



The Killing of Puppy 43063

June 11, 2009 by **Nathan J. Winograd**

Your Honor, on June 19, 2007, a 12-week-old brown and white puppy ... entered the Loudon County shelter and was given number 43063. He was never given a name... the puppy was killed by the shelter, never having been given a chance to live, never having been given a name. Why? Contrary to state law and contrary to local law, puppy number 43063 was never put up for adoption and was killed for one reason and one reason only: Puppy number 43063 was identified by the shelter as a pit bull mix. On the puppy's pre-euthanasia report, the official reason for euthanasia is typed in as "breed." Let me repeat that. The recorded reason for why puppy number 43063 was killed under current shelter policies was "breed." That reason at some point was crossed out in ink and "behavioral observations" was written in its place. Behavioral observations. The shelter's canine behavior assessment for puppy number 43063 notes that the puppy, "Approaches the front of the kennel seeking evaluator's attention. Happily greets evaluator. Is sociable. Initiates gentle, physical contact. Wanted to be in evaluator's lap. Moves closer for further attention. In evaluator's lap playing. Wiggly. Leans against you. Bouncing around. Very lovey. –**Counsel for Plaintiffs, Animal Rescue of Tidewater vs. Loudon County, Virginia, May 5, 2009.**

Pit Bull advocates across the country were closely following a recent trial in Virginia about whether Loudon County's ban on Pit Bull adoptions was legal, given a provision of state law and the Attorney General's opinion to the contrary. According to Virginia State Law, No canine shall be found to be a dangerous dog solely because it is a particular breed nor is the ownership of a particular breed prohibited.

According to the Attorney General's interpretation of that law, Publicly funded animal shelters may not euthanize dogs based solely upon breed. The case, ***Animal Rescue of Tidewater vs. Loudon County, Virginia*** ended in the County's favor. The court held that banning the adoption of dogs deemed Pit Bull or Pit Bull-mixes did not violate the law.* As a result, dogs someone says "look" like "Pit Bulls" or "Pit Bull-mixes" will continue to be killed without ever being made available for adoption.

The County, in undisputed court testimony, conceded that point:

Q: Are Pit Bulls in Loudon County allowed to be adopted?

A: No. The pit bulls and pit bull mixes are not allowed to be adopted.

Q: As to pit bulls, any citizen of Loudon County may not adopt a pit bull; isn't that correct?

A: The Loudon County Animal Shelter does not adopt out pit bulls, no.

To the Director's credit, he did approach the Board of Supervisors to ask them to remove the adoption ban on Pit Bulls which they declined. But despite this, his staff—most notably his shelter manager—testified in defense of the shelter by misleading the court, with a series of Orwellian claims that deny the obvious and contradict one another.

The Loudon County shelter manager claimed the shelter only killed one "adoptable" Pit Bull even with a blanket policy against putting any up for adoption. Of 122 dogs killed since a new policy was enacted—reaffirming the ban but allowing "adoptable" Pit Bulls to be transferred to rescue groups—she said all but one failed their temperament evaluation. One. That's a pass rate of 0.01%. Compare that to 86% in Tompkins County. And 86.6% according to the American Temperament Test Results. Despite this, the shelter manager testified that the shelter is not biased *against* Pit Bulls, but *in favor* of Pit Bulls:

Q: And you stated that pit bulls are not treated differently at the shelter, is that correct?

A: No, sir, they are not.... *We never make decisions based on breed*, we make decisions based on space availability and based on appropriateness.

Q: [But pit bulls or pit bull-mixes] are never put on the adoption floor; isn't that correct?

A: At this time they are not made available for adoption, that's correct.

Q. Are you aware, personally aware, of any staff bias regarding pit bulls either pro or con?

A. Well, we do have some staff that are pit bull advocates, and so any bias we might have would be in favor.

Despite admitting the shelter bans the adoption of Pit Bulls, she claimed they are treated the same as other dogs and decisions about them are not based on breed. Despite the fact that she admitted a Pit Bull with behavior issues has never been given the rehabilitation that is given to other dogs, she says they are treated the same. She even went so far as to say that if there was Pit Bull bias at the shelter, “any bias we might have would be in favor.”

As noted above, counsel for **Animal Rescue of Tidewater** described one such “dangerous” Pit Bull at this shelter:

Approaches the front of the kennel seeking evaluator’s attention. Happily greets evaluator. Is sociable. Initiates gentle, physical contact. Wanted to be in evaluator’s lap. Moves closer for further attention. In evaluator’s lap playing. Wiggly. Leans against you. Bouncing around. Very lovey.

The puppy was killed. Sadly, this sort of behavior by individuals tasked with overseeing humane societies and animal control shelters is not surprising. Rather, it is endemic to the industry. And it is a lack of any accountability for their actions that gives shelter managers an aura of untouchability and allows them to make outrageous claims, even when contradicted by the evidence.

In fact, that is what is underlying the larger opposition to the No Kill movement. The No Kill movement is attempting to impose accountability on shelters which have not had any because groups like the ASPCA and the Humane Society of the United States have not only given them a free ride, they defend them no matter how poorly they perform. And with uncritical support, encouragement, and even praise by killing apologists and enablers like the ASPCA and HSUS, it is little surprise that shelter managers would feel no compunction about making such claims even while testifying in court, under penalty of perjury.

One of these enablers is a hitman-for-hire by the name of Pat Miller, an anti-No Kill crusader who holds herself up as an “expert” on sheltering issues, and who testified for the County in the lawsuit. Miller testified that roughly 60% of all Pit Bulls in shelters are unadoptable based on a study she has seen. The study was conducted by the Massachusetts SPCA at a time when it was killing at an astonishing rate. Not surprisingly, it came up with the finding to justify its kill rate, the same way the Loudon

County shelter manager justifies killing dogs she claims are Pit Bulls or Pit Bull-mixes by saying the only ones she kills are “unadoptable.”

As I wrote in *Redemption*:

With assets at one time reaching nearly one hundred million dollars, the Massachusetts SPCA (MSPCA) is perhaps the richest animal shelter in the world, but roughly 60 percent of all dogs and cats who entered the MSPCA shelter system throughout the 1990s were killed.

Is it any wonder that the MSPCA study cited by Miller would conclude that 60% were “unadoptable”?

Even assuming this study is valid (it is not: Tompkins passed 86%, consistent with outside studies), Miller also admitted that dogs who may perform poorly in a shelter often blossom outside of the shelter:

Sometimes you’ll see a completely different dog outdoors. One who appears quite unsocial and stressed in the kennel may be quite friendly out of the kennel when it’s removed from that stressful environment...

She then turned around and stated that taking dogs outdoors is not and does not have to be part of the behavior assessment!

Q. And I guess you may have answered this, but is taking a dog outdoors to evaluate the dog an additional tool in the assessment?

A. It’s not – ...

Q. And have you ever taken a dog outside after you have done an individual assessment?

A. Not — generally, not for information gathering purposes.

Why? If the information would help more accurately evaluate a dog’s “temperament,” why isn’t it a mandatory part of the evaluation process? The answer is simple: shelter staff is looking for a reason to kill dogs.

As I indicated in *Redemption*:

As a result, in many—if not most—shelters across the country, dogs are being killed as unadoptable based on deeply flawed test results that are wrong more than they are right, where different shelter staff could easily get different results, and with very poor predictive validity in the home. Not only are the chances of a dog being saved in a shelter reduced by under-performing management or lack of effective policies, but often dogs must first “pass” this test of dubious value. Add to that the pressure to

provide a publicly palatable reason for killing (“aggression”), and the obstacles to getting out alive are formidable.

Miller declined to admit the obvious, that passing only one out of 122 Pit Bulls showed “breed bias.” She also claimed to be unfamiliar with studies that showed Pit Bulls having pass rates that exceeded many other breeds, and were in the 80th percentiles even though these studies are, and have been, widely available. What kind of “expert” remains willfully ignorant on issues regarding which she claims to be an expert? What kind of “expert” ignores all evidence to the contrary? What kind of “expert” doesn’t express concerns about the fact that these bans threaten all dogs as shelter staff misidentify Pit Bulls and Pit Bull-mixes the vast majority of times? The answer is simple: Someone who will not be swayed from a predetermined agenda of killing. That is also why it was not surprising, though no less disturbing, that she claimed to have high regard for a Loudon County shelter staff member, even when she was informed that this staff member “was suspended recently for euthanizing dogs that were not appropriately prepared for euthanasia.”

As I’ve written about Miller before:

In a misleading and deceitful article by Pat Miller in the January issue of the Whole Dog Journal, No Kill was once again equated with hoarding and called “a deceptive myth.” She also stated that people who donate to No Kill shelters are “misguided.” Miller is no stranger to spreading vicious attacks against No Kill. She led one in the mid-1990s after San Francisco ended the killing of healthy dogs and cats.

As I indicated in my book *Redemption*:

Pat Miller, the president of the California Animal Control Director’s Association, and the director of operations for the Marin Humane Society, a wealthy bedroom community just north of San Francisco that was still killing savable animals, indicated the claims [in San Francisco] were “based on semantics, data distortion, and the prolonging rather than the relief of animal suffering.” Miller would go on to say that she, like others who shared her views, was “disturbed by the advocacy of No Kill philosophies.”

Richard Avanzino, then President of the San Francisco SPCA, summarized this opposition best:

For years, there has been what seems to me a concerted, aggressive, and sometimes mean-spirited campaign against No Kill in general, and against the [San Francisco SPCA] in particular. This campaign has included statements that in my eyes go far beyond the bounds of legitimate debate, and rely instead on falsehoods and misrepresentations that demean, diminish, and disparage.... Again and again, we find programs misrepresented, motives questioned, and results and achievements ignored.

In her latest salvo, Miller revisits her wrath at the movement to end shelter killing by arguing that No Kill shelters are derelict because they refuse to kill animals. Not surprisingly, her husband still works for a shelter that kills animals, despite taking in only 5,500 animals annually. Compare that to Reno (which takes in roughly 16,000) and [is saving 90% of all animals].

As to Puppy 43063, Loudon County staff themselves evaluated him and found that he was “happy” and “sociable” and “gentle” and “wants to be in your lap” and “seeks attention” and “plays” and is “wiggly” and is “very lovely.” They then claimed he was aggressive. And they killed him. And they kill hundreds of others like him. With the blessing of national “expert” Pat Miller. With the blessing of the Loudon County Board of Supervisors. With the blessing of the courts of Virginia. And under the oversight of a shelter manager who says that despite an adoption ban, they never make decisions based on breed, treat all dogs the same, and if they have a bias, it is *in favor* of Pit Bulls. You can’t get more Orwellian than that.

Loudon County is one of the wealthiest counties in the United States. Its animal shelter budget is one of the highest in Virginia and on the top end of shelters nationally: \$10 per capita (in a recent study, the mean was found to be \$3.95). It also takes in only 10 dogs and cats for every 1,000 human residents, less than the national average and almost four times less than Reno, NV which is saving 90% of dogs, including Pit Bulls. But all that wealth and all that money meant nothing to Puppy 43063 because someone said he was a Pit Bull-mix. And someone else in Loudon County said that made him dangerous and unadoptable.

This is YOUR American animal shelter. The one that blames YOU for the killing.

* The legal ruling was based on narrow interpretations of state and local law. Briefly, the case largely turned on the fact that the prohibition on killing dogs based solely on breed in Virginia state law fell within the parameters of the state’s dangerous dog law, and the court narrowly interpreted its proscription only to dogs subject to dangerous dog hearings in court. Despite the Attorney General’s opinion that banning their adoption was illegal (which the Court deemed non-binding), the Court stated that since the shelter allows some of these dogs to be transferred to rescue groups, it did not violate the law or a local law that says citizens may adopt any dogs they want from the shelter. In the run-up to the trial, the shelter began transferring a rare few to rescue groups.