

Feral Cat Activist



A Publication of Alley Cat Allies

News for the Humane Community / October 2006

Bringing Feral Cat Populations Under Control: Targeted Trapping

Alley Cat Allies (ACA) often hears from feral cat advocates who have stopped the breeding of hundreds, even thousands, of cats and raised awareness of Trap-Neuter-Return (TNR) by informing neighbors and other caregivers—but cannot make further progress because they work in communities where TNR and aggressive spay/neuter programs are neither offered nor embraced by local government.

We also hear from animal control officers and shelter personnel who are looking for ways to stem the rising numbers of cats entering their facilities. They need practical methods to reduce cat populations and to encourage the community to act responsibly in caring for animals.

Targeted trapping is one such method.

What is Targeted Trapping?

Targeted trapping is a precisely organized trapping plan executed in specific locations that have been identified as “hot spots”—locations from which animal control takes in the most cats. Targeted trapping enables TNR groups to achieve specific goals for reducing cat populations and provides measurable evidence that TNR is effective.

Targeted trapping starts with trapping, sterilizing, and vaccinating one or more *entire colonies* of cats in a hot spot, then moving to the colonies immediately next to or surrounding the first colonies, and so on.

Targeted trapping is thorough. It ensures that no colony members are overlooked (and continue to breed) and that the very few, if any, newcomers who enter completed colonies will be discovered immediately, trapped, sterilized, and vaccinated.

While sterilizing and vaccinating only some



PHOTO: GINA MANTERO

of the cats in a colony or only a few colonies in a community will greatly improve the lives of those cats, it probably won't affect the overall numbers of outdoor cats, particularly in densely populated hot spots, and there has been no way to measure its effect on reducing cat intakes at shelters.

Targeted trapping gets the measurable results that prove TNR works: fewer calls about cats to animal control and reduced cat intake at shelters. Using targeted trapping, TNR groups can demonstrate to local officials that nonlethal control *cuts workloads and costs, and reduces euthanasia rates.*

Getting Started

There are two ways to find the hot spots. Your local animal control officers may know where large cat colonies are because they respond

to calls about cats. Some agencies and shelters use electronic databases to log calls and/or intakes of animals, and can run reports that reveal hot spots.

Submit a written request for that information. Be aware, however, that any information you obtain this way is almost certain not to include everything you need, which at a minimum is names, addresses, and telephone numbers of people who have called about cats.

To a large degree, animal control agencies/shelters either will not release this information, considering it to be confidential, or they do not record such information at all. At best, you may be able to determine the ZIP code, area, or neighborhood each call comes from. But even with such rudimentary data, you can identify the locations from which a disproportionate number of calls are coming.

What if you cannot get even basic information from animal control? Place a small space or classified ad in your local newspaper asking people who feed or want to report feral and stray cats to call a number you provide. Indicate in the ad that information will be kept confidential. Set up a separate phone line with voice mail for this. DO NOT use your home phone. Be prepared to receive a lot of calls.

Remember that the public cannot ask for a service they do not know exists. You will have to explain clearly what TNR is, its benefits to the cats and the neighborhood, and that the alternative (taking the cats to animal

control) will only open up the area for more cats to move in and breed. Be clear about what may be expected of the caller and what you can do for them.

For further information to prepare you to deal with callers, see www.alleycat.org/resources_list.html.

Map the Hot Spots

Plot the location of all calls on a map, using either a software mapping program (e.g., Microsoft MapPoint) or adhesive dots/push pins on a large wall map.

You will soon begin to see the areas or

neighborhoods whose residents are continually calling about cats. These are the places where you can make the most impact in the shortest amount of time. These are your target areas.

Develop a Plan

When you identify the target areas, choose one or two (depending on your financial and physical resources) as the starting point. Go into those neighborhoods to find out exactly where the cats live, meet the feeders, communicate your TNR plan to the neighbors, and solicit everyone's cooperation. (Alley Cat Allies doorhangers are an excellent tool to inform neighbors about your plan to TNR the local outdoor cats.)

If at all possible, offer to spay/neuter and vaccinate the neighbors' intact house cats at a very low cost. This is an investment in preventing future litters, which are a main source of feral cats, and it will pay off very well in neighborhood goodwill and in fewer kittens born.

While you are implementing this trapping plan, you will receive calls for help from other areas. As hard as it is, you must remain focused. When people outside of your targeted area call, help with information and advice, but do not be distracted from the job at hand.

Document Everything

Documenting your work is as essential as trapping and sterilizing cats. Log how many cats are in the colonies at the start and maintain records for every cat you trap, sterilize, and adopt out or return. Prepare neighborhood caregivers to monitor the colonies and ensure that any newcomers are sterilized and vaccinated as soon as possible. Obtain testimonials from caregivers and neighbors attesting to the benefits of TNR in your targeted areas.

The more accurate and complete your records, the stronger a case you can present to local decision makers to support a community-wide TNR program.

How Can Targeted Trapping Help Animal Control?

Targeted trapping programs use volunteer time and money to solve an issue that animal control agencies face constantly. Residents in the targeted areas see firsthand that the program is reducing the numbers of feral cats and improving conditions in their neighborhood—using effective, nonlethal methods that meet the public's desire to treat stray animals humanely. In those neighbor-

Who's Doing Targeted Trapping?

Alley Cat Allies utilized targeted trapping in DC CAT, our Washington, DC, pilot program, to convince the DC public health department and animal control contractor to implement a city-wide Trap-Neuter-Return (TNR) policy.

DC CAT focused on specific neighborhoods where animal control was receiving large numbers of calls. We identified colonies, engaged neighbors to assist with trapping, trained on-site volunteers, and worked throughout with animal control personnel to demonstrate how the plan was carried out. When DC endorsed TNR as city policy, Alley Cat Allies continued to work with animal control to implement the program and build public support.

But you don't have to be a national organization to benefit from targeted trapping. Individuals and small groups use targeted trapping to keep from being overwhelmed by the immense need for TNR in their communities.

More than a year ago, Pam Warner, founder of Forgotten Felines in Kerrville, Texas, reached a point where she simply couldn't help all the people asking for assistance with cats. Adopting the organizational tactics of targeted trapping, she stepped back for a week or so to examine where the calls were coming from and to identify her hot spots. Then she applied her efforts where she could achieve the most good.

One case involved a disabled caregiver with a large colony of cats in a trailer park. When Pam first started her TNR work, she had tried to help this caregiver. Not knowing what would happen, she had called local animal control and was heartbroken by their response—immediately trapping and killing as many cats as they could.

Within a matter of months, the trailer park was again abundant with cats and kittens—so many kittens that a new colony formed nearby at a bed and breakfast.

To get the area under control, Pam worked with the caregiver and the owners of the bed and breakfast to first TNR all the trailer park cats, then the entire B&B colony. With caregivers in both places managing these colonies, any newcomers will be trapped and treated right away. The cats need never again be an issue with local animal control. It was a win for everyone—the trailer park, the B&B, and the cats.

Resources

Targeted trapping requires solid planning before action is taken. You need to be prepared to deal with the public and to document every step of the process.

Alley Cat Allies has information about resources and techniques to help you develop a targeted trapping plan from start to finish. Go to www.alleycat.org/resources_list.html to learn more. ■



hoods, feral cats stop being a “problem” that falls on animal control.

Trap-Neuter-Return will become standard practice everywhere only when every community faction—from public officials to animal control personnel to the residents who look to local government for services—learns how nonlethal population control can be practically applied to reduce feral cat numbers in their community. Targeted trapping demonstrates that TNR is the way to get the job done. ■

FeralCatActivist

Vol. 5, Issue No. 2, October 2006

Editor

Kris Rerecich

National Director

Becky Robinson

Executive Director

Donna Marie Wilcox

Visit us online at www.alleycat.org

Alley Cat Allies

7920 Norfolk Avenue, Suite 600
Bethesda, MD 20814-2525

Tel: 240-482-1980

Fax: 240-482-1990

E-mail: alleycat@alleycat.org

Feral Cat Activist is published by Alley Cat Allies. It is distributed free of charge to inform caregivers, advocates, veterinary professionals, animal control officers, shelter personnel, public officials, and the media about the life and death issues surrounding stray and feral cats.

© 2006 Alley Cat Allies

All rights reserved. We may make this material available for use by other groups, but none of it may be reproduced in any format without specific permission from Alley Cat Allies.

Alley Cat Allies (ACA) is a national, nonprofit organization based in Bethesda, MD. ACA promotes nonlethal population control for feral cats through advocacy, workshops and conferences; print, video, and web-based information; and helping individuals, groups, agencies, and institutions work with feral cats.

Alley Cat Allies is a 501(c)3 nonprofit, tax-exempt organization. ACA's federal employer ID number (EIN) is 52-1742079. All contributions, donations, and gifts are tax deductible.

Printed on recycled paper.

LEGAL ANALYSIS

Illinois Adopts an Animal Control Policy for Feral Cats

BY W.M. ANDERSON

Legal Director, Alley Cat Allies

Although stray dogs were the species of concern for much of the last century, cats have taken over the top spot. Cats have become the most numerous companion animal in the United States today, numbering 90.5 million.¹ Some scientists estimate that the stray cat population equals the pet cat population.² Any serious attempt to control the stray animal population today must focus on cats because the vast majority of this population is cats and a significant proportion is feral.

Feral cats are cats unsocialized to humans because they are at least second generation of lost or abandoned pets. Because they are not capable of living the life of a house cat, these animals are not adoption candidates if they enter a shelter; indeed the majority of cats that enter shelters whether socialized or not, are killed.³

This change in the demographics of the stray animal population creates a legal crisis. Animal control laws exist to address damage caused by animals: economic loss, property destruction, and bodily injuries. Current laws, many written over a century ago to address the stray dog population, remedy such damage primarily by making the owners of animals liable to compensate injured parties for damage their animals cause. At one time such laws focused on owner liability for damages *after the fact*. Now many focus on prevention, and have become a list of owner duties to prevent damage: duties to leash, to muzzle, to fence, to vaccinate. The duty to license is to generate revenue for the municipality.

Of what value are laws based on owner liability to control damage caused by an unowned population of possibly 90 million stray cats? A growing number of jurisdictions are concluding that they are largely worthless and these jurisdictions are developing a new legal paradigm. The most recent and arguably most thorough law is the Illinois Public Health & Safety Animal Population Control Act (the Act), enacted in August 2005.

I. Feral Cat Caregivers Are Not Owners

The Act clarifies that feral cat caregivers doing Trap-Neuter-Return (TNR) are not “owners” who are subject to animal control laws: “‘Owner’ does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program.”⁴ The Act also clarifies that a feral cat caregiver is not a “keeper” or a “harborer”—terms that appear in Illinois’ definition of “owner.” This is consistent with Illinois’ existing animal control law, which makes it clear that feral cats are not “owned” animals.

These clarifications are important for two reasons. First, the distinctions reject the notion that feral cat caregivers created this population. Rather, it places caregivers participating in TNR programs firmly on the side of the solution. Second, it precludes any argument that these feral cats have a place in the existing control system that makes owner redemption or adoption the only positive outcomes.

II. The Pet Population Control Fund

Having defined caregivers, the Act then makes them eligible to participate in the Pet Population Control Fund, the core feature of new Illinois’ Animal Population Control Act. Participants receive vouchers to cover sterilization and vaccination costs, subject to a \$15 co-payment. By making caregivers eligible for these public funds, the Act imposes the costs of damage control on the community.

The principal of the Fund is projected to be a minimum of \$2 million in funding a year for spaying dogs and cats. The Act dedicates



four sources of revenue to the Fund and allows voluntary contributions.

1. Public Safety Fines. Newly imposed public safety fines are projected to generate \$2 to \$2.5 million for the Fund. The fines are surcharges imposed on owners for offenses such as dogs deemed dangerous (\$50), dogs deemed vicious (\$100), biting animals (\$25), and dogs at large (\$25). The county or municipality collecting these fines keeps a portion of the monies. (Notably, state law does not require the apprehension and impoundment of cats running at large.)

2. Pet-friendly license plates. Illinois' three-year-old pet license plate program generates some \$75,000 annually. The bulk of these funds will now be deposited into the new Pet Population Control Fund.

3. Income tax check-off. The Fund now appears as a check-off on Illinois individual income tax forms. Taxpayers may elect to contribute some or all of their refunds or to increase their tax payments by an amount they choose. How much money the check-off will generate is as yet unknown. If the check-off fails to gross more than \$100,000 in the first year, it will be removed from the tax form.

4. Registration fee differential for intact animals. The Act authorizes counties to charge a minimum of \$10 extra for owners to register intact dogs or cats. The \$10 may be placed in the county's own population control fund or in the state fund. Given this choice, registration differentials are unlikely to be a significant source of revenue for the Fund. Only owners must register their animals; feral cat caregivers are expressly exempted from these registration requirements.

FUND PROTECTION

A critical element of the Act was the inclusion of an anti-piracy clause to safeguard the Fund. In other states, such funds have been created, only to be raided to cover unrelated government activities. The clause is a simple statement inserted into the state revenue code: "No transfers may be made...from the Pet Population Control Fund."



PHOTO: GINA MANTERO

III. Liability Exclusions

Liability is an issue that municipalities and veterinarians frequently raise when approached to participate in TNR programs. The Act addresses this concern by clarifying that both groups are exempt from liability. In part, Illinois' Act now provides:

Sec. 35. Liability.

(a) Any municipality or political subdivision allowing feral cat colonies and trap, sterilize, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat...;

(c) Any veterinarian who sterilizes feral cats and any feral cat caretaker who traps cats for a trap, sterilize, and return program shall be immune from criminal liability and shall not, as a result of his or her acts or omissions, except for willful and wanton misconduct, be liable for civil damages.

BLUEPRINT FOR OTHER STATES?

Should other jurisdictions copy this Act? Yes and no. Nationwide the stray and feral companion animal population comprises predominantly cats and a significant portion of that population is feral. Thus all jurisdictions should follow Illinois' lead and realign their laws to reflect current demographics.

The Illinois law, however, is flawed. It allows local jurisdictions to decide whether they will participate in feral cat management programs and thereby access the state's Pet Population Control Fund for feral cats. This position is legal-

ly untenable. The state has recognized—accurately—that the feral cat population is neither an owned population nor one capable of being owned within the meaning of existing law. Why then give local governments the opportunity to decide to the contrary? Why provide that feral cats aren't owned, except when a municipality says they are?

The Illinois Department of Public Health is now drafting the agency rules that implement the new Illinois Public Health & Safety Animal Population Control Act. Once drafted, they will be posted for public comment. Alley Cat Allies will submit comments urging rules which implement the spirit of the law: effectively reducing and controlling the new stray animal population. Alley Cat Allies will also ask Illinois residents who are concerned about the legal status and treatment of stray and feral cats to weigh in on the draft rules. Check the Alley Cat Allies website (www.alleycat.org) for details. ■

REFERENCES

¹American Pet Products Manufacturers Association, Inc., Industry Statistics & Trends, found at http://www.appma.org/press_industrytrends.asp.

²See Julie Levy, D.V.M., Feral Cat Management, Shelter Medicine for Veterinarians and Staff 377 (Lila Miller & Stephen Zawistowski, ed., 2004).

³See, e.g., National Council on Pet Population Study & Policy, The Shelter Statistics Survey, 1994-97, found at <http://www.petpopulation.org/statsurvey.html>.

⁴This clarification does not affect the applicability of Illinois anti-cruelty law, the Humane Animal Care Act, Illinois 510 Ill. Comp. Stat. 70, which generally applies to all persons. The exception is those provisions of the anti-cruelty law which expressly punish owners for breaches of duties they owe to their own animals. E.g., 510 Ill. Comp. Stat. 70/3.01 ("no owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure").

Feeding and Sheltering Feral Cats Does Not Violate Zoning or Housing Codes

Attorneys involved in the defense of feral cat caregivers should be aware of the recent favorable ruling in *Knoll v. City of Oneonta*, No. 2005-0246 (Supreme Court, Otsego County). On May 9, 2006, the court held that the City of Oneonta [New York] had acted arbitrarily and capriciously* when it interpreted various zoning and housing code provisions as prohibiting the feeding and sheltering of feral cats.

The case arose when the City's Code Enforcement Office refused to issue a Certificate of Substantial Compliance for petitioner Knoll's apartment building. One of petitioner's tenants used a shed on the property to feed and shelter feral cats. That use was "dangerous," Code Enforcement announced, "and because it is dangerous it is against the law." Knoll appealed the denial to the Housing Board of Appeals, but it upheld Code Enforcement's decision. Knoll then appealed to the Supreme Court of Otsego County.

The court reversed. It concluded that "no plain reading of these sections could ever lead to the application of them to the subject activities." It noted that the zoning and housing codes at issue were very specific; however, neither referenced cats.

The court then chastised Code Enforcement for abusing its authority: "Instead of reading the applicable codes and determining if they applied to the feeding and sheltering of cats, in this case it was determined that the feeding and sheltering of cats was not appropriate and then support for that position was sought." Such an approach is, of course, at odds with the foundational principle that a democracy is a government of laws, not of men. "Regulations are codified to provide clear guidance to all," the court reminded Code Enforcement. The court concluded by noting that situations do arise that the legislative body did not envision or address when enacting the law. In such situations, the remedy—if one is in fact needed—lies with the elected legislative representatives; the enforcing entity has no au-



PHOTO: GINA MANTERO

thority to fill any perceived gap in the law by reading the text expansively.

This holding applies across state lines, and applies to other codes that feral cat caregivers may be cited for violating, particularly animal control laws. Most originated over a century ago to address harm caused by stray dogs—most notably rabies. Yet today, the stray population comprises primarily cats, and a rabies vaccine now exists, as does a post-bite treatment—a situation not envisioned when the animal control laws were first enacted. Animal control officers who try to fill the gap to address today's stray population exceed their authority, just as the Oneonta Code Enforcement did.

For a discussion of why the legislative response to stray and feral cats requires a new legal paradigm, see *Illinois Adopts an Animal Control Policy for Feral Cats*, page 3. ■

To read the text of the court's opinion, check www.alleycat.org/resources_care.html#21. Remember, you should only rely on legal advice of a lawyer familiar with your local law and your factual situation. To find a lawyer, read *Alley Cat Allies' How To Find the Right Kind of Lawyer at www.alleycat.org/pdf/lawyer_right.pdf*.

*"Arbitrary and capricious" is a characterization of a decision by a government employee based on the employee's own will as opposed to what the law requires.

TNR Success Tips

Your efforts are working. We hear from people across the country about the progress they're making with feral cats in their areas. Trap, Neuter, and Return is making a very real difference for feral cats in communities just like yours. Below are some tips to help you help the cats.

#1: Feel like you are all alone in your town and trying to single-handedly help the outdoor cats yourself?

Don't. Get organized! Getting the word out about your work will encourage and inspire others to help you in your mission. Hold a class about Trap-Neuter-Return (TNR) at your local library. Tell people about the process, and be sure to get everyone's name so you can contact them in the future.

#2: Are people asking you for hard facts, and are you having a difficult time answering their questions about TNR?

With some time and a little research, you can be fully prepared for those questions. Alley Cat Allies has compiled many scientific studies and posted them and discussions about them online.

#3: Are you thinking about talking to your local animal control officer about Trap-Neuter-Return?

Make an appointment with him or her and bring some goodies. These officers are the people who you need to work with in order to seek change in your community. If you are worried about what to say, read "How to Talk to Animal Control" to learn how to get the message across to your local officers.

Learn more about how to change your community at www.alleycat.org/resources.html.
One person can make a difference!
Be that person!



The National Feral Cat Resource

7920 Norfolk Avenue, Suite 600
Bethesda, MD 20814-2525

NONPROFIT
ORGANIZATION
U.S. POSTAGE
PAID
ALLEY CAT ALLIES

Cats outdoors. It's a fact of life. It doesn't have to be a sad fact.

Become a Feral Friend

 **We Can't Do It Without You** 

Thousands of people contact Alley Cat Allies for help with stray and feral cats every year. ACA factsheets and other resources provide much of the information they need, but when *crucial local support* is needed, it comes from the Feral Friends Network.

Feral Friends are individual caregivers, groups, veterinarians, animal control agencies, spay/neuter clinics, and shelters that believe in reducing feral cat populations through humane, nonlethal methods and have volunteered to help others with advice, services, advocacy assistance, practical assistance, equipment loan, or just moral support. A Feral Friend chooses how and how much to help.

To learn about being a Feral Friend or to apply, you can:

- 1.) visit http://www.alleycat.org/feral_friends.html
- 2.) e-mail alleycat@alleycat.org
- 3.) call 240-482-1980, select the "for help with stray or feral cats" option, and leave your name and address or e-mail address.

Become a Feral Friend!

We need you, your neighbors need you, and—most of all—the cats need you!



PHOTO: GINA MANTERO

What is TNR?

TRAP-NEUTER-RETURN (TNR) is a full management plan in which stray and feral cats already living outdoors in cities, towns, and rural areas are humanely trapped, then evaluated, vaccinated, and sterilized by veterinarians. Kittens and tame cats are adopted into good homes. Healthy adult feral (unsocialized) cats are returned to their familiar habitat under the lifelong care of volunteers.