

Emergency Response Systems for Animals

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Introduction

The current system of animal control is ill-equipped to respond to emergencies involving animals. In many municipalities, animal control is managed by police departments that are unprepared and untrained to respond to veterinary emergencies. This paper will propose a solution for emergencies in which animals require immediate veterinary care. This can range from a wild animal getting hit by a car, to a cat being attacked by another animal, to a dog having a seizure. It is these situations where animal control is not able to provide the type of care needed or unable to provide it in time.

I experienced this myself one evening when a baby deer darted out into the road. The car in front of mine did not have time to hit the brakes before slamming into the deer, sending her flying about 20 feet. My partner and I – both veterinary technicians – stopped to help.

We moved the deer off to the side of the road and called the non-emergency police line because animal services in my town, Pleasanton, California, was closed. As I listened to this deer’s lungs fill with fluid and suffocate to death, I looked into her eyes and saw terror. When the police officer arrived, I understood logically that there was nothing that he could do for the deer, as she had already died. However, the police officer’s reaction was to put his hand on his gun and say, “That is probably for the best, or I would have to take care of it.”

It was not hard to understand what the officer meant, and I began to wonder, what if the deer had survived? Would his reaction have been different? His response was inappropriate for

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an agency that is meant to protect and defend, and then it occurred to me that “protect and defend” is reserved for humans. There was no inclination to try to save the deer. The officer was doing what he thought was the best in the circumstances. He likely did not know anything about deer, nor did he know of anyone to call that might have knowledge that could have helped.²

This is where the flaws in the current emergency response system lie. There is no uniform system of animal control implemented across municipalities, and furthermore, there is no ability for the existing agencies to respond effectively to veterinary emergencies. The officer’s reaction was not the product of just one police officer but rather a flawed system that perceives animals as lesser beings than humans.

This paper proposes the creation and implementation of a novel program to respond to these types of veterinary emergencies. The current animal control and emergency services systems fail the animals of our society, both domesticated and wild, by having no centralized method to deal with veterinary emergency situations. This paper argues that these systems should be reformed to provide an ambulance program, Veterinary Emergency Response Teams (VERT), that coordinates with emergency veterinary hospitals and local animal controls (or services) to provide emergency veterinary services and give all animals what they deserve: a fighting chance.³ This program would include retrofitted ambulances to provide veterinary care to animals in distress enroute to the veterinary hospital, significantly increasing an animal’s

² Interview with Rebecca Fenson, Field Services Acting Lieutenant, San Francisco Animal Care and Control, in San Francisco, Cal. (Mar. 23, 2023).

³ Ideally, this program will be implemented nationwide. Doing this will take time and it should first be tested in California. California is an ideal place to test the implementation of this program because it is one of the most progressive when it comes to animal welfare and protection legislature. *California Animal Protection Laws Rankings*, ANIMAL LEGAL DEFENSE FUND, (Feb. 10, 2023), <https://aldf.org/state/california/>. Thus, this paper will focus on California laws and on the implementation of VERT specifically within the state.

chance of survival. These ambulances would be staffed by teams of veterinary technicians and receive calls through a dispatch center, similar to human ambulances.

The implementation of the VERT program would vary from locality to locality, given how the differences in how local animal services are provided. In places such as San Francisco, California, animal control is its own entity with officers that have animal related training and respond to animal injuries out in the wild with care. Their main purpose is to save and help (protect and defend) the animals of the San Francisco community.⁴ In municipalities like Pleasanton, California, the police department provides animal control.⁵ There is only one full time animal services officer,⁶ which means that many police officers that respond to animal calls focus on public safety and not on animal welfare. With their background, training, and focus on public (human) safety, they likely do not have the knowledge and experience to know how to react in situations like the one described above and more serious ones, like a dog (or other animal) being hit by a car or having some kind of medical emergency.⁷

Thus, this paper's proposal for a system to respond to veterinary emergencies might look different depending on the type of the municipality and its current approach to animal control. It is beyond the scope of this paper to go into depth of how each system needs to be changed. This is not to implicate all animal services agencies or officers as many are run by people that care deeply about the animals with whom they interact. But for many, the system within which animal services exists does not have the capacity to allow officers to take an animal's interests

⁴ Interview with Rebecca Fenson, *supra* note 2.

⁵ *Animal Control*, THE CITY OF PLEASANTON, (Feb. 5, 2023),

<https://www.cityofpleasantonca.gov/gov/depts/police/animals/default.asp>.

⁶ Interview with Frankie Ayers, Animal Services Officer, Pleasanton Police Department, (Apr. 25, 2023).

⁷ Interview with Rebecca Fenson, *supra* note 2.

and welfare into account in a meaningful way. In many jurisdictions, animal control is focused almost exclusively on public safety issues.⁸

Safety is an important consideration for both humans and animals. When a person experiences an emergency where they do not feel safe, most would call 9-1-1. This includes safety risks, such as a break-in, or a medical emergency, such as a heart attack or a fall. If Pleasanton's Police department (and therefore animal services') "number one goal"⁹ is safety, why is there no ability to call for emergency services when there is a veterinary medical emergency, in addition to a situation where one would call animal services for an animal safety concern? Animal services is the 'law enforcement' for animals because they are part of the police department, which should also include emergency assistance for animals if there was a veterinary medical emergency.

Part I of this paper provides a detailed look at the animal control system, including how it works, which laws govern it, and why the current system does not work for animals. Part II proposes a solution to the problem: the creation of an ambulance system within animal services to respond to veterinary medical emergencies. This Part will also discuss the benefits of this program, not just for the animals but in many cases their human companions. Part III responds to potential objections, questions, and critiques of the recommended plan.

I. Background

a. What is animal control/services?

⁸ For example, in Dublin, California the services listed as provided by animal services are, "collection of stray domestic animals, dog licensing, barking dogs, enforcement of animal-related laws and ordinances, investigation of dog bites and attacks, patrol, shelter services." *Animal Control*, DUBLIN CALIFORNIA, (Feb. 5, 2023), <https://www.dublin.ca.gov/113/Animal-Control>.

⁹ *Id.*

California law leaves the bulk of regulation of animal control/services to local governments who can either adopt state regulations for certain topics, such as dog licensing, or develop their own.¹⁰ In most localities the animal controls/services are created by local governments. Whether it is a large city or a borough or anything in between, the local government sees to its creation and administration.¹¹ The ways in which animal services is administered can be different depending on the locality.¹² For example in Pleasanton, California, animal services are administered by a governmental agency, the police department.¹³ In other localities, animal services could be administered by a non-profit organization such as a humane society, a for-profit organization, or even an individual.¹⁴ For most types of animal control agencies, the legislature or governing body of the city or county will “set the parameters in which animal control officers work.”¹⁵ This means that the scope of what animal control can or cannot do is defined by state statutes or municipal ordinances. In localities where animal services is conducted by a private entity, the parameters are outlined in a contract between the government and the organization or person.¹⁶

In San Francisco, animal control is a standalone city law enforcement agency.¹⁷ The animal control agency (Animal Care and Control) itself operates like other law enforcement agencies in the City of San Francisco and is beholden to all local, state, and federal laws about animals.¹⁸ San Francisco also has a Commission of Animal Control and Welfare that advises the

¹⁰ CAL. FOOD & AGRIC. CODE § 30501 (West).

¹¹ *Understanding Your Local Government and Animal Control*, ALLEY CAT ALLIES, (Feb. 5, 2023), <https://www.alleycat.org/resources/guide-to-local-government-animal-control/>.

¹² *Id.*

¹³ *Animal Control*, *supra* note 5.

¹⁴ *Understanding*, *supra* note 11.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Interview with Rebecca Fenson, *supra* note 2.

¹⁸ *Contact*, SF ANIMAL CARE AND CONTROL, (Feb 5, 2023), <https://www.sfanimalcare.org/contact/>.

Board of Supervisors (the city’s legislative body) by making recommendations about on legislative issues regarding animal control and welfare.¹⁹

In Pleasanton, California the process is different because animal control/services is part of an existing agency: the police department.²⁰ Specifically, there is one Animal Services Officer that is trained and acts as an animal control/services agency would.²¹ This means that there will be times that police officers, trained to protect humans, are also doing the work of animal control officers, without the relevant training on animal emergencies.²²

Marin County differs from both of these municipalities because its animal control services have been contracted out to a humane society, which is a non-profit organization.²³ Humane societies are independent organizations in their specific locality.²⁴ Most humane societies originated in the late 1800s or early 1900s by women that were dedicated to stopping animal cruelty, specifically to horses being used for transportation.²⁵ Marin Humane was founded in 1907 but did not become the provider of animal services for the county until 1946.²⁶ For Marin Humane, there is a formal contract negotiation process with the cities and county through a Joint Powers Agency²⁷ to provide animal services.²⁸ It is through this contract that Marin Humane is obligated to uphold the county and municipal animal ordinances.²⁹ Though

¹⁹ *About Us Part of Commission of Animal Control and Welfare*, SF.GOV, (Feb. 5, 2023), <https://sf.gov/departments/commission-animal-control-and-welfare/about>.

²⁰ *Animal Control*, *supra* note 5.

²¹ Interview with Frankie Syers, *supra* note 6.

²² Interview with Rebecca Fenson, *supra* note 2.

²³ Nancy McKenney, *Meet Us Our History Lives On*, MARIN HUMANE, (Feb. 5, 2023), <https://www.marinhumane.org/meet-us/who-we-are/history/>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ Joint Powers Agency or Authorities (JPA) are legally created entities that allow two or more public agencies to jointly exercise common powers. (Paula C.P. de Sousa Mills, *The Ins and Outs of Joint Powers Authorities in California*, BEST BEST & KRIEGER LLP, (Jan. 14, 2026), <https://bbklaw.com/resources/the-ins-and-outs-of-joint-powers-authorities-in-california>)

²⁸ McKenney, *supra*, note 23.

²⁹ *Meet Us*, MARIN HUMANE, (Feb. 7, 2023), <https://www.marinhumane.org/meet-us/>.

their duties are still part of the law, it is a contractual obligation that binds them to upholding the laws they are charged with enforcing.

In some places, there are not any dedicated animal services for the city, such as in Pittsburg, California. Animal control is not listed under the services provided by the police department or anywhere else on the city government website.³⁰ Contra Costa Animal Services, provides services throughout the county, which includes 19 cities and some unincorporated communities.³¹ This is a lot of cities and communities for one agency to provide services for and is why most cities also have their own animal services such as Antioch, California.³²

The wide variety of types of animal control agencies and goals leaves the system vulnerable to gaps that can have consequences for the animals they aim to protect.

b. What gives local governments and states power to regulate animal control?

The 10th Amendment to the United States Constitution reserves to the states any powers the Constitution has not given to the federal government or prohibited the states from having.³³ This means that the federal government can only act where the Constitution has given it the power to, but states holding all other powers are considered to have a general police power.³⁴ Police power describes the power of the government to enact laws that protect the public good.³⁵ The state police power is generally considered to be broad, and includes having the power to regulate public health and safety (police and fire departments), morality (crime), and even labor

³⁰ *Police Department*, CITY OF PITTSBURG CAL., (Feb. 7, 2023), <https://www.pittsburgca.gov/services/police>.

³¹ *Cities & Communities of Contra Costa*, CITY OF PITTSBURG CAL., (Feb. 7, 2023), <https://www.contracosta.ca.gov/1243/View-Cities-Communities-of-Contra-Costa>.

³² *Animal Services*, ANTIOCH CALIFORNIA, (3/13/24), <https://www.antiochca.gov/police/animal-services/>.

³³ *Tenth Amendment*, CONSTITUTION ANNOTATED, (Feb. 7, 2023), <https://constitution.congress.gov/constitution/amendment-10/>.

³⁴ *Police powers*, LEGAL LEGISLATIVE INSTITUTE CORNELL LAW SCHOOL, (Feb. 7, 2023), https://www.law.cornell.edu/wex/police_powers.

³⁵ *Id.*

laws.³⁶ This power is typically understood to include the regulation of animals. Several courts across the country have specifically stated that the power to regulate handling of wild animals and domesticated animals, whether companion or livestock, falls within a state's police power.³⁷ The Second Circuit also explicitly held in *Fabrikant v. French*, that animal control as an agency also falls within the state's police powers.³⁸

How then does this state power trickle down to localities within the state? States often delegate their state powers to localities.³⁹ This allows local governments to have a more specific response to local issues or emergencies and allows states to manage their duties autonomously when state laws do not translate well to being enforced at a local level.⁴⁰ These autonomous regions can be especially useful in large states.⁴¹ The best example of animal control being transferred from state powers to local powers is in the California Food and Agricultural Code, which specifically allows local governments to adopt state animal related legislation such as leash laws, dog licensing, animal controls, shelters, and more.⁴² This effectively gives local governments the power to regulate this area.

California's Business and Professions Code further recognizes local police power to regulate animal control.⁴³ State laws regarding regulation of dogs and other animals are the floor, and localities are free to regulate in addition to or with those state laws. Additionally, in

³⁶ *State police power and Tenth Amendment Jurisprudence*, CONSTITUTION ANNOTATED, (Feb. 7, 2023), https://constitution.congress.gov/browse/essay/amdt10-3-2/ALDE_00013622/.

³⁷ *Wilkins v. Daniels*, 913 F. Supp. 2d 517, 543 (S.D. Ohio 2012), *aff'd*, 744 F.3d 409 (6th Cir. 2014) (wild animals), *Pesce v. City of Des Moines, Iowa*, 439 F. Supp. 3d 1101, 1116 (S.D. Iowa 2020) (domesticated, companion animals), *Thorpe v. Rutland & B.R. Co.*, 27 Vt. 140 (1854) (livestock).

³⁸ *Fabrikant v. French*, 691 F.3d 193, 208-09, (2d Cir. 2012).

³⁹ Ilya Shapiro, *State Powers and the Constitution*, CATO INSTITUTE, (Sep. 7, 2020), <https://www.cato.org/pandemics-policy/state-police-powers-constitution#local-police-powers>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² CAL. FOOD & AGRIC. CODE § 30501 (West).

⁴³ CAL. BUS. & PROF. CODE § 7582.5 (West).

the other California codes animal control is defined as a city or county, also implying their power in this area.⁴⁴

c. What are the current laws that govern animal control?

i. State laws

Understanding why states and localities have the power and how animal control works is only part of the equation. The next step is to understand what laws actually govern animal controls. It is particularly important to understand this for the VERT program that this paper proposes, because VERT will be implemented as part of animal control and will have to adhere to the current laws that govern animal control. For California state laws, there are not many that specifically determine what an animal control office can or cannot do or even specifically how they should perform their jobs.

The first set of laws can be found in the California Health and Safety Code. Chapter 20.5 of the code is the Animal Control Officers Standards Act that lays out the requirements to be a certified animal control officer.⁴⁵ These requirements include training in animal care and “a course of training on state laws relating to the powers and duties of an officer charged with enforcing laws relating to the humane treatment of animals.”⁴⁶ There is also a requirement for continuing education every three years.⁴⁷ Much of this training can be provided the California Animal Welfare Association.⁴⁸ This association was formed in 2018 and was a merger between the California Animal Control Directors Association and the State Humane Association of California.⁴⁹ It supports all animal welfare organizations in California, including animal control

⁴⁴ CAL. FOOD & AGRIC. CODE § 31606 (West), CAL. PENAL CODE § 241 (West).

⁴⁵ CAL. HEALTH & SAFETY CODE §§ 26220-30 (West).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Who We Are*, CALANIMALS CALIFORNIA ANIMAL WELFARE ASSOCIATION, (Feb. 10, 2023), <https://www.calanimals.org/history-and-mission>.

agencies, provides law enforcement training for them, publishes the California Animal Laws Handbook, and is a leading force behind animal welfare legislative advocacy.⁵⁰

Additionally the Health and Safety Code has a section that limits the liability of any emergency responders that voluntarily provide basic emergency medical care to cats and dogs.⁵¹ Emergency responders providing this medical care had been in violation of the Veterinary Medical Practice Act for providing unlawful veterinary care⁵² because they are unlicensed.⁵³ The Health and Safety Code section now allows emergency responders to provide basic medical care without being held criminally liable.⁵⁴ The next set of laws comes from the California Food and Agriculture Code. There is a statewide spay and neuter requirement that applies to all animal control offices/shelters, humane societies, and rescue groups.⁵⁵ There are also statewide regulations about what shelters and public animal control agencies must do with lost animals.⁵⁶

The law provides emergency services to animals in certain situations such as fires, hurricanes, and other natural disasters. California laws created the California Veterinary Emergency Team through University of California Davis and tasked them with training and assisting first responders in rescuing animals during natural disasters.⁵⁷ This program assists in the training and support of government and nongovernmental agencies in the evacuation and care of domestic and livestock animals in statewide emergencies.⁵⁸ This program was incorporated into the Office of Emergency Services under the Department of Food and Agriculture.⁵⁹

⁵⁰ *Id.*

⁵¹ CAL. HEALTH & SAFETY CODE § 1799.109 (West).

⁵² *Id.*

⁵³ CAL. BUS. & PROF. CODE § 4825 (West).

⁵⁴ CAL. HEALTH & SAFETY CODE § 1799.109 (West).

⁵⁵ CAL. FOOD & AGRIC. CODE § 30520 (West).

⁵⁶ CAL. FOOD & AGRIC. CODE § 32101 (West).

⁵⁷ CAL. FOOD & AGRIC. CODE § 32101 (West).

⁵⁸ *Id.*

⁵⁹ CAL. GOV'T CODE § 8608 (West).

The last set of laws comes from the California Penal Code and the anti-cruelty laws. These are the statewide animal protection laws that animal control officers are tasked with enforcing. Similarly to how the police enforce all of the penal code (human and animal relevant statutes), animal control provides additional law enforcement for animals, and it enforces the relevant parts of the penal code that make it a crime to intentionally harm or neglect an animal.⁶⁰ California’s penal code is one of the most inclusive among the states because the language of the statute that describes cruelty is cruelty to any animal, including “any mammal, bird, reptile, amphibian, or fish.”⁶¹ ⁶²

ii. Municipal laws

In addition to state laws, animal control agencies also uphold and are governed by municipal laws. Many times, these municipal laws are the same or very similar to the state laws. The Food and Agriculture Code allows local governments to adopt certain state animal control laws, such as those governing dog licensing and spay and neuter requirements.⁶³ Many municipalities choose to promulgate their own laws regarding animals and are often times more specific than the state laws. For example, San Francisco has codified its local animal laws in Title 1 of the city’s Municipal Health Code.⁶⁴ The code outlines the functions of the Animal Care and Control department, which include operating an animal shelter, providing care and health screenings for all animals in their care, sale of dog tags and licenses, and “information on animal control laws, pet owner or guardian responsibilities and pet care; and maintenance of

⁶⁰ Interview with Rebecca Fenson, *supra* note 2.

⁶¹ CAL. PENAL CODE § 597(b) - 597(c) (West).

⁶² Many states do not have robust anti-cruelty statutes; some do not even provide a definition of animal for the statute. (*Alabama Animal Protection Laws Rankings*, ANIMAL LEGAL DEFENSE FUND, (Feb. 10, 2023), <https://aldf.org/state/alabama/>). In a report by the Animal Legal Defense Fund of all 50 states’ animal protections, California ranked number 6. (*California Animal Protection Laws Rankings*, ANIMAL LEGAL DEFENSE FUND, (Feb. 10, 2023), <https://aldf.org/state/california/>).

⁶³ CAL. FOOD & AGRIC. CODE § 30501 (West).

⁶⁴ SAN FRANCISCO, CAL., HEALTH CODE art. 1 (1973).

records of all animal control activities.”⁶⁵ In addition to these functions, ACC is also responsible for “enforc[ing] the provisions of this Article and any other ordinances and laws that pertain to the care and control of animals.”⁶⁶ There are also laws that dictate the animal control officers’ specific duties, such as impounding animals, adhering to quarantine requirements, and record-keeping for all animals in animal control’s care.⁶⁷ Animal control officers are also required to wear badges.⁶⁸ The code includes additional animal related laws such as dog bite laws, spay and neuter requirements, and laws about impounding animals.⁶⁹ Though these laws are not about the regulation of animal control itself, they often refer to animal controls as the ones that carry them out. All municipalities have codes and almost all include animal and animal control specific regulations in them.⁷⁰

There is nothing in the municipal codes that creates emergency services for animals. The duties listed in the San Francisco municipal code for animal control officers does include emergency response services in the list of duties.⁷¹ However, it does not say how to deal with medical emergencies involving animals unless that animal is deemed to be a dangerous animal such as dangerous dog or wild animal at large.⁷²

d. Why are these laws not enough?

⁶⁵ *Id.* § 41.4 (1973).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ SAN FRANCISCO, CAL., HEALTH CODE art. 1 (1973).

⁷⁰ Pleasanton also has its own municipal code that also includes a title about animals. It includes the definitions of relevant terms, including that an animal control agency is defined as the police department of the city. (PLEASANTON, CAL., MUN. CODE tit. 7 (2005)). Because animal control is a part of the police department the municipal code does not outline specific animal control duties or functions. The rest of the title contains laws about animal nuisances, dog licenses, dogs at large, vicious dogs, impounding of animals, licensing and impounding fees, rabies, and miscellaneous animal regulations. (*Id.*).

⁷¹ SAN FRANCISCO, CAL., HEALTH CODE art. 1 § 41.1 (1973).

⁷² *Id.*

For many people, their companion animals are more than just pets.⁷³ They are members of the family, and it can be incredibly traumatizing for a loved one to experience a medical and possibly life-threatening emergency. For example, one woman's dog had a seizure while the woman was at school in San Francisco with her family's only car, so her wife was unable to take the dog to the emergency room, and she wished there had been someone she could call for help.⁷⁴ A veterinary hospital would not be able to come to their home and provide care.⁷⁵ Similarly, a veterinary technician recounted receiving a call from a family whose dog had stopped breathing. They were an elderly couple that could not drive, and their family was not around to take them to the veterinary hospital.^{76 77}

Furthermore, animal control does not typically handle these types of calls. When they do receive calls from owners whose pets are having a medical emergency they can offer veterinary hospital suggestions.⁷⁸ In some places, where they have the resources like San Francisco, they will transport the animal to the animal hospital if the owner is unable, but this is transportation only with no ability to provide veterinary care enroute.⁷⁹ In addition, this transportation is not

⁷³ Anna Brown, *About half of U.S. pet owners say their pets are as much a part of their family as a human member*, PEW RESEARCH CENTER, (Jul. 7, 2023), [https://www.pewresearch.org/short-reads/2023/07/07/about-half-us-of-pet-owners-say-their-pets-are-as-much-a-part-of-their-family-as-a-human-member/#:~:text=Most%20Americans%20\(62%25\)%20own,new%20Pew%20Research%20Center%20survey.](https://www.pewresearch.org/short-reads/2023/07/07/about-half-us-of-pet-owners-say-their-pets-are-as-much-a-part-of-their-family-as-a-human-member/#:~:text=Most%20Americans%20(62%25)%20own,new%20Pew%20Research%20Center%20survey.)

⁷⁴ Interview with Eva Huffman, Student, University of San Francisco School of Law, in San Francisco, Cal. (Jan. 27, 2023).

⁷⁵ Interview with Jose Ariosto Garcia, Veterinary Technician, Sage Veterinary Hospitals, in Concord, Cal. (Feb. 25, 2023).

⁷⁶ *Id.*

⁷⁷ There is an Uber Pet option, but drivers have the choice to do this type of ride, it will cost extra, it is limited to one dog, and people are asked to bring a towel with them. *Introducing rides for you and your pets*, UBER BLOG, (Oct. 27, 2021), <https://www.uber.com/en-CH/blog/rides-for-you-and-your-pets/>. Given these rules, though not overly burdensome, it seems unlikely an Uber would take a dog experiencing a medical emergency and even if they find one that would have taken their dog, by the time they were able to do get there it could have been too late.

⁷⁸ Interview with Jose Ariosto Garcia, Veterinary Technician, Sage Veterinary Hospitals, in Concord, Cal. (Feb. 25, 2023).

⁷⁹ *Id.*

the same as an ambulance because animal control officers do not have lights and sirens and are considered “regular traffic.”⁸⁰ This could mean that even though there is a rarely offered transportation option, it might not be enough to save the animal. These are their only options unless the owner surrenders the animal to animal control or they are seized under California Penal Code, which meant they would not be able to get the animal back and it would likely be adopted by another family once it goes into the animal care system to receive the care it needs.⁸¹

This creates a gap in the system that provides care for animals. The laws that govern animal control do not provide for any sort of protection or service for instances such as the ones described above. It is crucial that this gap is closed to help care for the animals of our society and in turn positively impact the health of their humans. No one should have to decide between giving the pet the care they need to survive and being parted from them forever. It is this choice that harms not only the humans but also the animals.

II. Proposal/Solution to the problem: V.E.R.T.

As described in the preceding section, the current response system leaves animals vulnerable in emergency situations. To remedy this problem, city governments should create within animal services a system for responding to veterinary emergency situations. That system would create a new program within animal services: Veterinary Emergency Response Team/Technician (“VERT”). This new program would be an ambulance system for responding to veterinary emergency situations and could be thought of as similar to paramedics and EMTs for humans.

The following is a description of how the VERT program would work generally. This system will look different depending on the municipality where it is being implemented. In a

⁸⁰ *Id.*

⁸¹ Interview with Rebecca Fenson, *supra* note 2.

city like San Francisco this program would need to be implemented within the system that the city already has, which is in the beginning stages of doing this type of work. San Francisco's agency would benefit from specific aspects of what VERT would offer, such as the VERT ambulances with lights and sirens and additional staff and training.

Animal services in municipalities would develop a dispatch center where calls for VERT would come in. The dispatchers would be trained as emergency veterinary hospital receptionists. This training would be adapted from veterinary emergency hospitals. These hospitals are a good model for this training because they are a 24/7 veterinary hospital that has been designed, staffed, and trained to deal with types of emergencies, such as open fractures, dogs that are not breathing, and cats that have been in vehicular accidents. A hospital like this would be ideal for providing a guide to the training for VERT dispatch centers. The veterinary receptionist training is vital for allowing the dispatchers to understand the types of veterinary emergency situations and types of calls they would receive and enables them to ask the right questions to get crucial information to give to the VERTs.

It would also be helpful for dispatchers to have additional training as animal services officers, either the certification issued by the state or the animal controls standard training, to better understand the types of calls they will receive in the dispatch center. This training is important for dispatchers because this will give the dispatchers the ability to gather any other potentially important information, especially if the call is about a potentially dangerous domestic or wild animal.

The VERT team members would consist of a driver, a veterinary assistant, and a registered veterinary technician. All three team members would also be trained as animal services officers for the same reasons that it would be important for the dispatchers to have this

training. For the ambulance teams this training would need to be the state certification for animal control officers as this would provide a higher standard of training that would be necessary for those actually responding to calls in the field. Each ambulance would be stocked with veterinary medical supplies such as vet wrap, gauze, muzzles, intubation supplies, oxygen, and relevant veterinary medications. Many of these supplies would overlap with those found in a human ambulance. The most important difference is that instead of a gurney, the ambulance would have be a movable wet table⁸² that can lock into place just like a gurney in an ambulance.

To place a call to VERT, a person experiencing a veterinary emergency would dial 7-1-1. This line would not be like the non-emergency line, 3-1-1. It would be the equivalent of 9-1-1 but for animal emergencies. When a dispatcher receives a call they would get pertinent information about the situation, such as species, age, approximate weight, symptoms, and current condition of the animal. Depending on the responses this could lead to more specific questions. This type of information gathering is important for the dispatchers to gather and report to the VERTs so they can know what type of situation they are responding to and what condition the animal is in. After receiving the call, the dispatcher will take the information gathered, communicate it to the VERTs, and send them out to the location of the distress call. This part of the process is very similar to how human medical ambulances are run. These ambulances would have sirens with a different patten than regular human ambulances, just like police and the fire departments use unique siren calls. The calls made to 7-1-1 would be in addition to the calls that

⁸² A wet table is the type of table that is used in veterinary hospitals to perform treatments. It has a grate where padding or towels can be placed. Treating animals can result in many different types of fluids that are excreted or used on the animal and the wet table serves as an assembly to support the animal, and then can easily be washed out. (*Stainless Steel Wet Table Rack*, VETMAX, (Feb. 10, 2023), <https://www.vetmax.com/veterinary-equipment/tables/wet-tables/accessories/v-shaped-stainless-steel-wet-table-rack>). Wet tables also usually have a sink at one end, this is an important feature and would be incorporated into the movable version by having a small water tank that would be attached to a retractable nozzle.

animal controls currently receives such as calls reporting neglect, or wellness checks on animals. Though those types of calls would not require veterinary treatments and the VERT ambulance, animal control officers would respond, as they do now, without the need for lights and sirens.

It is important to know what kinds of veterinary emergencies would be handled by the VERTs. The American Veterinary Medical Association created a list of thirteen emergencies⁸³ that require immediate veterinary care some of which include severe bleeding or bleeding that does not stop within five minutes, choking, difficulty breathing or nonstop coughing and gagging, or bleeding from nose, mouth, rectum, coughing up blood, or finding blood in urine.⁸⁴

VERTs will be equipped to handle all of these types of emergencies that need immediate care or are life threatening. Most of these emergencies will happen to domestic animals. This is likely to be the bulk of calls that VERT will receive. This is not an exhaustive list of all types of emergencies that one could call for VERT assistance about. For example, not included on this list is if a dog was to get hit by car, or if a dog has a distended abdomen and is exhibiting other symptoms of bloat (a dog's stomach fills with gas, twists, and cuts off blood flow to the back half of the dog's body).⁸⁵ Bloat is a life threatening situation for dogs and without treatment will lead to their death.⁸⁶ Conditions like bloat, getting hit by a car, and those listed above affect animals

⁸³ Additional medical emergencies that require immediate attention include inability to urinate or pass feces (stool), or obvious pain associated with urinating or passing stool, injuries to a pet's eye(s), suspicion or knowing a pet has eaten something poisonous (such as antifreeze, xylitol, chocolate, rodent poison, etc.), seizures and/or staggering, fractured bones, severe lameness or inability to move leg(s), obvious signs of pain or extreme anxiety, heat stress or heatstroke, severe vomiting or diarrhea – more than two episodes in a 24-hour period, or either of these combined with obvious illness or any of the other problems listed here, refusal to drink for 24 hours or more, unconsciousness. (*13 Animal emergencies immediate veterinary consultation and/or care*, AMERICAN VETERINARY MEDICAL ASSOCIATION, (Feb. 10, 2023), <https://www.avma.org/resources/pet-owners/emergencycare/13-animal-emergencies-require-immediate-veterinary-consultation-and-or-care>).

⁸⁴ *Id.*

⁸⁵ Jeff Grognet, *Bloat (or GVD) in Dogs: What is it and How is it treated?*, AMERICAN KENNEL CLUB, (Sep. 21, 2021), <https://www.akc.org/expert-advice/health/bloat-in-dogs/>.

⁸⁶ *Id.*

every day and the ability to get immediate care through an ambulance system could mean the difference between the life and death of a beloved family member.

When VERT is out in the field and responds to a call, they would first assess the situation. As noted above, VERTs would be trained as animal services officers as well as veterinary technicians so they would assess the situation from both the point of view of a veterinary technician (a medical view) and an animal control officer (a safety and situational assessment view) and both points of view would have things to offer from their training about animal behavior. It is important to assess the condition of the animal, whether there are any humans that are at risk and in need of assistance, and how to best respond to the animal's needs in a way that is safe for all involved. If there were humans involved, VERTs would contact the appropriate human emergency services (if they had not been contacted already) and begin to attend to the animal. VERTs would then offer any immediate care to stabilize the animal's medical condition as much as possible for transport. For example, for an open leg fracture, this could be stabilizing the fracture or administering pain medications or sedatives.⁸⁷ The VERT ambulance would be equipped with all appropriate veterinary supplies and once the animal was able to, the VERTs would get the animal on the moveable wet table/gurney and transport the animal to the closest veterinary emergency hospital. This would require a contract between VERT (or animal services) and the hospitals.

While VERT is responding to the calls, the dispatcher would contact the closest veterinary emergency hospital, inform them of the information that they gathered on the initial call, and provide an alert that the VERTs would be bringing the animal to them since they were the closest hospital. VERTs would then call the hospital while enroute and let them know what

⁸⁷ *Broken Bones*, THE KENNEL CLUB, (Feb. 14, 2023), <https://www.thekennelclub.org.uk/health-and-dog-care/health/health-and-care/a-z-of-health-and-care-issues/broken-bones/>.

medications and treatments had already been administered or performed so that no double dosing or possible drug interactions would occur and allow the hospital time to prepare and set up for their arrival.

VERT would also respond to calls of medical emergencies involving wildlife. This would include calls about situations like the one described at the beginning of this paper as well as calls about visibly sick or injured wildlife. Many times, wild animals' lives are put at risk because of the human element in the world: cars, pets, machines, or even humans themselves. We have encroached on their homes and will continue to do so as the human population grows and more of the natural world is destroyed. We owe them a chance to survive, or in the cases where that is not possible, a chance to have a peaceful passing.

Most veterinary hospitals do not treat wild animals so VERT would not be able to take injured wildlife to a normal veterinary hospital. There are however some places that do take in and provide medical care to wild animals, such as the Lindsey Wildlife Museum and other similar wildlife rehabilitation centers. (Some of them are specific to types of wildlife. For example, there is one place that only takes birds.)⁸⁸ Animal control officers will need to compile a list and make it available to the VERT program that includes all the relevant places that take specific species. Additionally, it could also be helpful to find veterinarians specializing in wildlife in the event that there is not a designated place that would be able to treat the animal. Toward this end, it would be helpful for VERT to cultivate a list of wildlife specialists that are willing to be on call for advice on how to proceed for emergencies involving wildlife.⁸⁹ This list would help VERT by giving them on-scene medical care and direction on where to take the injured and how to euthanize if necessary. An example of the benefits are seen in an emergency

⁸⁸ Interview with Rebecca Fenson, *supra* note 2.

⁸⁹ *Id.*

situation that took place in Idaho when a bobcat got trapped in the grille of a car after they had been hit by the car.⁹⁰ The police responded, did not know how to handle the situation, and called in a Conservation Warden who knew what to do and was able to free the bobcat and return them to the wild unharmed.⁹¹

Human ambulances often allow a family member to travel to the hospital with the person that has been injured. It would be the same for VERTs. Many people view their animal companions as more than just pets and feel as though they are family members.⁹² In this case, there is more risk in allowing people to ride with their animal in a VERT ambulance. When animals are in pain or scared, they can react naturally to protect themselves with biting and other protective behaviors. More people in the ambulance could put everyone at risk. But there is also the very real possibility that their animal could die enroute to the hospital. Many people would want the option to be present should this occur. Because of this, it would only be right to offer people the same chance as with humans to escort their animals in the ambulance.

a. Nuances of implementation in municipalities

Because all animal controls are run in distinctive ways, VERT must be adaptable to different types of animal controls/services. These are two examples of how the system could be employed in two vastly different systems.

First, San Francisco's Animal Care and Control (SFACC) already has some of the basic facets of VERT, but much more would need to be done to deliver a robust program. For example, SFACC has animal control vans that have amber lights.⁹³ But these vans are very small

⁹⁰ Mitchell Willets, *Trapped animal goes wild after rescuers free it from car grille*, IDAHO STATESMAN, (Apr. 20, 2023), <https://www.idahostatesman.com/news/nation-world/national/article274531371.html>.

⁹¹ *Id.*

⁹² Brown, *supra* note 73.

⁹³ Interview with Rebecca Fenson, *supra* note 2.

and are designed with kennels in the back.⁹⁴ They are only equipped with the most basic first aid kit and training.⁹⁵ These vehicles would have to be swapped out and/or reequipped to function as VERT ambulances with sirens. With the current process, personnel may not reach the animal in need of immediate care for 20 minutes or more because animal control vans are considered regular traffic.⁹⁶ Furthermore, even without the lights and sirens, all they would be able to do is put the animal in a kennel, take it to the hospital and hope that its condition is not severe enough that it dies enroute.⁹⁷ This highlights the need for additional training for the officers beyond the very basic pet first aid that they receive now. This would most likely be more medical veterinary training to effectively respond to veterinary emergencies. This would only be additional training to what animal control officers receive in San Francisco because they are all currently trained on how to actually handle animals.⁹⁸

SFACC already has a dispatch center,⁹⁹ but it would need to be expanded to be connected to 7-1-1 and be staffed around the clock. In addition, SFACC would need to have veterinary staff overnight including an emergency veterinarian and veterinary technicians. They do not currently have this, but they do have in-house veterinary staff¹⁰⁰ so if it were staffed at all hours, VERT ambulances would not need to go to other hospitals and could go directly to SFACC.

In contrast to San Francisco which would only need to expand its current operations to implement VERT, Pleasanton and other places that have animal control as part of their police department will likely have to undergo longer and more extensive changes to implement VERT. For example, they would need to create the dispatch center, purchase the ambulances, hire

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Interview with Rebecca Fenson, *supra* note 2.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

additional dedicated animal control staff as a section within the police department, and provide veterinary training and animal handling training to these officers.

b. What are the benefits?

Animals experience pain similarly and just as much as humans.¹⁰¹ Much of this suffering could be mitigated if there were access to proper care, including emergency services. Many veterinary emergencies are fatal only because the animal did not receive care or did not receive care in time. When our companion animals suffer, their humans are suffering right along with them. The goal of VERT is not to end all death as this is inevitable in some cases. The goal is to lessen the numbers of animals that are suffering and dying due to treatable emergencies.

Less animal suffering equals less human suffering. In 2023, 63 percent of American households owned a pet.¹⁰² Most pet owners, 85 percent of dog owners and 76 percent of cat owners, consider their pets to be members of the family.¹⁰³ A survey of 10,000 dog owners found that dog owners routinely make professional, financial, and lifestyle sacrifices for their dogs.¹⁰⁴ Of all those pet owners, 76 percent believe their personal health has improved because of their pet, and 87 percent experienced a mental health improvement because of their pet.¹⁰⁵ Furthermore, 22 percent of pet owners have had pets recommended to them by doctors, and 89 percent of pet owners think that doctors should recommend pets for healthier living.¹⁰⁶ Healthier pets seems to promote better mental health, which leads to happier citizens and healthier

¹⁰¹ R. Scott Nolen, *Silent Suffering*, AMERICAN VETERINARY MEDICAL ASSOCIATION, (Dec. 01, 2001), <https://www.avma.org/javma-news/2001-12-15/silent-suffering>

¹⁰² Michelle Megna, *Pet Ownership Statistics 2023*, FORBES ADVISOR, (Apr. 10, 2023), <https://www.forbes.com/advisor/pet-insurance/pet-ownership-statistics/>.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *HABRI Benchmark Survey of U.S. Pet Owners*, HUMAN ANIMAL BOND RESEARCH INSTITUTE, (Feb. 14, 2023), <https://habri.org/pet-owners-survey/>.

¹⁰⁶ *Id.*

communities. These are just some of the statistics that show how strong the bond is between people and their pets.

In addition to these statistics the benefits of VERT extend to other areas. The Department of Justice estimates that law enforcement officers kill 25 to 30 dogs every day and that this occurrence has become so common the DOJ has called it an epidemic.¹⁰⁷ The exact numbers of companion animals that are shot and killed by law enforcement officers is unknown.¹⁰⁸ Often times it is not reported or kept track of by police departments.¹⁰⁹ Statistics indicate high numbers of shootings involving dogs across the country ranging from 50 percent in Los Angeles to 80 percent in St. Louis.¹¹⁰ VERT being on call for police in these situations could lead to higher survival rates of dogs that are shot. This could also lead to less costly lawsuits for police officers and departments in these situations.

This program would help alleviate animal suffering, and in turn, protect the human animal bond that has become so important to our society.

III. Concerns with the program

One of the most critical questions likely to be raised in opposition to VERT is not the need or the concept of animal-focused emergency services, but who is going to pay for it? Ideally it would be available to everyone at no cost. This could be made possible by donations or grants from benefactors. Many animal control agencies have affiliated charities that facilitate the receipt of donations in excess of their city budgets, which enables them to offer more services

¹⁰⁷ Courtney G. Lee, *More than Just Collateral Damage: Pet Shootings by Police*, 17 U. N. H. L. REV. 171, (Nov. 19, 2018), https://scholars.unh.edu/cgi/viewcontent.cgi?article=1328&context=unh_lr

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Lauren Castillo, *Police Shooting Dog Statistics and Trends on 2024*, GITNEX, (Dec. 27, 2023), <https://blog.gitnux.com/police-shooting-dogs-statistics/>

and to take in more animals.¹¹¹ Another option for funding would be to increase licensing fees, although this would work best if done in conjunction with another funding option. As a last resort, it would be necessary to increase taxes. This is would not be a popular option, but it is worth testing to see if people might be willing to pay a tax to be able to have access to animal emergency services that could save their beloved pets.

Human ambulances are paid for by people that need to use them, or by the insurance companies that cover the individuals impacted. If there was no way to make the program possible without people paying for it, it still makes sense to implement the program and supplement with donations for those unable to pay. It also seems reasonable that this is something that could be covered or discounted by veterinary insurance plans. This would encourage more people to get pet insurance since it could help pay for this service. Many veterinary insurances already cover emergency veterinary treatments so it would make sense to add this to the plans.¹¹² ASPCA provides insurance¹¹³ so it could become part of their plan benefits and encourage people to get insurance. This insurance connection might also lead to contracts between local SPCAs or specific hospitals and animal services/VERT.

An objection to VERT could be that we do not need this program because animals have a much shorter lifespan than humans, will all eventually die, and we cannot or should not waste money and resources on trying to save them from premature passing. When the first anti-cruelty statutes were created, they focused mainly on protecting the animals because they were a

¹¹¹ *About Us*, FRIENDS OF SAN FRANCISCO ANIMAL CARE AND CONTROL, (Feb. 14, 2023), <https://friendsofsfacc.org/about/>.

¹¹² *ASPCA Pet Insurance*, AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, (Feb. 14, 2023), https://www.aspcapetinsurance.com/indemnuspets?gad=1&gclid=CjwKCAjw16OiBhA2EiwAuUwWZRv2IhzNuCd4yXwJZ4rnD5LSfWeDBivS0tCtLwYUMtkxk8fn69iVXR0CJTwQAvD_BwE#/s tart.

¹¹³ *Id.*

human's property.¹¹⁴ But the statutes began to change with society and reflect its desire to protect animals simply because they were animals, and society began to care about their pain and suffering.¹¹⁵ California cares enough about animal suffering to have one of the most inclusive animal cruelty statutes,¹¹⁶ so it seems intuitive that the state would also care about animals suffering in emergency situations – if animals have a right to protection from cruelty, they should have a right to protection in veterinary emergencies. Many cruelty statutes require the provision of veterinary care for those that own animals.¹¹⁷ This program is a logical extension of this principle to society more generally. Furthermore, the California Veterinary Emergency Team created to rescue animals during natural disasters further supports this. It proves that we already provide emergency services for animals in one type of emergency situation, so we should be able to do a better job of providing emergency services for all types of animal emergencies. There is a system to address animal cruelty and natural disasters, so there should also be a system to address veterinary emergencies that come up in daily life.

Before colonizers came to this part of the world, the animals that lived here roamed free.¹¹⁸ After their arrival, the animal's world was different and changed. Humans put animals at risk when they are just trying to live in this different world. We should give them a chance at survival when their interactions with humans and the ever-increasing growth of our cities creates potentially deadly situations. Not all critical care situations are caused by humans, but we spend millions of dollars per year trying to save humans from emergency situations that in the end (or

¹¹⁴ David Favre & Vivien Tsang, *The Development of the Anti-Cruelty Laws During the 1800s*, 1993 DET. C.L. REV. 1 (1993), <https://www.animallaw.info/article/development-anti-cruelty-laws-during-1800s>.

¹¹⁵ *Id.*

¹¹⁶ CAL. PENAL CODE § 597.1(a)(1) (West).

¹¹⁷ *Id.*

¹¹⁸ Peter Moyle and Mary Orland, *Chapter 2: A history of wildlife in North America*, MARINEBIO, (Dec. 28, 2023), <https://www.marinebio.org/creatures/essays-on-wildlife-conservation/3/>.

even the beginning) could not be saved, yet we still made the attempt because we value life.

Why can we not extend the same courtesy to animals?

Another objection to VERT could be that communities in many areas are under served by their human ambulances and so why should we be worried about animals and implementing this program when not even all humans have access to this type of emergency service. There is no denying that there are humans in need, and the support systems to address these emergencies needs to be improved.¹¹⁹ However, just because both of these statements are true does not mean that animal suffering should be ignored—the human and animal systems both need attention, and programs to help both structures can coexist. This article is focused on the importance of bringing change to the animal support infrastructure because they are politically disenfranchised and need someone to be an advocate on their behalf in these situations. It is not intended to imply that human systems do not also need scrutiny.

Conclusion

The animals of our society face the potential for catastrophic injury every day, whether they are the most beloved and spoiled golden retriever living in suburbia or a racoon hunting for food. The existing animal control systems in place throughout the country still leave a gap. There is no law or program to provide a system of how to deal with animal veterinary emergencies. This is a problem because animals have a right to live free from human-induced suffering, as evidenced by every state in the United States having an animal cruelty statute that

¹¹⁹ *The Future of EMS*, UNITEKEMT, (Oct. 4, 2023), <https://www.unitekemt.com/blog/the-future-of-ems/#:~:text=Addressing%20this%20shortage%20through%20targeted,role%20in%20exacerbating%20these%20difficulties> (discusses trends, challenges, and opportunities for change in the EMS system). *See generally*; Matt Zavadsky, *The EMS Economic and Staffing Crisis Creates an Opportunity for Improved System Design*, (Oct. 01, 2023), <https://icma.org/articles/pm-magazine/ems-economic-and-staffing-crisis-creates-opportunity-improved-system-design>. (Discusses the economic delivery crisis, how economics are tied in, and steps being taken).

prohibits causing an animal's suffering. What's missing is the lack of a defined way to deal with animal veterinary emergencies, which allows animal suffering to go unaddressed.

This gap can be closed with the VERT program: an ambulance system within local animal services agencies that has the training and ability to respond to veterinary emergencies, give animals immediate care to increase their chance of survival, or provide a peaceful passing. The system will run similarly to human ambulances and can be adapted to account for different types of animal service systems that are already in existence. It would be implemented through the passage of a state law setting minimum requirements and flexible standards for all municipalities to adopt. Now more than ever, the human bond with animals is vital to mental health and well-being, so we must do all that we can to protect them and create a way to save them when their lives are on the line.