The call came in at 10:15 one morning. A three-month-old female puppy had been found wandering by a Burlingame, Calif., store owner. The owner called the animal-control services department at the Peninsula Humane Society and asked that an officer pick her up. "I wish I could keep her," the store owner said, "but I'm not home enough to give her the love she deserves." The pup was picked up and placed in a kennel. And so began the six-day wait that would determine whether she would live or die.

* * *

Elaine Lyman had been an animal attendant for more than three years at the Peninsula Humane Society (PHS). She loved her job, but there was a heart-wrenching aspect to it: euthanasia (humanely killing an animal with an overdose injection of sodium pentobarbital). It is a task few have the courage to witness,
let alone perform. Yet, because of the burgeoning pet population, because people fail to take responsibility for their animals, it is a task which humane societies are forced to perform with increasing frequency.

The animal attendant who performs this job is a special person, a caring person, a strong person who has been specially trained to attend to the animals. On-the-job training includes euthanasia techniques during the first two weeks. "When you're first in the room [in the euthanasia room], it seems to close in around you. It smells of death," Elaine said.

During the euthanasia session, animal attendants work quickly, but thoroughly. According to Elaine, "The sooner you get what you have to do done, the better for everyone -- you, the animal, and the other person you're working with. You comfort the animal by petting it, talking to it and scratching it behind the ear to calm it down. You talk about something else with the person holding you and do everything you can to keep your mind off what you're doing [while remaining alert to the job]. Talking relieves some of the tension. You love the animal, but you're killing it. To lighten things up, you talk about other things."

The animal-control officer brought the female pup in before his lunch hour. He filled out the paperwork, marking her a "stray" and indicated where she had been found. He booked her arrival time on the card. Ninety-six hours later, she could be placed on the card. Ninety-six hours later, she could be placed for adoption -- or euthanized -- while her owners did not claim her. The information was put on her kennel after an animal attendant gave her a shot to protect her against distemper and parvo virus. The original paperwork remained in the front office so that animal representatives could keep track of her stay at PHS. The pup was assigned a kennel in the "stray" section, with other dogs. Slowly, she walked to a far corner and lay down, her senses alert to strange new smells, noises and sights.

Some animal attendants say they talk to an animal as a way of comforting it because they feel they owe it that much while taking its life. Because of their dependency on humans, dogs and cats seem to need this special reassurance.

Continued on page 10
Hildegard's Handicap

A handicap isn’t preventing Hildee from maintaining a busy work schedule. After morning physical therapy to fight the stiffening in her legs -- a result of her seriously injured spinal cord -- Hildee often spends the rest of her day visiting residents of nursing homes who are sick or handicapped. She visits schools, too, moving about easily in her own little “wheelchair.”

Hildee is a six-year-old schnauzer, whose damaged lumbar discs paralyzed her, causing kidney failure and a questionable future. She may walk again someday after long-term rehabilitation and is presently under the care of Sharri Weaver, a Hope, Ind., veterinary clinic employee, according to Don Winslow, chief photographer with The Republic (333 Second St., Columbus, IN 47201).

Until she recovers, Hildee “rolls on,” said Winslow, seeking friendship and giving inspiration to the handicapped while giving herself a brand new purpose for living!

Towns have the right to limit the number of dogs an owner can keep without a kennel permit, according to the January 1983 issue of DVM (Vol. 14, No. 1).

According to the report, Redford Township, Mich., which requires kennel permits for people who keep more than three dogs, cited a town resident for keeping 14 collies without a permit. The case was appealed to the U.S. Supreme Court by the American Dog Owners Association (ADOA) on behalf of the resident. The court refused to hear the case, so the permit law stands as it is. The ADOA has reportedly pledged to fight such kennel-permit laws with 11 more cases.

A conference about the human/animal bond and coping with grief may make more people aware of the important roles that pets play in this society.

Scheduled for Saturday and Sunday, May 14 and 15, 1983, at the Sheraton-Boston in Massachusetts, the conference will offer a spontaneous, interactive format (similar to some TV talk shows) and will be aimed at veterinarians, social workers, ministers, pet organizations and pet owners.

During five 1½-hour segments, discussions will focus upon dealing with the terminally ill pet and euthanasia, coping with pet loss, the child/pet relationship, the companion pet as a co-therapist, and a pet’s grief over the loss of its human companion. Workshops are planned on the development of support groups for people who have lost or are about to lose their pets.

The conference will be broadcast via the Public Service Satellite Consortium, enabling remote audiences to call in with questions or comments. Each segment will be videotaped and made available to veterinarians, humane societies, animal hospitals and other interested groups.

Further information is available from Meeting Planners, 453 Hanover St., Boston, MA 02113; (617)451-2751.

continued on next page
Much of the work that cruelty investigators carry out involves going onto private property to look for animal abuse or neglect. In so doing, the investigator must strive to achieve the necessary legal balance between protecting the welfare of the animals and respecting the rights of property owners or occupants. Therefore, a basic knowledge of the laws of search and seizure is essential for an investigator to take the proper legal action when necessary.

The Fourth Amendment of the United States Constitution, as well as most state constitutions, guarantees the right of the people to be secure in their persons, houses, papers and possessions against unreasonable searches and seizures. This right has been strictly interpreted by both federal and state courts.

Since some people are involved in violations of the law, only "unreasonable" searches and seizures are prohibited. Given probable cause, a judge may issue a search warrant that allows law officials to enter private property to look for particular items which may be evidence of a crime. If the warrant meets the proper legal requirements, the evidence seized during the search may be used against a person during a court trial. But, if the search is found to be unlawful in any way, the items seized during the search usually cannot be used as evidence. In no case can an unlawful search be justified by what is found.

A search warrant is not always necessary in order to seize evidence of a crime. The occupant of a property may grant an investigator's request to search the property without a warrant, especially if the occupant feels that he or she has nothing to hide. However, consent-to-search situations must be carefully set up, since the effect of the consent would be to waive the Fourth Amendment rights of the individual. The courts have traditionally viewed such a waiver very cautiously. If, for any reason, a court would decide that an individual has unwillingly or unknowingly waived those constitutional rights -- without fully understanding the meaning of his or her actions -- the court could suppress any evidence obtained during the search.

For this reason, the following principles must be closely followed in consent-to-search situations:

* The consent must be voluntary. Permission to search property must be obtained without any coercion or threats by the investigator. The occupant has the right to refuse permission for a search, and the investigator may not suggest that the occupant does not have the right to refuse permission.

Some jurisdictions require that investigators inform the occupant of the right to refuse permission for the search. In these jurisdictions, it is advisable to use printed "Consent to Search" forms, which the individual may sign before the search can take place. Investigators should consult local prosecuting attorneys and law enforcement agencies about whether they should inform the occupant of his or her right to refuse entry in that jurisdiction and whether they should obtain that consent in writing.

* The person giving the consent must be legally qualified to do so. In general, courts have ruled that the property rights protected by the Fourth Amendment are specifically those of the person who occupies or controls that property, regardless of other factors. For example, in the case of a landlord who owns a house and rents it to a tenant, although the landlord legally owns the building, it is the tenant's property inside that would be subject to a search. Thus, only the tenant's permission to search would be legally valid; the landlord could not legally grant such consent.

This principle extends even to rooms within a house or objects within a room. If two co-tenants share the same house, for example, one tenant could not give permission to search the room of the other tenant unless both mutually use that room. Other examples include the consent of a spouse or parent (usually, but not always, allowable) or the consent of a juvenile (usually illegal).

* The extent of the search must be limited to the scope of the consent given. The investigator may not search areas in which the occupant has either refused permission or has not given permission to search. The investigator should limit the search to areas where the specific things he is looking for may be located. Consent-to-search forms have a space for listing the area to be searched as well as the items that can be seized.

* The consent may be withdrawn or limited by the occupant at any time. The person giving the consent may change his or her mind at any time during the process of the search. The investigator must honor this right and stop the search immediately. Evidence seized up until this point may still be taken, however. In some circumstances, other evidence in view at that point may also be taken.

If the search turns up any items that are pertinent to the investigator's case, an inventory of those items that are taken must be left with the owner. These items are then either held as evidence in the case or returned to the owner if no charges are filed.

Consent-to-search situations may be a valuable procedure for an investigator if they are properly set up and applied. Like all legal matters, the proper method for carrying out consent-to-search processes in your jurisdiction should be carefully checked with your prosecuting attorney or legal advisor.

Tim Greyhavens is a field investigator with The HSUS/Great Lakes Regional Office, 725 Haskins St., Bowling Green, OH 43402; (419) 352-5141.
Circus Watch: An Update

Last fall (Shelter Sense, October 1982), humane organizations were urged to join with a coalition of humane societies that were monitoring circuses and other animal acts around the nation for possible violations of animal laws. The Humane Society of the United States (HSUS) offered readers a free list of steps to take when a circus is suspected of violating a federal, state or local law, which includes a summary and the text of the federal Animal Welfare Act (AWA) regulations pertaining to animal acts. The HSUS thanks the many organizations that responded to this appeal, and it again urges all organizations to keep their eyes on the animal shows that begin their spring, summer and fall tours. Remember: Be very certain that a circus or other animal act is violating a law -- not just doing something unpleasant -- and then respond accordingly. Alert the media to your findings. (The free list and explanation of the Animal Welfare Act is still available from The HSUS, 2100 L St. N.W., Washington, D.C. 20037.)

A Compendium of Animal Rabies Vaccines, 1993, prepared by The National Association of State Public Health Veterinarians (NASPHV) Inc. (P.O. Box 13528, Baltimore, MD 21203) provides recommendations for rabies immunization procedures and principles of rabies control, and it lists vaccines that are marketed in the United States, including NASPHV recommendations. As reported in the Journal of the American Veterinary Medical Association (Vol. 182, No. 1), the compendium covers such subjects as vaccine administration and selection; accidental human exposure to rabies vaccine; identification of vaccinated dogs; rabies in humans, domestic animals, and wildlife; pre-exposure vaccination and management of companion animals, livestock, wildlife and other animals; stray-animal control; licensure; citations; leash laws; post-exposure management, and more.

Copies of the compendium may be available at state health departments and can be requested from Dr. Kenneth L. Crawford, chairman, Rabies Compendium, and chief of the Maryland State Division of Veterinary Medicine, at the above NASPHV address.

Educational Brochures
The Foundation asks that art from its brochures not be used without its prior written permission.

Pets, People, Problems

April is National Pets Are Wonderful Month!

- Pet Adoption Week, April 2-9
- Humane Education Week, April 17-23
- Pet-Care Week, April 10-16
- Human/Companion Animal Bond Week, April 24-30
- Be Kind to Animals Week, May 1-7

For more information, contact Pets Are Wonderful Council, 500 N. Michigan Ave., Suite 200, Chicago, IL 60611; (312) 636-7145.
"I don't know how the animal feels," Elaine admitted. "How can you? Some of them start struggling when I walk them through the door. It's really hard. I can't tell the animal to calm down or that it will be easier on them."

"I really hate having to destroy young, healthy animals. At least half of them are adoptable," she said. Regarding the sick, abused or injured ones, "I get very angry at the human race for creating the problem and especially owners who have neglected to provide the proper care for their animals. I admit that I'm glad to euthanize those animals -- just so I know they are no longer suffering." While at PHS, Elaine euthanized as many as 80 animals in a session, although the average was about 25 a day.

"A lot of the problem stems from ignorance. People fool themselves into believing these animals will find homes. They don't realize that as an animal attendant, I will have to humanely kill them."

"Some people say you get used to it, but you don't," Elaine said. "You just have to accept it. It seems there's always going to be people who won't spay or neuter their pets. I'd like to have them in the euthanasia room for one session."

"The hardest thing for me to get over is that most of the animals trust us. We feed them, care for them, play with them a little when there's time. Then, we have to take them to the room and kill them."

"A lot of them have been here many days, in a kennel with other dogs that intimidate them. There may not be time to play with them, either. They're wagging their tails as though they're going for a walk. They don't know it's their last walk. And they frequently nuzzle up to you for affection during the euthanasia process."

Killing the animal is especially hard when the animal attendant has become attached to it. "Your boss warns you not to fall in love with these animals, but you do -- you can't help it," Elaine said. "When you see an animal you've cared for for six days, its paperwork marked for euthanasia, you may feel like crying. Your boss can't always make exceptions, however, because there isn't enough room to keep so many animals. So you have to kill it."

Elaine had already euthanized the cats and adult dogs before the shepherd-mix puppy was carried to the stainless steel table. With the help of another animal attendant, she shaved a small patch of fur off the puppy's front leg. Elaine stopped a moment to look into the puppy's clear, eager eyes. She felt the familiar hard knot growing in her throat as she gave her a long, hard hug. Then she picked up the hypodermic needle and carefully injected its deadly contents into the pup's vein. There was no struggle. Elaine held the lifeless body, apologizing to the puppy for killing her. Then she carried the puppy out to join the other animals who had no future, whose struggle for a loving home was over.

What is it that gives a person the ability to euthanize an animal while most people lack the courage even to watch? And, how do animal attendants cope with a job which daily confronts them with death? Elaine said that she didn't know what made her able to do it while others couldn't, but she'd rather humanely destroy an animal, for example, than have it hit by a car -- possibly several times -- before it died.

Elaine believes that being an animal attendant gives a person who loves animals the chance to do a vital, needed job. "I grew a lot in that job, and I'm much stronger because I'm dealing with life and death every day. You have to accept things, and this attitude rubs off and changes your life. You realize that other things may not be as important."

Elaine hopes sharing her feelings and experiences will help the public become more understanding, caring, and concerned about animals. She shares the humane society's goal of placing all pets in loving homes with owners who are committed to keeping pets throughout the animals' lives.

"We all have a little hope that things will turn around," said Elaine. "Maybe we're idealistic, but we have to look at a goal like that to keep going."

Nancy Burby is a public information officer for the Peninsula Humane Society, 12 Airport Blvd., San Mateo, CA 94401.
In this issue, HSUS Field Investigator Tim Greyhavens discusses the importance of obtaining proper, legal consent to perform a search and seizure of someone's property. Your agency should already operate an organized, effective program to investigate and act upon cases of animal cruelty. If not, your agency may erode the public's confidence in your goals and programs, suffer public embarrassment, and be subject to possible legal action.

An animal organization must investigate every cruelty complaint it receives, and its investigators must be committed to the protection of animals. But, they should also act professionally and stay within the limits of the law at all times. Professional training of cruelty investigators is crucial. It is also advisable to establish a good working relationship with local law-enforcement and court officials. Cooperating with officials will help your case and will make them more likely to assist your agency in the future.


A Reminder:
Notify us right away if your address changes! We don't want you to miss a single issue of Shelter Sense.