-know statutes' (Bunker et al., 1992). Given that most

public data are computerized, Kentucky's Open Request Law should reflect this same language so that public access to information cannot be restricted by stating that 'the computer doesn't provide the information you are requesting in a report format.' Given that specific information is required to be kept for public access that information needs to be available through a computer reporting system.

In addition to increasing public access to shelter statistics, the data mandated by the Humane Shelter Law could help owners locate lost pets quickly and efficiently. If a statewide system were implemented, the data would be updated immediately and become searchable by pet owners immediately. This should increase the number of lost companion animals that are retrieved from shelters by their owners, while reducing the costs of housing lost companion animals for weeks and moving them into the adoption or fostering program or reducing the cost, time, and trauma of euthanasia.

Conclusion

The Kentucky Humane Shelter Law provides a strong platform from which a model policy could be launched. Kentucky could be one of the top states making a commitment to caring for companion animals in a humane fashion and encouraging shelters to evaluate the effectiveness of programming offered to county residents and their pets. The identified data are the same as the data that many granting organizations require their shelters to collect and analyze in order to apply for shelter grants. Recent studies have indicated that shelters that collect and evaluate data reflectively are decreasing euthanasia rates and increasing adoption rates (Scarlett, 2012). If Kentucky made the suggested changes, the state's county shelter system could provide shelter for lost, unwanted, or abandoned companion animals while they wait to find their new homes, and providing the level of care that citizens of Kentucky are requesting. The changes suggested have the potential to save counties both unnecessary legal expenses and expenses incurred for sheltering and euthanizing animals. Further, the Commonwealth of Kentucky could become a leader in the ethical and humane treatment of companion animals in the nation.

Disclosure statement

No potential conflict of interest was reported by the authors.

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