



THE HUMANE SOCIETY OF THE UNITED STATES

THE HSUS SHELTER ADVOCATE TOOLKIT

When the Shelter is Not Responsive

There are sadly some cases where despite your best efforts, shelter management just won't budge. This could happen for a variety of reasons – the management is too overwhelmed to make changes, they are comfortable with the existing system and are opposed to trying anything new, or perhaps they genuinely (but misguidedly) believe they cannot implement the changes you recommend. If the shelter refuses to consider taking progressive measures, you may have no choice but to apply external pressure in order to make positive change happen. The type of pressure you apply, and how hard you push, will depend on the circumstances involved and the type of organization (public vs. private).

Remember, though, that there is a difference between bad shelter practice and differences in opinion about operational strategy – before you move forward with a complaint, review sheltering best practices resources and try to engage the organization in productive collaboration. While countless lives have been saved because a member of the public spoke up and to end harmful shelter practices, opportunities to save lives have also been lost because people have become too embroiled in philosophical disagreements to implement new lifesaving programs.

- Where do you lodge a complaint? It can be difficult to know where to turn to complain about an organization's policies or procedures. To get results, you need to understand who is in charge of the organization:
 - Public organizations, such as municipal animal control agencies, typically have a leader that is ultimately accountable to the elected officials of the city or county. The good news is that politicians are typically very reactive to citizen concerns; the bad news is that the process of making change in a government can be slow and tedious. If you have tried reaching out to the head of the agency (and onward up the chain of command) to no avail, discuss your concerns with local political officials either one-on-one or at a public meeting. But remember, politicians hear lots of complaints on all kinds of different topics – raising specific concerns, or better yet having concrete solutions available to solve those concerns (particularly if they won't cost the municipality money!), tends to be much more effective than simply voicing general complaints.
 - Private organizations are generally run by an Executive Director, who reports to a private Board of Directors. These agencies do not report to any national humane organizations, like The HSUS or ASPCA. Unless they are violating a specific law or ordinance (regarding tax law, for example, or animal cruelty) the Board of Directors has virtually unrestricted authority to set the organization's path. However, private agencies are dependent on donor dollars to survive, so they are typically willing to hear concerns about their operations, particularly if those concerns might affect their bottom line. If you have already met with the Executive Director of the organization and have not been satisfied, request to speak directly with the Board of Directors.

- Private agencies with government contracts generally report to a Board of Directors just as private organizations do, but they can also be influenced by public policy due to their contractual relationships. Use both paths to make your voice heard.
- What other agencies might hear your concerns?
 - Local or state law enforcement/attorney general offices may become involved if active cruelty is occurring; ask about filing a formal complaint.
 - Governmental agencies must make budget information available to taxpayers, and private 501(c)(3)s must file federal 990 forms with the IRS – these are available for public viewing on websites like Guidestar and Charity Navigator. If you suspect improper use of donated funds, you may also file a complaint with the IRS.
<http://nonprofit.about.com/od/fundraising/a/safegiving.htm>
 - The federal Drug Enforcement Agency (DEA) oversees how euthanasia and other drugs are acquired, stored and managed; if you suspect that drugs are being stolen or misused, contact your local DEA office (http://www.deadiversion.usdoj.gov/offices_n_dirs/fielddiv/index.html).
 - Your state Veterinary Board or Department of Agriculture may be charged with overseeing and/or inspecting local shelters – file a complaint if you suspect the shelter is violating local or state law.
- Tips for complaining effectively can be found at <http://www.howtocomplain.com/info/advice.shtml>. See also http://nonprofitboardcrisis.typepad.com/mbblog/Seven_Warning_Signs.html.
- Sit on a citizens’ advisory board: Many public shelters have an advisory board that serves as a liaison between the shelter and elected community officials. If such an entity exists, see about getting yourself appointed. If there is not yet one in place, talk to local officials about creating one.
- Use Freedom of Information Laws: Obtaining records of the shelter’s operations can be the easiest way to document abuses or violations (or to reassure yourself that circumstances are not as you feared). Every public agency or organization with public contracts is subject to state and federal open records laws (sometimes referred to as freedom of information laws or public access laws) which allow citizens to obtain copies of all documents created or produced by the shelter. To learn more about the federal Freedom of Information Act or to see what public access laws apply in your state visit:
 - <http://publications.usa.gov/epublications/foia/foia.htm>
 - <http://www.rcfp.org/open-government-guide>
- Use Open Meeting Laws: All states have in place some form of open meetings and open records laws that ensure citizens have access to government meetings. These “sunshine laws” or “open meeting laws” prevent government officials from holding meetings and making decisions behind closed doors. You can find information about the rules applicable in your state at <http://www.rcfp.org/open-government-guide>.
 - Engaging the media: A sympathetic but objective reporter can be a strong ally. Most media outlets have websites with contact information, either for the entity itself or for individual reporters.
- Use your political savvy: Many groups have successfully lobbied local political leaders and completely upended existing outdated shelter operational philosophies. Be professional, visit local officials, and make yourself an ally to them politically, rather than just a thorn in their side, and you stand a greater chance of success.

- Consider filling in the gaps instead of fighting: If what your shelter needs is an effective foster program, a comprehensive pet retention program, or a rescue transfer program, perhaps the best way to achieve that goal is to start that group yourself. Many people have dramatically reduced shelter euthanasia by creating a viable alternative, rather than fighting a stressful battle to force the shelter to change.
- Find a qualified attorney: When all else fails, you may need to engage the services of an attorney. Many lawyers will take on public interest cases for free. Newly graduated attorneys may be anxious for an opportunity to gain valuable, practical experience. If there is a law school near you, approach them about taking your case on as a class project. Remember, though, that lawsuits are not only stressful and may be expensive for you, they can be equally damaging for the shelter. If your suit does not have merit you could be forcing the agency to expend precious time and resources that might have otherwise be spent on lifesaving efforts. Legal action should therefore be truly a last resort.