

The Humane Society Institute for Science and Policy
Animal Studies Repository

3-18-2013

Public Policy: Community Safety Through Breed Bans?

Deirdre S. Franklin

Drexel University, franklin.deirdres@gmail.com

Follow this and additional works at: <http://animalstudiesrepository.org/anippol>



Part of the [Animal Studies Commons](#), [Other Anthropology Commons](#), and the [Public Policy Commons](#)

Recommended Citation

Franklin, Deirdre S., "Public Policy: Community Safety Through Breed Bans?" (2013). *Animals and Public Policy*. 1.
<http://animalstudiesrepository.org/anippol/1>

This Thesis or Capstone Project is brought to you for free and open access by the Humane Society Institute for Science and Policy. It has been accepted for inclusion by an authorized administrator of the Animal Studies Repository. For more information, please contact eyahner@humanesociety.org.

Deirdre S. Franklin
Thesis: Policy 517
March 18, 2013
Drexel University

Problem Statement: A debate presently exists as to whether or not certain dog breeds are inherently dangerous. This debate results in the restriction or outright ban of breeds alleged to be problematic. The research outlined in this paper provides a deep analysis of existing breed bans, challenges to breed bans, and offers solutions to help encourage community safety for all people exposed that are exposed to canines.

Research question: In what ways does breed specific legislation affect the community, the local shelters, tax-dollars, and the people that banned or restricted dogs?

Key Terms:

Pit bull/Pit bull-Type Dog: The term **pit bull** refers to multiple breeds of dog including: American Pit Bull Terrier, American Staffordshire Terrier, and the Staffordshire Bull Terrier and many mixed breed dogs that resemble a stocky, muscular, medium-sized dog.

Breed Specific Legislation (BSL): Legislative bans specific to dogs that are assumed to be “dangerous” based on how they look rather than on behavior of individual dogs. This can include muzzling of the dog publicly, outright ban, or euthanasia.

Abstract: The research performed provided several insights and outcomes that were anticipated in the research question. By analyzing the effects of breed specific legislation (BSL) and the statistics relative to dog bites, dog shelters and rescue groups, it became clear that the BSL does not work. This case study provides extensive proof to support this conclusion.

INTRODUCTION

A loved and family owned dog traditionally does not make headlines. A dog that has shelter, food, training, and care is typically a loyal dog, regardless of the breed into which that dog was born. However, when fear, negligence and poor information are prevalent in a community, policy comes into play. Policymakers can become moral entrepreneurs by implementing knee jerk policies to give themselves a better foothold in their community under what may be a guise of community safety. Such policies like breed discriminatory practices can elevate a leader or remove them from their title quickly, depending on the community and the level of education people have about the physiology of dogs.

METHODS

I chose a qualitative research process with an emphasis on sociologist David Thacher's normative case study elements. Thacher's method of value-based research and its application to public policy are best suited for this case study due to the normative nature of the subject. Thacher (2006) states that normative case studies can "help professional communities to clarify, elaborate, or even fundamentally revise the way they define these ends" (p. 1633). The intention is to clarify positions and help the public to understand the ethical basis of sound dog training methods, dogs being assessed as individuals, and the public's need to understand that reports they read in newspapers may be biased and under-informed. As a result, by employing a method of normative case study, I would be better able to not only continue to pull out necessary information in my research, but it would allow for a greater understanding of the topic through

this applied methodology. The idea that social science contributes to ethics on a fundamental level is often overlooked in case studies that are geared toward quantitative measures, largely because those studies are science-based or theory-based that may lack the emphasis of applicability to our lives.

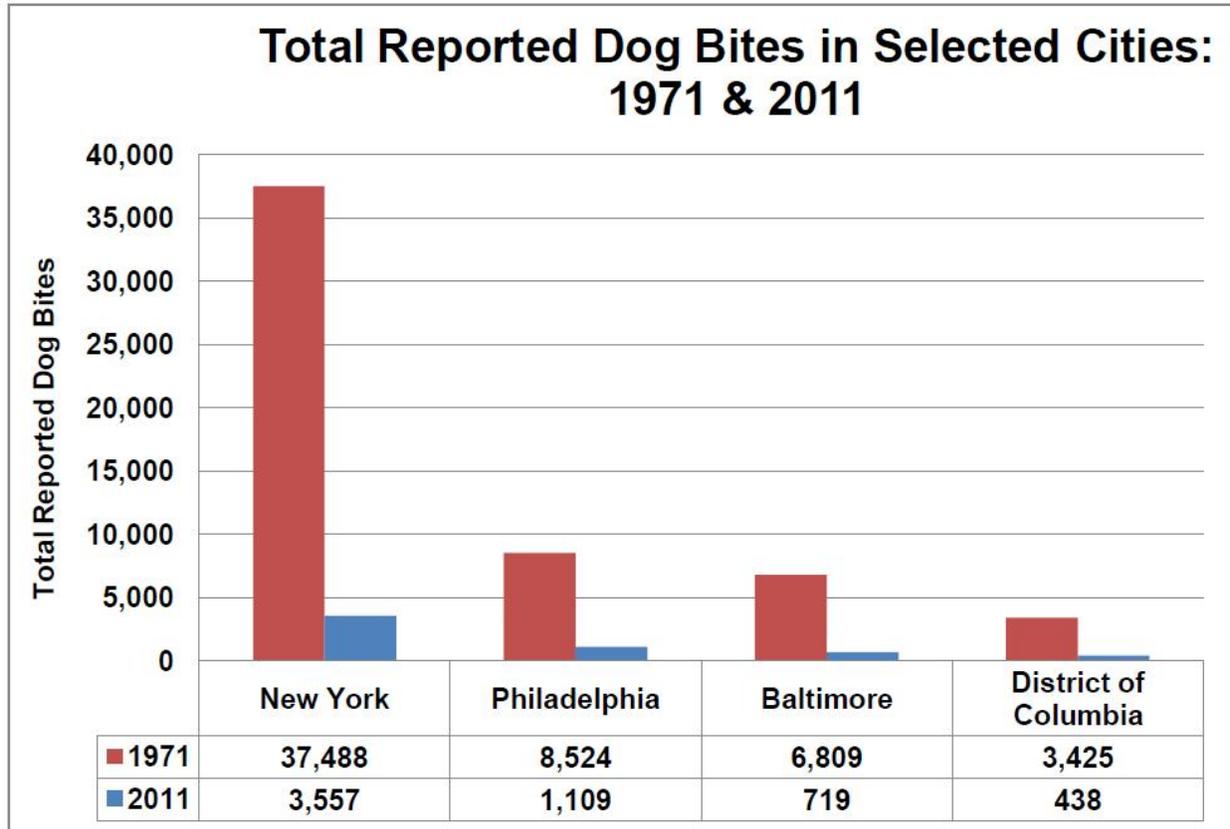
The policy debate behind the thesis question is whether you can make a community safe by enacting bans on certain dog breeds, in this case, pit bull-type dogs. When legislation is proposed to ban pit bull-type dogs, it is often evaluated as a potential solution after a dog on human attack has taken place. Scientists, veterinarians, animal control officers, and others experienced in dog behavior are called into meetings to evaluate potential solutions for keeping people safe from dog attacks. A simple solution would be to enforce existing dog-related ordinances, especially leash laws. Off-leash dogs are often the culprit for causing dog bites, accidents, and dog on dog scuffles. This seemingly simple solution is often overlooked.

In this case study research, I have evaluated how and why pit bull bans have been enacted, why these bans are still in existence, and have analyzed recent studies relative to current breed bans as well as recently lifted bans. I was also able to interview industry experts who work with dogs directly evaluating behavior as well as people working in shelter reform and animal control. By analyzing the issues surrounding the debate as to whether or not breed bans can make a community safe, I hoped to shed light on common misconceptions associated with this debate.

Criminality remains a focal point of breed specific legislation because these laws not only remove family dogs from homes, they also target people living outside of the law who operate

dog fighting rings, support gang activity, and are otherwise out of control. Such legislation is often aimed at controlling this outlaw population but by encouraging those living outside of the law to maintain an image, keep an unsound dog, and continue their operations. It could be assumed that criminals may not follow a sudden breed ban. Rather, a ban might encourage further criminal behavior by keeping an illegal dog for status.

Opponents of breed bans highlight “fatal dog attacks are not actually on the rise; the total number of fatal dog attacks has remained constant, averaging about twenty per year. Moreover, the breed responsible for the most fatal attacks has varied over the years, as the popularity of different breeds has varied. For example, German Shepherds were responsible for the highest number of fatal attacks in the late 1970s, while Great Danes took the lead in 1979 and 1980” (Medlin, 2007, p. 1295). National Canine Research Council provides a thorough analysis of reported dog bite statistics comparisons in 1971 and 2011 based on data in four major cities. The key component found within this data analysis is that even though population growth has increased since the 1970’s, dog bite statistics have dramatically decreased.



Source: Total Reported Dog Bites in Selected Cities. (2011). *National Canine Research Council: What is a Dog Bite?* Retrieved March 18, 2013 from <http://nationalcanineresearchcouncil.com/dogbites/whatisadogbite/>

Additional data has regularly been reported through the American Temperament Test that proved American Pit bull Terriers score higher on average than Golden Retrievers. A recent update of the report has shown continual and consistent scores for Pit bull-type dogs. In February 2012, a new test was issued to all breeds that included American Pit bull Terriers. The American Pit bull Terrier scored 86.8% (728 passed, 111 failed) whereas the Collie scored 80.1% (692 Collies passes, 172 failed). There is extensive data available from various behaviorists as to why a dog bites or how children get bit more frequently. The result does not mention breed type but rather the nature of the dog relative to the height of the child (looking an insecure dog in the eyes, for example) and whether that child made sudden movements such as screaming at or jumping on a

sleeping dog. Such statistical data and research makes it questionable why many other dog breeds that score lower than American Pit bull Terriers on this test are not also banned or eliminated.

LITERATURE REVIEW

Confronting a Political Issue or Policy Problem

Deborah Stone (2012) analyzed the need for confronting a political issue or policy problem by evaluating the various positions held by the actors and by dividing up each issue and asking distinct questions about each of them. She recommended that three questions be answered. “First, who are the eligible recipients, and what criteria make them eligible? Second, what is being distributed, and how does each player define or envision it? And third, what social processes are used to carry out the distribution, and what kind of process does each player recommend as best? ...Once you’ve mapped out the arguments, ask yourself whether they seem accurate, reasonable, persuasive, and ultimately, fair” (p. 57). In the case of pit bull-type (breed specific) ordinances, the pit bull-type dog is eligible. From the advocacy and dog owning standpoint, allowing such dogs to be adopted and cared for is the end goal. However, for the public that deems pit bull-type dogs as inherently dangerous, their vision is a world without exposure to such dogs. Colleen Lynn, founder of website, media professional and website developer, states “Pit bulls are not only problematic in large cities; they threaten mid-sized cities and small towns as well.” Dogsbite.org and dog advocacy sites do share common ground. There is a consensus that the best forms of dog ownership include: spay/neuter, socialization, exercise, training, and limited exposure to untested situations. To answer the third question, such dogs can

be acquired through purchase, adoption, or finding one at-large. Dog advocates and dog owners would often agree to allow any such scenario to play out while most would also require mandatory spay/neuter to keep unwanted dogs from being born. The opposition might prefer to see all of these dogs eradicated and eventually made extinct while others may be indifferent to breed specific legislation and specific types of dogs. This is a simplification but is ultimately what is at stake in either argument. Stone further noted how inequality destroys communities.

This can be deemed akin to McCarthyism when neighbors chose to reveal friends and neighbors for allegedly affiliating with communist activity. Such a situation occurred in Denver, Colorado where it is illegal to own a pit bull-type dog. Many dogs were taken from homes that had registered their dog. One example of the effects of BSL is the story of a dog named Lennox in Belfast, Ireland. The owners of the dog had followed all necessary mandates including micro chipping and registering their dog. However, their dog was removed from their home and away from their 5-year old daughter, Brooke. Lennox was kept for two years in a cell while Lennox's family pleaded for his release, especially since their dog had never harmed anyone but had simply been deemed a "pit bull" by the dog warden's office. According to the family, "The most heartfelt plea of all was heard from Brooke, the owner's Daughter who is registered disabled. Lennox grew up around Brooke and the two became inseparable. Due to Brooke's illness she is unable to play each day with other children and so found Lennox to always be there as a playmate and someone to be of comfort to her. Since her best friend was taken Brooke has missed much School due to suffering health and unneeded stress caused by missing her dog. Brooke's specialist Doctor at Belfast Royal Hospital for Sick Children has also expressed growing concern for the child's separation from her pet."

The result of such legislation is not only destroying a dog in many cases, but can have grave results for family members that are forced to live with the consequences of choosing between living in a town that has enacted a breed ban or moving away with their dog in order to keep their family intact.

Evaluating Fear

Stone (2012) also evaluated how people often make decisions that are not necessarily in their best interest, such as smoking or driving while texting. “They cruise along on inertia, rather than taking the trouble to gather new information. In thinking about their personal security, they overestimate dangers that appeared on last night’s news-such as contaminated lettuce- and go to great lengths to avoid them” (p. 72). This is a direct correlation with the ways in which the media delivers stories of dog bites and dogs at-large while the public devours such information as real and factual. People do not delve deeper than what they are told, in most scenarios, largely because they trust that the source is giving them the right or best information.

In order to explore how the pit bull has been vilified in the media and how they remain under threat of permanent ban, it is important to understand that biased and misinformed reporters and politicians have contributed to the damaging perception of various dog types throughout history. They started with the Bloodhound, then German shepherd, Doberman, and Rottweiler and in the last two decades it has been the pit bull. The popular media commonly portrays pit bulls as demonic animals- unpredictable and savage in their behavior toward humans (Arluke, et al., 2000, p. 2). To explain why the media and politicians have demonized the pit bull dog, one

needs to understand that the pit bull was once known for being a symbol of American courage and were featured in a series of wartime posters during the World War I era. In the 1930's, a popular show called *The Little Rascals*, as well as the *Our Gang* comedy series featured a pit bull. From 1890 to 1948, pit bulls were very popular dogs to own because they were seen as a good-natured watchdog and family pet (Arluke, et al., 2000, p. 1). Peck's theory of group evil is very appropriate for understanding media bias regarding Pit bull issues. There is no conspiracy to mislead. There is not even an ideological bias. Rather, there is a systemic deficiency, due to specialization, the pressure of deadlines, and just plain laziness that results in news stories that are misleading and often downright false (Cohen, 2002, p. 289).

It is the goal of education and advocacy groups such as Pinups for Pitbulls, Inc., No Kill Advocacy Center, National Canine Research Council, and other education-based organizations to disseminate fact-based, scientific data to the public. By doing so, a more educated society can help shape the future of dog ownership, and municipal shelter management, while keeping non-dangerous dogs from being eliminated on the basis of fear, propaganda or ignorance.

Breed Discrimination in Dog Rescue

Many dogs are victimized in the form of dog fighting. Dog Fighting stories draw attention by the media and in animal rescue. There are groups that will work to rehabilitate and offer a second chance to these dogs, and there are others who deem them unadoptable for the horrors these dogs have witnessed, and may have been forced into participation.

Nathan J. Winograd, a graduate of Stanford Law School, former criminal prosecutor and corporate attorney, has spoken nationally and internationally on animal sheltering issues. He has also written animal protection legislation at the state and national level, created successful No Kill programs in both urban and rural communities, and consulted with a wide range of animal protection groups including some of the largest and best known in the nation.

“Recent research shows that shelters misidentify breeds roughly 87 percent of the time. When it comes to dogs we call “pit bulls,” shelters are not unnecessarily killing them based on breed stereotypes, but they are killing dogs they mistakenly think are pit bulls, despite being wrong about their breed in almost nine out of ten cases” (Winograd, 2009, p. 45). Those groups that are willing to give pit bulls a chance seek to label these survivors as breed ambassadors. Breed ambassadors are dogs that are close to perfect in nature. Such dogs can pass the following rigorous demands of the rescue groups and shelters: “accept a friendly stranger; sit politely for petting; appearance and grooming; walk on a loose leash; walk through a crowd; sit, down and stay on command; come when called; reaction to another dog; reaction to distractions; and supervised separation” (Winograd, 2009, p. 46). Most dogs, regardless of breed or mix cannot pass such a rigorous set of tests. Winograd believes that shelter workers deem many dogs less than perfect which later results in their destruction.

Setting pit bulls apart from other kinds of dogs makes this kind of test seem acceptable. “To protect public safety, we cannot include truly aggressive dogs in shelter adoption programs; pit bull or otherwise. But it is a far jump from that reality to a conclusion that dogs that pull on the leash must be killed. If in their excitement, they greet by jumping on you, they are killed. If

they do not sit politely while being petted, they are killed” (Winograd, 2009, p. 47). There have not been any studies conducted to see if breed ambassador programs do anything to change public perception about pit bull dogs, which is the intent of such programs. “The program also ignores the fact that roughly nine out of ten pit bulls *already* debunk the aggression myths; most of these dogs are *not* aggressive. Rather than embrace a program based on the deadly idea that it is acceptable to sacrifice the many to save a tiny few, how about treating them just like dogs and working to save them all?” (Winograd, 2009, p. 48). The No Kill movement seeks to shelter all animals from unnecessary death; pit bulls are deemed as just dogs like any other dog in need of protection.

Is there a Dog Bite epidemic?

Several cities in the United States have implemented elements of breed specific ordinances. In Saginaw, Michigan, for example, their ordinance requires a posted “dog on premises” sign, a four-foot fence or kennel and for dogs to be kept on leashes if they fall under the following breed type: Pit bulls, Presa canario, Bull Mastiff, Rottweiler, or German Shepherd. The Saginaw City Chief Inspector informed reporters that their breed specific ordinance has been effective since dog attacks have been reduced as a result of implementation and enforcement. The enforcement of leash laws as well as confining dogs is certainly effective but may not require breed specific language.

Winograd (2009) referenced two outdated government studies conducted that took “poorly formulated and overly restrictive samples of the population (one reported six dog bites, the other 38) and then simply multiplied those numbers by how many people live in the United States. In

short, it is an extrapolation of six dog bites” (p. 25). His concern is that many shelters embrace breed bans as a result of potentially skewed data. Dog bite statistics have remained relatively unchanged and consistent for years. His professional opinion is that breed bans kill innocent and usually friendly dogs. “92 percent of dog bites result in no injuries. And of those that do result in injury, 7.5 percent are minor. Less than 1/10th of 1 percent (0.08 percent) of all bites rank at moderate or above, and in the vast majority of cases, the dog was provoked. Less than 0.0002 percent [of dog bites] results in death” (Winograd, 2009, p. 26). What Winograd seeks is public policy that increases shelter standards for dogs and cats. The standards currently in place are viewed as low and in many cases, substandard at best. “Dissent - when it challenges the status quo by revealing hypocrisy - is essential for progress” (Winograd, 2009, p. 133). Increased shelter standards such as greater exposure through networking, transport, and low cost spay and neuter programs can increase visibility for dogs and cats and cut down on tax dollars spent to maintain traffic flow within the system. No Kill shelters are becoming effective leaders in changing the standards in the current shelter system.

Welfare Implications in the Role of Breed in Dog Bite Risk and Prevention

The increased popularity of a dog in a certain region or town directly correlates with the increased level of bite statistics that arise from a certain breed type. For instance, in Canada, there seems to be a higher frequency of sled dog bites largely because they are more commonly found in that region. Though there are smaller numbers of cases resulting in severe injuries or fatalities that seem to come from pit bull-type dogs, “this may relate to the popularity of the breed in the victim’s community, reporting biases, and the dog’s treatment by its owner (e.g. use as fighting dogs)” (AVMA, 2012, p. 1). In other words, if people are reading that a certain breed

of dog is the most reported biter, they may assume that the dog that has bitten someone is from the breed they have read about. The time and place is critical in how a dog bite takes place and why it happened at all.

Most people discount the magnitude of a bite that can be inflicted by a small dog. As a result, less people train or seek behavior modification for smaller dogs, whereas, there is a higher likelihood that the owner of a large dog would want to seek out help due to the nature of the bite that could be inflicted. “Controlled studies have not identified this breed group (pit bull-types) as disproportionately dangerous. The pit bull-type is particularly ambiguous as a “breed” encompassing a range of pedigree breeds, informal types and appearances that cannot be reliably identified...Witnesses may be predisposed to assume that a vicious dog is of this type” (AVMA, 2012, p. 2).

“...The incidence of pit bull-type dogs’ involvement in severe and fatal attacks may represent high prevalence in neighborhoods that present high risk to young children who are the most common victim of severe or fatal attacks” (AVMA, 2012, p. 2). Unfortunately, many owners of breeds that have been stigmatized are often involved in illegal activities such as dog fighting and according to this study, “breed correlations may have the owner’s behavior as the underlying causal factor” (AVMA, 2012, p. 2). The increased need for simple spay and neuter options and basic behavior classes to be accessible in all areas where a dog can be owned is obvious to many well-meaning advocates. Finding the ability to reach certain areas where dogfighting and other illegal activities may be prevalent is needed to counterbalance against dog bite injuries.

“It has not been demonstrated that breed-specific bans affect the rate or severity of bite injuries occurring in a community” (AVMA, 2012, p. 3). This is largely because severe dog bites (requiring hospitalization) typically occur most commonly by known dogs in a community (belonging to a neighbor or family member). There are many causes for a dog bite, but they are most commonly related to whether a dog has been sterilized, if it is tethered, and whether the dog is supervised around children. These simple factors can be managed with positive behavior modification techniques and by socializing a dog, monitoring a dog when children are nearby, and by spaying or neutering the dog. The AVMA states, “It is difficult to support the targeting of this breed (pit bull-type) as a basis for dog bite prevention” largely because of the relationship between the prevalence of such dogs and the means in which they can be managed. They furthered that “If breeds are to be targeted then a cluster of large breeds would be implicated including the German shepherd, shepherd crosses and other breeds that vary by location” (AVMA, 2012, p. 3). With this in mind, many more families would be affected by these legislative practices and city ordinances, and far more people would be interested in solutions rather than reactive responses to what seems like a nuisance dog group.

Measuring Risk: Are We In Danger?

Prevention of dog bites is typically the underlying reason for creating breed specific legislation (BSL) in a town, city, or state. The reasoning for singling out specific types of dogs lies in the risk associated with certain types of dogs and what is alleged to be true of their nature, and propensity to bite. “Risk is the likelihood of something bad happening, expressed as a percentage, as in a 25 percent chance of rain. Like the equal-slices solution to the equity problem, risk appears to be an objective measure of insecurity, a yardstick that can be used to

compare seemingly incommensurable situations” (Stone, 2012, p. 131,). Deborah Stone further described the insecurities that arise as a result of risk assessment. “Insecurity comes not only from uncertainty about whether something bad will happen, but also from how bad we expect the bad thing to be” (Stone, 2012, p. 131). The probability of danger is multiplied by the size of the damage that would be caused if it were to happen. When the public hears about a dog bite or a death relating to a dog attack, they tend to become concerned about the probability of it happening to them and may focus on the type of dog charged in the situation rather than how or why it occurred at all.

“News media, by dint of what stories they cover, elevate some risks in people’s minds while leaving other sources of insecurity invisible and in some sense, unreal” (Stone, 2012, p. 134).

For instance, a simple Google search of “*dog attacks*” resulted in the following headlines:

1. Police interrupt Violent Pit bull Attack
2. Pit bulls Kill One of their Own
3. Pit bull Attacks, Chews Off Owners Arm

The website DogsBite.Org lists *only* pit bull-specific attacks under their “Dog Attacks” header and seems to capitalize on the readers fear by sensationalizing headings. In the Google search, after two pages of skimming, the 20th article was about a Labrador mix that mauled a child. Most stories report dog attacks and rarely name the breed unless the alleged breed is a pit bull-type. According to the National Canine Research Council (2013) “Reporters are not specialists. They may report as fact what are really opinions, or cite official statements and/or published studies that experts have called into serious question. Stories completed against deadline

pressures may contain errors that the outlet will only correct if later developments generate an interest in a follow up. Reporters will neglect critical factors that contributed to a serious incident involving a dog and assign unjustified significance to a dog's breed description, while, at the same time printing inaccurate breed identification of dogs which are never corrected later.” Such incorrect reports can have long-lasting and damaging results. Politicians respond to this type of hyped up media by attempting to legislate or control such dogs through their police power in order to protect public safety. “When a potential danger seems dreadful or catastrophic, hyper caution and aggressive action to “nip the problem in the bud” can seem like the right approach” (Stone, 2012, p. 138). This is how knee-jerk legislation is borne.

Estimations of risk are merely estimations. Stone (2012) evaluated this type of risk analysis by stating, “risk analysis involves techniques for estimating likelihoods and damages. Estimates are guesses. They may be well-informed guesses, but they are still guesses. In the polis, risk estimates are made by people and groups with strong beliefs, vested interests, and policies to advocate. Their biases can easily creep into their scientific best guesses” (p. 141). Websites such as Dogsbite.org have a strong and recognizable bias in support of breed specific legislation. It is their belief that such dogs should be euthanized and brought to extinction through heavy regulation of specific breed types. Dogsbite.org (2013) advocates for bans by stating, “A breed ban is the most proactive policy that can be undertaken regarding the pit bull problem. A ban saves the most human lives by preventing attacks before they occur. By criminalizing pit bull breeding, a ban saves countless pit bulls from systematic euthanization and dramatically reduces the number of pit bulls used for dogfighting.” Unfortunately, by eliminating pit bull-type dogs, another dog will most likely take their place in line. If dogs bite as a result of human-related

causes, the body type and genetics may change with a breed ban but the risk is still the same because all dogs have the propensity to bite.

Finally, Stone (2012) reviewed the concept developed by behavioral psychologists as the “availability heuristic.” “People tend to estimate the probability of an event by asking themselves how easily they can think of examples. If an instance has recently entered their consciousness, either because it has just happened to them or to someone they know, or because they have seen media reports about it, they will tend to overestimate its likelihood of happening to them” (p. 145). This availability heuristic is the root of rapidly called city council meetings after a dog attack has caused someone harm in their community. The risk seems elevated since it happened locally or to someone within the community. As quickly as these meetings are called, there is a counterbalance that takes place in the dog advocacy community. Representatives from local and national organizations speak out about the science and facts behind dog bites and actual risk. Organizations like Pinups for Pitbulls, Inc. visit Capitol Hill when necessary, write letters, make calls to politicians and newspapers, and quickly supply a potentially ignorant politician with well-rounded, unbiased scientific data to assess. The greatest risk taken by people who own or live near dogs is the risk of not being educated about how to deal with possible problems either behaviorally, socially, or through simple preventive measures. This is the area that all organizations and communities should target according to dog advocacy groups, national humane organizations and veterinarians alike.

Frequency of Risk

Risk is evaluated in statistics as the frequency that a positive or negative event will take place. In 2010, Patronek, Slater, and Marder provided this insight “For dog bites, risk is typically described as the number of dog bites per person in the population of interest per year” (p. 788). There are many reasons that evaluating such risk cannot work. The study of dog bites is challenging because you cannot recreate a situation that could be repeated for a dog bite to occur from one dog to the next. Dogs are complex creatures and many dogs that would bite in one situation might not bite in the next. This is due to the fact that dogs are also contextual. There are conflicting telephone surveys that were conducted to evaluate the number of serious dog bites logged from emergency department visits. One study estimated that there were 365,846 visits from dog bites in 2000, or approximately 130 emergency department visits/100,000 people/year. This estimate was derived from only 66 emergency departments in the U.S. (Patronek, et al., 2010, p. 788). Another study found that approximately 885,000 dog bites required medical attention, or 320 bites per 100,000 people per year. “One possible explanation for the difference between these 2 estimates of the risk of dog bites could be that many dog bites are cared for by primary care physicians rather than emergency departments” (Patronek, et al., 2010, p. 788). Of these dog bites, most of them were reported to have low levels of severity. In a national study done in 2006 by the Health Care Utilization Project National Inpatient, a sample that covers nearly 90% of the US population, “there were approximately 8,387 hospitalizations or 3/100,000 people/year because of dog bites” (Patronek, et al., 2010, p. 789). Such conflicting data helps to illustrate why it is challenging to quantify real risk, moreover, it shows that even defining the type of dog bite and severity is mixed from survey to survey. Stereotyping helps reinforce the belief that dog bite incidence is more frequent than it actually is. Behavior and temperament

testing can help provide a small indicator of how a dog behaves; but “even if behavior could be reliably predicted from breed, heredity is only 1 of 5 factors in addition to early experience, early socialization and training, behavioral and medical health, and victim behavior, that may influence a dog’s propensity to bite in a given situation” (Patronek, et al., 2010, p. 790).

Erroneous beliefs about the efficacy of breed specific legislation (BSL) play a significant role. To date, there is no peer-reviewed, scientific evidence in publication that supports BSL. Many cities around the world have repealed their long-standing ban on pit bull-type dogs after discovering that the removal of such dogs did not reduce the number of bites reported each year. “The Netherlands repealed a national ban on pit bull-type dogs after 15 years because the ban did not lead to a decrease in dog bites, and Italy has repealed BSL, replacing it with a law making owners more responsible for their dogs’ training and behavior” (Patronek, et al., 2010, p. 790). Health Undersecretary Francesca Martini (2009) stated on the day of the repeal "This is a historic day because we have established for the first time the responsibility of the owner or person who is momentarily in charge of the animal. The measures adopted in the previous laws had no scientific foundation. Dangerous breeds do not exist. With this law we have overcome the black list, which was just a fig leaf over the larger problem." Instead, Italy is requiring veterinarians to track individual problem dogs as well as requires an owner to be responsible for their own dog. Responsible dog ownership and proper dog handling is critical in creating safer communities. These are primary methods that could relieve the public of dog-related concerns.

To protect public concern, but also to protect domesticated animals, Winograd initiated the Companion Animal Protection Act (CAPA). He did so to help city councilmen and city

councilwomen utilize tax dollars to help save healthy animals rather than destroy the many and spare the few. CAPA states in section B that the sheltering agencies should “provide every animal in their custody with individual consideration and care, regardless of how many animals they take in, or whether such animals are healthy, unweaned, elderly, sick, injured, traumatized, feral, aggressive, or of a particular breed; (and not to) ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria unrelated to the individual animal’s medical condition or temperament” (Winograd, 2009, p. 1).

Understanding Closed Gene Pools and Breed selection

In Janis Bradley’s (2011) evaluation on breed selection, she analyzed whether or not you can predict dog behavior based on breed. There is some commonality in purebred dogs; however, in the case of a mixed breed dog, things are not as simple. To begin, identifying the breed of dog can prove difficult, even with DNA testing. Since this technology is still new, there have been contradictions from one DNA test to the next. If the concern relating to the mixed breed dog is potential for aggression, Bradley stated, “all (studies) agree that aggression varies most dramatically from individual to individual” (Bradley, 2011, p. 2). As a result, Bradley believes that policy decisions should “focus on the actual behavior of both the individual dog and the human guardian” (Bradley, 2011, p. 3). In order to make predictions about dog behavior and breed, the following four statements must be true:

1. Breeds must be identifiable
2. Behavior must be predictable according to breed
3. Predictable breed-based behavior must be relevant to companion dog’s characteristics
4. Behavior must be predictable according to physical characteristics independent of breed

A small proportion of a particular breed in a dog's ancestry may result in a strong resemblance to that breed" (Bradley, 2011, p. 6). This means that we cannot attribute the predominant breed of a dog based on appearance, despite the striking resemblance that is perceived by the viewer. Many studies evaluating breed based on appearance have proven repeatedly that what one believes to be the (pre) dominant breed of dog is often incorrect. This proves to be challenging for cities that have enacted breed-specific regulation since the onus is often on them to prove the breed of dog that they are removing from a home.

"Any study of breed difference in behavior would have to find a way around the confounding variable of the owners themselves, whose own expectations of a breed are likely to influence their treatment of a dog, and whose expectations of how to treat a dog are likely to influence their choice of breed" (Bradley, 2011, p. 19). This can work for or against the pit bull-type dog. Some people believe that pit bulls are excellent guard dogs. However, they were never bred to be guard dogs. As a result, they are often failures at protecting homes and find their way to shelters for this failure that is founded in assumption. Guard dogs used for illegal activity are often victims of cruelty at the hand of their master. Many are electrocuted, drugged, and some even have their larynx and toenails removed to provide shock to a burglar. This is not by choice on the part of the dog, but is rather the malicious intent of the dog owner. Many documentary films have highlighted the cruelty committed by outlaws in this manner including the film *Off the Chain* (2005). This documentary takes an in-depth look at the methods dogfighters employ in order to "win." Organizations such as the Humane Society of the United States offer large

rewards to help encourage the public-at-large to report dogfighting in order to reduce dogfighting victims in the United States.

Breeds as closed gene pools

Modern breed associations in the early 1880's held competitions in England. In order to form their associations, they had to define desired appearances of each breed, to select for appearance and to close the breeding pool to other members. There were decades of history bred into the dog associations i.e. UKC, AKC, among many others. Purebred dogs in the modern age are selected exclusively for appearance. "Once you begin to select for a morphological characteristic, your chances of carrying the behavioral characteristics along for the ride immediately begin to diminish" (Bradley, 2011, p. 23). In other words, most breeding is done for appearance, not behavior. Today's dog owner is often looking for an established "good dog" and many are coming to discover that the best predictor of such a good dog is to adopt or purchase an adult dog that has already established a personality and behavioral traits.

Dog Aggression & Genetics

In multiple studies done across the world, similar results were determined. "The difference between one or five dogs in a hundred is not particularly instructive for the potential pet owner seeking a single dog" (Bradley, 2011, p. 29). Such differences appeared as frequently in the "working" dog and the "conformation" lines within breeds as they did between breeds. In other words, "a person looking for a pet is looking for an individual, not a breed" (Bradley, 2011, p. 32). A dog living in a home with a family is much more likely to avoid having negative traits become highly evident in his behavior. Breed differences had no significance between two

groups studied recently. The two groups were: Dogs who lived in homes as family members and dogs that lived outside considered more of work or guard animals. “This finding lends powerful support to the position that differences in socialization may be more powerful than the genetic potential of a dog when it comes to qualities that actually affect the human/dog relationship” (Bradley, 2011, p. 34). Breed becomes less relevant as more and more studies reveal that the bond between a dog and his family is much more critical in his development than what breed the dog is believed to be.

“Presuming that a particular dog is more likely to behave in a certain way because of real or presumed breed identification does harm in at least two ways:

1. People can presume that a dog is predestined to be so reliable that they need not worry about good behavioral husbandry, including diligent socialization
2. This leads people to reject, and even ban, dogs without valid scientific evidence indicating that this practice will result in fewer incidents of canine aggression” (Bradley, 2011, p. 39).

Behavior history and context of a dog’s environment is much more important than breed, along with the need for education for the guardian to choose not only how he will live with the dog but also how he will train the dog. Human and dog behavior should be at the root of public policy decisions, not breed. “This is particularly important in the area of dangerous-dog law, where the ineffectiveness of correlating breed with aggression toward humans and other dogs has been well substantiated” (Bradley, 2011, p. 40). In an ideal situation, potential adopters will be given a

behavior profile about the dog they will be purchasing or adopting. This way, appropriate matches can be made for long-term success for both the dog and his guardian.

A Name That Sticks

The inherent stickiness that is associated in our minds between the media's portrayal on what a pit bull is and what a pit bull-type dog actually is, brings up the concept of a stigma causing one to be "reduced in our minds from a whole and usual person to a tainted, discounted one" (Goffman, 1963, p. 3). Even though a pit bull is not a person, the concept of stigma is still applicable. In today's age, we have heard about mauling incidents involving dogs that have become synonymous with the catchall phrase of "pit bull." Such stigmatization leads to bans on certain breeds of dogs; legislation affecting dogs; increased insurance pricing, and puts dog owners in a defensive position regardless of the temperament of their companion dog. "We construct a stigma-theory, an ideology to explain his inferiority and account for the danger he represents, sometimes rationalizing an animosity based on other differences, such as those of social class" (Goffman, 1963, p. 5). This concept of constructed stigma theory is applicable both in the way that pit bulls are seen as "less than" in terms of dog of choice but also in how the public perceives these dogs to be owned by certain types of people, including outlaws. This has a two-fold effect on adoption rates and on the further deconstruction of character applies to a pit bull before the dog even has an opportunity to show its true nature. Some would say that this is a disservice to dogs and dog owners, as well as rescue groups and municipal shelters. These layered effects of stigma attached to these dogs apply in crippling rates. The majority of dogs filling shelters are pit bull-type dogs. Many shelter workers report that potential adopters walk in with preconceived notions about pit bulls and are not interested in meeting one. This type of

preconception affects all dogs in the shelter since many cages are filled with pit bull-types, disallowing for space needed to host other dogs when space is typically limited.

Breed Specific Legislation

The American Veterinary Medical Association (2012) reports that 13 states statutorily prohibit breed specific ordinances while 9 states allow municipalities to adopt breed-specific ordinances.

Would passing a ban on pit bull-type dogs keep communities safe from dog bites and death caused by dog attacks? It's a two-edged sword penalizing certain breeds while offering a dangerous, false sense of security to people confronting a different breed. Also bolstering the argument against breed-specific ordinances are confounding factors such as the behavior of owners and the individuals bitten by dogs (Mitka, 2001, p. 153). Even if the public believes that banning a type of dog is a solution, they will not be any safer from bites, unless they rid their communities of all domesticated pets.

Breed bans can be very costly to tax payers and are nearly impossible to enforce. "The pit bull serves as a legislative proxy for a cluster of other issues more sensitive, complicated and resistant to solution. When a lawmaker votes against a pit bull ban, her constituents may interpret her vote as reflecting laxness toward drugs, dog fighting, and gangs, and nonchalance about public safety. In fact, pit bulls are only superficially involved in these societal ills. Gangs, dog fighting, and drug dealing would persist even if every pit-bull-type dog disappeared tomorrow. Emergency rooms would treat hundreds of patients with dog bites, and a fraction of those

patients would still die. Even if a state of facts may have justified pit bull bans when they emerged in the 1980s, the bans are insupportable now” (Swann, 2010, p. 29).

Omaha, Nebraska believes that their breed ban has been successful. Their statistics boast a reduction in pit bull bites citywide since the inception of their breed ban in 2008. Omaha considers seven breeds of dog to fall under the catchall phrase of “pit bull.” These dog breeds include: American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, Dogo Argentina, Presa Canario, Cane Corso, American Bulldog, or “any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds” (Nebraska Humane Society, 2010). Such a lengthy list of dogs found guilty of bites and later removed from the dog population would naturally have an effect on reducing dog bite statistics relative to those specific breed types and mixes. However, once those dogs were removed from the population, other dog breeds and mixes were found guilty of bite statistics. According to the statistics from the Nebraska Humane Society in 2012, once the listed “dangerous breeds” above were removed, the new biters became: The Labrador Retriever (92 bites), Strays (56 bites), German Shepherds (46 bites), Boxers (41 bites), and Chihuahuas (32). Additionally, dog bite statistics were lower prior to the enforcement of the ban, despite having the seven breeds in the population at that time.

The American Bar Association (2012) issued a position statement regarding breed specific ordinances. The statement is reads: The American Bar Association urges all state, territorial, and

local legislative bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both dog owners and dogs, and to repeal any breed discriminatory or breed specific provisions.

National Animal Control Association Policy Statement (2002): Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed.

Basis For Policy

Any animal may exhibit aggressive behavior regard-less of breed. Accurately identifying a specific animal's lineage for prosecution purposes may be extremely difficult. Additionally, breed specific legislation may create an undue burden to owners who otherwise have demonstrated proper pet management and responsibility.

Policy Recommendations

- Agencies should encourage enactment and stringent enforcement of dangerous/vicious dog laws.
- When applicable, agencies should not hesitate to prosecute owners for murder, manslaughter, or similar violations resulting from their animal's actions, and their owner lack of responsibility.

- Laws should clearly define “dangerous” or “vicious”, and provide for established penalties. Penalties may include fines, imprisonment, and/or the relinquishing of total privileges to pet ownership.

Human-Animal Studies Perspective on Breed Specific Legislation

Naming the problem can sometimes help deconstruct a problem. “Pit bulls exemplify a recently constructed oppressed animal” (Shapiro, 2008, p. 11). Pit bulls are not even a breed from a taxonomic standpoint, which also creates a caveat in addressing such subjugation. Dog bites statistics are of skewed by incorrect reporting and low standards of data record keeping and as a result, the way people perceive “pit bulls” are also shaped by the media reporting is kept alive in our psyche.

“Media often sensationalize these events, increasing the perceived frequency of their occurrence and sustaining the social construction. In response, the public and legislators seek remedies such as legislation that restricts behavior of individual animals based on breed” (Shapiro, 2008, p. 11). By analyzing the statistical outcomes of cities with BSL, through careful analysis of dog bite statistics and holding the media accountable for contributing to false reporting, dog advocates are beginning to reduce the number of cities and in some cases, countries, that use BSL for social control.

Dangerous Dog Law: Reckless Owners, Damaged Dogs, and Canine Profiling

‘A Lawyer’s Guide to Dangerous Dog Issues’ was published in 2009. At the time, no studies had been published eliciting that breed-discriminatory laws protect the public. There are only

two known studies relating to the topic, one that was conducted in the UK and another that was conducted in Spain.

Pit bulls were banned in 1991 in the United Kingdom. A study performed by B. Klaassen et al. entitled '*Does the Dangerous Dogs Act Protect Against Animal Attacks: A Prospective Study of Mammalian Bites in the Accident and Emergency Department*' found that their pit bull ban had no effect on stopping attacks committed by dogs. However, the study fails to prove its point effectively because it was only conducted in a three-month period following the breed ban and in the three month's prior to the breed ban. Unfortunately, there is not enough scientific detail that can be viewed by the general public as a careful analysis of its effect.

However, a more recent study conducted in Aragon, Spain was conducted over a five-year period prior to the city's Dangerous Dog Act of 1999 had been incepted. The study was conducted over the five years following the introduction of the Act, as well. A concern with this study when analyzed is that the study only measures medically attended dog bites. The named allegedly dangerous dog breeds included the: Rottweiler, Argentine Dogo, Brazilian mastiff, Tosa Inu, Akita Inu, Pit bull terrier, Staffordshire bull terrier, and American Staffordshire terrier. VanKavage and Schaffner (2009) noted "these allegedly dangerous breeds accounted for 2.4 percent of the dog bites before the breed-discriminatory law was introduced and 3.5 percent of the dog bites after the breed-discriminatory law was introduced" (p. 16). The authors of the study suggested "BSL is fundamentally flawed...[and] not effective in protecting people from dog bites in a significant manner" (p. 16).

What both studies also clarified is that the most popular dog breeds were typically the main biting breeds. Fatal dog attacks tend to have the same characteristics according to Karen Delise (2007) 97 percent of dog owners did not spay/neuter their dogs; 84 percent of the attacks involved owners who abused or neglected their dogs, or left their dogs unsupervised when they were allowed to interact with children; 78 percent of the owners did not maintain their dogs as pets (they were used as guard, breeding, yard, or fighting dogs) (p. 164). “There is no documented case of a single, neutered, house pet American pit bull terrier causing a human fatality” (p. 168). VanKavage and Schaffner (2009) evaluated Delise’s argument stating “instead of drafting breed discriminatory laws, attorneys would serve their city council better by targeting the owners who allow these commonalities to occur- reckless owners who abuse, neglect, chain, improperly supervise, or fail to neuter their dog, as well as those who keep their dogs for purposes other than companionship” (p. 17).

The key finding in this analysis of breed-discriminatory laws is that removing a companion animal that is often viewed as a member of the family can be damaging for cities, towns, case law, and even young children. “School children should not have to worry about having their dogs taken from them and killed by their local government simply because of their appearance. Responsible dog owners should have the right to own whatever breed or mixed breed of dog they choose. The laws should fairly regulate the owners rather than discriminatorily target the breed” (VanKavage and Schaffner, 2009, p. 24).

Breed-Specific Legislation in the United States: A comprehensive analysis

There has never been a federal level of breed specific-legislation. However, BSL exists in many states throughout the U.S. Breed Specific Law enforcement is done “through licensing, door-to-door, general surveillance, complaint or incident driven and may include: due process opportunity to show incorrect identification; destruction with or without opportunity to remove from justification; or it may remain in community under permits, restrictions and requirements” (The Animal Council, 2012, p. 1). Such enforcement also has other consequences for people who own banned or restricted breeds. Such related consequences include: “housing discrimination for renters, insurance underwriting discrimination, travel, relocation and access to services, shelter practices and policies, prohibition from participation in training, events and activities, emotional distress to family and others, distress to dogs impounded, destroyed, or badly treated including law enforcement (search warrants, probation, parole, emergency response), underground avoidance of licensing, rabies, vaccination, vet care, training, socialization and lastly, confrontational violence potential for owner, family or community” (The Animal Council, 2012, p. 1). For instance, some pet behavior training courses will specifically prohibit certain breeds from participating in class, even if they are puppies. Many insurance companies specifically list specific breeds as “ineligible” in their declarations or riders. Homeowners are often forced to change policies if possible or they are forced to give up their dog unless they want to forfeit their home. These are challenges that many people with banned breeds or restricted breeds face. This compounded with shelters electing not to adopt out Pit bulls, for example, many dogs face automatic euthanasia strictly as a result of their perceived breed.

Weiss (2001) noted that BSL does not just affect dogs but has also affected such companion animals as goats and pot-bellied pigs have been limited in many cities since they are deemed farm animals. (p. 1). The American Kennel Club (2001) offered a position statement in favor of strong dangerous dog control but demanding that it “provide communities with the most effective dangerous dog control possible, laws must not be breed specific...If specific breeds are banned, owners of these breeds intent on using their dogs for malicious purposes, such as dog fighting or criminal activities, will simply change to another breed of dog and continue to jeopardize public safety. Strongly enforced dog control laws such as leash laws, generic guidelines for dealing with dangerous dogs and increased public education efforts to promote responsible ownership” (AKC, 2001, p. 1). Such measures are believed to increase cognitive efforts in preventive measures while decreasing the number of bite-related statistics by anti-BSL proponents.

Weiss (2001) expressed that “opponents of BSL have pointed out that those in charge of law enforcement do not always accurately identify breeds, and that the imposition of penalties on dogs and their owners...can be unjust and arbitrary” (p. 3). Weiss further illustrates that many dog breeds have been guilty of biting people, dogs, and other animals. An incorrect evaluation provided by an animal control officer that may not be qualified to identify dog breeds can, in some cities, remove an animal and have it executed based on his novice observation rather than scientific data. Opponents of BSL believe that if they maintain their animal in a safe environment and follow the law, they should be allowed to keep any dog they choose, regardless of breed.

Some examples of enacted and enforceable BSL include:

- 1) July 31, 1989: Denver, Colorado (successful in keeping its BSL under home rule). Denver prohibits “any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city any Pit bull” (Weiss, 2001, p. 4). Denver has willfully eliminated thousands of Pit bull-type dogs through the passing of their ordinance. Though there have been efforts made to eliminate the Denver ban, it has not been successfully ended to this day.
- 2) There are 14 cities in Iowa with pit bull bans. There are two cities including Des Moines that declare Pit bulls as “vicious,” yet you can adopt a pit bull from their shelter. Retrieved from Dogsbite.org.
- 3) There are 13 cities in Michigan with outright Pit bull bans. 9 additional Michigan cities declare Pit bulls as either “vicious” or “dangerous.” Retrieved from Dogsbite.org.
- 4) Maryland has cities that enforce a ban on Pit bulls. In addition to Pit bull bans, a recent case (2012) in the Court of Appeals involving Tracey v. Solesky led to strict liability being adopted in respect to attacks on humans by Pit bull dogs and cross-bred Pit bull dogs (Dogsbite.org). Maryland HB78 aims to remove the breed specific language and was introduced in January 2013.
- 5) There are at least 10 states that specify breed specific allowances from court case outcomes such as: Arkansas, Kansas, Missouri, New Mexico, Ohio, Utah, Washington, Wisconsin, Maryland and Iowa. Retrieved from AVMA.org.

“The general purpose of these laws is to either discourage, restrict, or prohibit certain breeds of dogs which are defined as “dangerous” within certain jurisdictions” (Weiss, 2001, p. 5).

Many of these laws include a “grandfather clause” that often allows existing banned breeds to live within city limits until they eventually die off. “One state, Ohio, was the only state in the country with breed-specific legislation enacted at the state level. However, in February 2012, the portion of Ohio statute that defined pit bulls as a “vicious dog” was repealed. Thirteen states statutorily prohibit breed specific local ordinances. Nine states allow municipalities to adopt breed-specific ordinances” (American Veterinary Medical Association, 2012, p. 1).

- California allows breed specific mandatory spay/neuter programs along with breeding requirements statewide.
- Colorado’s Supreme Court decision allows municipalities with home rule to regulate dogs by breed.
- Florida does not allow new breed specific ordinances but allows grandfathered ordinances (prior to October 1, 1990) to continue their regulation by breed, such as Miami-Dade County.

“Whether even an expert can adequately identify a mixed breed dog is itself subject to controversy. Regulation defining prohibited dog behavior is probably a more practicable approach than breed specific regulation...Properly drafted it has a stronger legal and evidentiary basis” (Blackman, 1995, p. 1). One of the main challenges and largest expenses in the enforcement of BSL is in proving whether or not a dog is truly a “pit bull,” for example. DNA tests may be ordered and are often returned with mixed breed origins, reducing the credibility of the system enforcing BSL while also causing increased monetary expenses paid by taxpayers.

Many breed bans are being replaced by community-wide education including programs for children about responsible dog ownership and treatment. Some cities found BSL to be so costly that they had to eliminate their program. For instance, Cincinnati, OH overturned their BSL because while it was enforced, it led to “dozens of dogs in custody and court cases to decide” (Weiss, 2001, p. 8). Enforcing BSL has become such a costly tactic that Best Friends Animal Society funded an economic calculator called Best Friends BDL (Breed Discriminatory Law) Fiscal Impact (calculator). It was produced by John Dunham and Associates for the Best Friends Animal Society and is based on the best available information on dog ownership rates and the costs of animal control programs. “The common thread running through these proposals is a focus on preventing dogs’ and their owners’ misconduct, rather than preventing a breed in the absence of misconduct” (Weiss, 2001, p. 8).

Weiss (2001) believes that government officials “at the local and state level should focus on the problem itself- dangerous canine behavior- and concentrate their efforts on dogs’ and owners’ conduct. In doing so, officials can maintain a safe community for both dog owners and other residents” (p. 9).

Proponents of Breed Specific Legislation

Dogbitelaw.com is a website hosted by attorney Kenneth M. Phillips who specializes in dog bite cases. He illustrates arguments for and against breed specific mandates. However, it becomes clear to any audience that the opinion of Mr. Phillips favors breed restriction. For instance, he uses words like “feel” (emotion-based language) stating “they *feel* that banning a breed is like human discrimination. They *feel* that dogs attack people who deserve it for one reason or

another” (Dogbitelaw.com). But, when Mr. Phillips addresses pro-breed bans and restrictions he uses language such as “you might wonder why it is illegal to own a goat or a chicken in a crowded city, but perfectly fine to own a man-eating dog! In fact, the laws that make breed specification can hurt dog owners by making it seem legal to own any kind of dog they want, in any setting. Society seems to say to prospective dog owners, “go ahead and get any dog you want” (Dogbitelaw.com). Responsible people do not want to be sued nor do they want to keep a dangerous dog. Dog advocates do not “feel” that people actively provoke dogs into an attack but rather seek out scientific information from reputable sources that are considered experts in the field, such as the American Veterinary Medical Association (AVMA).

Is Breed Specific Legislation Constitutional?

“There are four basic characteristics of breed-discriminatory laws relevant to a constitutional challenge: (1) definition of the breed; (2) procedures for identifying and challenging designation; (3) ownership restrictions imposed; (4) penalties for violation of the law” (Schaffner, 2009, p. 26). Schaffner (2009) notes that “the more vague the definition, the greater the chance the court will find the statute void for vagueness.” There are many factors that come into play relative to the vagueness definition (p. 26). Some municipalities rely on their Animal Control Officer to identify the breed of a dog and other cities may rely on DNA testing. The burden of proof may fall on the dog owner or on the state. Some dogs may be euthanized if a complete ban is in place, while others may be held in confinement until a trial can take place. A key element is that the ownership of a dog is not a fundamental right. They are still property under the law, even though the bond between a human and their dog may be deemed at the level of family, not property.

The goal of keeping communities safe is at the root of enacting Breed Specific Legislation. Most people want to keep their communities safe but the way they keep their neighbors safe must be founded in methods that can keep safety intact. In the case of *Tellings v. Toledo*, the court noted “reliance on “bare statistics” of dog breeds involved in human fatalities, without referencing the total number of dog breeds in each population, has “no relevance or meaning.” The court furthered that the “regulation of a specific breed for reasons “unrelated to that breed, but rather related to human misconduct or negligence in ownership of the breed,” is arbitrary, unreasonable, and discriminatory and thus irrational and unconstitutional” (Schaffner, 2009, p. 32). Such findings by the court were meant to highlight that dog owners must maintain their dogs adequately and keep people and other animals out of harms way, regardless of chosen breed or mix.

Schaffner (2009) further illustrates that “the studies of dog behavior overwhelmingly prove that a dog’s temperament is not related to its breed and that the “facts” that claim pit bulls are more dangerous than other dogs are not scientifically supported” (p. 35). Schaffner believes that once more time has passed and more studies have been conducted that this simple logic will be at the forefront of BSL’s final days.

Solution-based, Dangerous Dog Law in Virginia and the Culpability of Dog Owners

Michelle Welsh (2009) reviewed dangerous dog cases and prosecuted cases found in multiple breeds such as: Dalmatians, Labradors, golden retrievers, Chihuahua and Pit bulls. Despite the many kinds of dogs that she has encountered in her legal experience, she was quoted stating “any

breed can become dangerous, because dangerous dogs become dangerous in one way; a “bad” owner. The owners either chained their dogs incessantly or let them run free. Either way, the dogs are not to blame; the owners are” (p. 39). Poor dog ownership as a result of the owner leads to cases resulting in the injury or death of other animals or people. In 2007, Virginia reacted to the unnecessary death of a woman named Dorothy Sullivan by creating a dangerous dog registry. “If dangerous laws are to be effective, they must hold the owner responsible and not label any breed dangerous. Any dog can be dangerous if cared for by a reckless owner. There is no constitutional right to own an animal; owning an animal is a privilege. That privilege comes with a duty to care for the animals under one’s care” (Welsh, 2009, p 41). Welsh supports the dangerous dog registry because it addresses the responsibility and culpability of the owner.

Virginia’s Dangerous Dog Law (Va. Code Ann. § 3.1-796.93:1 (2007) defines a dangerous dog as “a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat.” A “Vicious Dog” means “a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court.” In section C, it states, “no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed prohibited.” The state of Virginia charges fees for a dog to be registered and additional fees and fines in accordance to the severity of the situation. They analyze each dog bite case or attack in its individual state, rather than with a blanket ruling or breed ban. Such information is made public

on the Internet. Such a registry is effective for a multitude of reasons. One reason is that it puts the onus on the owner of the dog. Additionally, the fines and fees associated with negligence are steep enough to encourage people to maintain their dogs in order to avoid such fines. Finally, this kind of registry which is similar to Megan's Law in alerting communities about truly dangerous dogs in their jurisdiction, but also allows all responsible citizens to keep their dog of choice as a family pet when properly managed and secured. It is an ideal concept that should be studied further and reproduced since it has continued to be a successful model since its inception.

Defending Allegedly Dangerous Dogs

Marcy Lahart (2009) states "courts have consistently upheld dangerous dog statutes as a legitimate exercise of the jurisdiction's police power. However, a vast majority of people who own dogs consider them family members, and the emotional distress of having a member of one's family arbitrarily removed from a loving home and destroyed cannot be overstated" (p. 70). It is her view that rather than restricting dogs on the basis of breed, there are methods that can deal with legitimately dangerous dogs of all breeds by requiring them to complete obedience training, sterilization, and reducing or outright banning chaining and tethering "could do far more to protect public safety than strictly confining the dog in isolation such that it becomes more territorial and more aggressive" (p. 71). Although her analysis was pertaining to seized "dangerous" dogs that are awaiting trial, such basic common sense can be applied long before a dog ever ends up on trial.

Homeowners Insurance and Owning a Dog

Larry Cunningham (2009) analyzed ways in which the American Dream can be sabotaged as it pertains to buying a home, insuring a home, and dog ownership. “Rather than considering a dog’s bite history or other incidences of aggression, an insurance company will consider the dog’s breed to be too dangerous to risk coverage” (p. 88). An additional concern caused by breed discriminatory insurers is that shelter drop-offs increase as a result of a family being forced to choose between owning their home and owning their dog. Cunningham lends perspective to insurance claim payments as they pertain to dog bite cases. “Claims paid out as a result of dog bites represent a very small percentage of an average insurance company’s claims budget. Dog-bite claims themselves account for approximately one-quarter of liability claims. In sum, they make up \$10.75 for every \$100 in premiums- a negligible amount” (p. 89).

The science of dog bite statistics came into question at the Center for Disease Control (CDC). The CDC is unable to track the number of *fatal* dog bites each year and they have an even greater challenge in sorting out the number of nonfatal attacks. Many dog bites go unreported and many people who are bitten or attacked cannot correctly identify the type of dog that bit them. “They often assume that anything with pointed ears and blue eyes is a “husky;” a muscular, midsize dog is a “pit bull;” a dog that is fluffy is a chow chow; and if it has black and tan marks it must be a Rottweiler” (Cunningham, 2009, p. 91). Cunningham is aware that if dog breeds are often misreported due to misidentification, this only compounds the issue of recording dog bite statistics. Some dogs do bite with “just cause” which also has relevance in reporting such data like in the case of burglary, for example.

Cunningham (2009) highlights that since there is not a “dog census,” that accurate counts of each type of dog breed cannot be tabulated. He offers this example, “If two breeds each had 100 bites during a given year, but Breed A had twice as many members as Breed B, then Breed B would be twice as dangerous as Breed A. Add in mixed breeds and mutts to this equation and things become even more diluted. As a result, the CDC researchers and scientists “concluded that dog-bite statistics are incomplete and should not be used by legislatures, insurance companies, or other decision-makers to make categorical judgments about particular breeds of dog” (Cunningham, 2009, p. 91).

Cunningham’s final argument against breed discrimination as it pertains to insurance companies is this one; “Breed discrimination is different because insurers do not even have a scientific basis for their hunch that certain breeds of dog are more dangerous than others. However, even if such a basis existed, they then would have to overcome the hurdle of showing that the social costs of denying coverage were warranted” (p. 93). His concern is that good, low-risk consumers are being denied coverage due to the insurance companies choice in making inaccurate risk classifications. He believes this comes at a great social cost: “the loss of either a valued pet or the opportunity to purchase a home” (Cunningham, 2009, p. 94).

Temperament Testing in The American Shelter System

Temperament testing has been a long-standing method in the American shelter system in determining whether a dog can be deemed adoptable or whether the dog is a risk of becoming a nuisance. Such tests are administered before a dog can be placed in a home to keep the shelter from liability claims and lawsuits. According to Winograd (2009), “In order to be fair, a

temperament test must do two things. It must screen out aggression *and* it must ensure that friendly, scared, shy, sick, or injured dogs are not wrongly executed. By focusing on the first prong, traditional shelters have ignored the second, a violation that goes to the core of the No Kill ideal; *animals are to be judged and treated as individuals*” (p. 135). He further explains that a large reason that temperament testing is a problem for dogs is that this system is still very young, it has not been successful in many clinical and lab trials, and lastly, since dogs are highly contextual, we cannot recreate experiences that will be measurable to their level of complexity. It is further problematic because dogs in shelters are not the same dog as they would be in a home. The shelter environment is very stressful for a dog and is often an unfair measure of how a dog would be if he were not emotionally strained. Dogs thrive in social, familial and routine settings and the shelter is nothing like such an experience as a home. It is filled with the scent of high-strung animals that are confused and distraught.

Many shelters pre-determine whether or not they will adopt out pit bull-type dogs. Some shelters will say so publicly while others may elect to set up a dog to fail by testing under unfair circumstances i.e. providing a test immediately after a dog is brought into the shelter from a starvation and neglect case. Some claim to not adopt out pit bull-type dogs to keep them from harm (i.e. dog fighting, chaining, etc.) but “By their actions, words, policies, and failure to speak out positively on behalf of Pit bulls, they stoke the fire that has at its core only one ending, *their mass killing*. To a breed abused for fighting, victimized by an undeserved reputation, relegated to certain death in shelters, add one more torment: those who should be their most ardent protectors have instead turned against them” (Winograd, 2009, p. 141). Since pit bull-type dogs are the dog of choice currently for dog fighters, it would be sensible for humane organizations

and shelters to focus their efforts on exposing such groups and advocating for the victim; the Pit bull-type dog. Dog fighters will choose another breed of dog if the Pit bull-type dog is eradicated. By eliminating the victim, this is merely a Band-Aid on the bigger problem: criminal activity.

Responsibility to Spay & Neuter?

Caryn Ginsberg (2011) evaluated spay and neuter programs and asked why people do not alter their animals. Focus group interviews revealed “that people thought of themselves as responsible whether their animals were altered or not and responded negatively if anyone implied otherwise” (p. 170). The studies also revealed that many people in the focus group had well-below average levels of education and income in the two states that were evaluated (p. 162). Many people are battling breed discriminatory laws and they often live in regions that suffer from under-education, low-income, and other challenges. There is an increased likelihood that they will experience negative situations with local government and police power due to their circumstances. Without the trust of local authority, many dogs are positioned to suffer because people fear what the law might do to an abused, chained dog that they want to report, for example. They imagine that death will be imminent if they report cruelty, so animals often suffer. A remedy is needed so that a bond can be reformulated for communities in order to bring back trust between the law and the community.

INTERVIEWS

Donald Cleary is the Director of Communications and Publications for the National Canine Research Council. The National Canine Research Council publishes, underwrites, and reports on accurate and reliable research dedicated to preserving the human-canine bond.

“What is a pit bull? It’s a question that is largely ignored. The people who breed dogs divide dogs into groups based upon historical function and then divide them into breeds within groups. Breed is a term we toss around and regularly misuse; a breed is a closed gene pool. It is not just something that looks like something.” Mr. Cleary went on to explain that certain breed registries such as the UKC may allow a certain dog that “looks like” a breed to pass as the breed but only if that dog is altered so that it cannot reproduce and create any misunderstanding in the lineage of such a breed. He furthered “the argument about the “pit bull” becomes circular. The term breed is not applicable and type is not applicable.” In some cities such as Omaha, Nebraska, they define seven breeds as “pit bulls.” England does not consider a Staffordshire terrier to be a “pit bull” but Denver, CO and Miami, FL do. In Ontario, Canada “pit bull” means American Staffordshire terrier, American Pit Bull Terrier, Staffordshire bull terrier and “dogs that look like that.” In some cities, Animal control defines what a “pit bull” is and other cities have charts from the AKC to use as a checklist for defining how close to a “pit bull” the dog really is. There is not a consistent definition of a “pit bull” which is a coherency problem, according to Mr. Cleary.

The American Veterinary Medical Association published a backgrounder in April 2012 that summed up forty years of controlled studies of dog bites and concluded that there was no reason to conclude that “pit bulls” were disproportionately dangerous. Additionally, there is a principle-confounding variable in defining whether the dog is a family dog or a resident dog (a dog that is not socialized, neglected, and is often found tethered in a yard). Human beings exert a

significant influence on the dog and when we say a dog is “inherently dangerous” we are neglecting the human influence that created this behavior.

The city of Calgary, Alberta enacted its Responsible Pet Ownership Bylaw in 2006. This bylaw was initiated with four basic principles to help people live safely amongst companion animals. These four principles were: “License and provide permanent identification for your pets; spay or neuter your pets; provide training, socialization, proper diet, and medical care for your pets; and do not allow your pets to become a threat or nuisance in the community” (National Canine Research Council, 2012, p. 1). Calgary has become a model city for battling nuisances and encouraging responsible pet owners by creating multiple programs to school aged children and adults. “When education does not produce the intended outcome, the Bylaw is rigorously enforced” (National Canine Research Council, 2012, p. 1). Having enforcement when necessary but a gentle hand that guides and leads the masses helps encourage a safer community in Calgary. Mr. Cleary elaborated and said the trouble is figuring out how to get people who are in their homes to think about other people and their animals is challenging, and education, facilitation, and enforcement become the problem.

Donald Cleary believes that discriminatory policies create enemies of the government. People tend to see them as unfair. If you pass a law that severely restricts a group of dogs, for example, you have made enemies with the people who have dogs from that group that do not have behavioral problems, you’ve made enemies with the neighbors and family who cannot understand how you could restrict such a well-behaved dog, and lastly, you have included the people who are not the problem and you have left out the people who are. In the county of

Miami-Dade, Florida, the local animal control policy is such that if a dog is running at large, terrorizing cats, a person must go to animal control and fill out an affidavit and leave a sworn statement in order for animal control to act. However, in the same county if a pit bull-type dog is at-large, you can call Animal Control to have the dog picked up, and you do not even need to leave a name. This creates a perversion in government.

Dog bites originate by some form of human negligence. Since fear is very sticky and fear messages are powerful, people are afraid to lift their ban because of the message that they have come to believe. The general public lacks an understanding of the physiology of dogs. Mr. Cleary stated that according to the Theory of the Availability Bias; we tend to think that there is a bigger issue at hand than there really is. He noted that Cass Sunstein, an expert on this theory, wrote a book about the real danger of global warming and how it is commonly overlooked because of a greater fear of a terrorist attack, which is far more unlikely. Moreover, the idea that a plane crash may occur infrequently is real; but when we hear about one or two, we begin to fear dying in a plane crash as a greater risk, even though we have a much greater likelihood of dying in a car accident on the way to the airport. The frequency by which dog bites are reported cause a similar scare. Making laws on the basis of availability of incidents is how the media affects public policy.

Laura Reinemeyer, an Animal Control Officer and Shelter Manager in Lee County, Florida, discussed her experience with breed specific measures. Reinemeyer has spent countless hours working with local legislators and city officials to come up with alternatives to initiating breed bans. She voiced her opinions strongly when she recalled a story of an animal control call she

had received. It involved a family with two young children, one in their line of sight and the other without supervision in his bedroom. The family also kept two family dogs, the couple heard growling and then crying and as the couple rushed to their toddler's room, they found one dog biting the child's neck while the other dog shook in the corner. By the time police, EMS, and animal control arrived, the child had already died and news vans were already on the scene reporting, "Two pet pit bulls had ripped apart a toddler." What is most unfortunate and all too common is that the family dogs were identified as Weimerainer's (confirmed by vet records). The news story carried quickly and by the time the news reporters corrected the breed of dog involved, very few people read the updates on such stories. It validates the fears people have about pit bull-type dogs and furthers their uneducated views about these dogs.

Reinemeyer also believes that BSL exists due to scapegoating. Very few people want to take personal responsibility and as a result, it is much easier to put a Band-Aid on a problem than to get to its root cause.

She further noted that BSL is expensive and takes away much needed resources that are already being lost by shelters and animal control during economically challenging times. In addition to its monetary expense, those who pay the highest expense are the families who lose a member of their family and a dog that loses his life by being born a pit bull.

In terms of public policy, she felt accountability is lacking. She believes that heavier fines for people should be issued to those found guilty of animal cruelty but also that there need to be stronger anti-tethering rules, especially in her region. She noted that Broward County has anti-

tethering rules that require dogs to be inside during the hottest hours of the day, but allows for tethering in the evening. She felt that something like this is critical to reducing unwanted dog bites since many bites are a result of chained, unsocialized dogs.

Drayton Michaels received his certification in dog training and behavior consulting from the San Francisco SPCA Academy for Dog Trainers (directed by award-winning author and dog expert, Jean Donaldson). In addition to his academic studies, Drayton has logged countless volunteer hours with numerous shelters and rescue organizations, helping to foster, rehabilitate and train dogs. Drayton Michaels, Certified Dog Trainer and Behavior Counselor in Red Bank, NJ, discussed similar issues and outcomes. He discussed the high cost of breed specific legislation in Miami-Dade, Florida, where over \$1 million is spent annually to enforce their breed specific ordinance. Reinemeyer expressed her frustration that money like this would be better spent helping encourage spay and neuter, enforcing leash laws, and helping market existing shelter animals to find them good homes. Mr. Michaels believes this kind of funding would be better spent fixing up the shelters, educating the educators, and educating the public. Mr. Michaels said, “Eventually, old systems die.”

Mr. Michaels also provided insight on how communities can become safer by disallowing breed specific legislation. He recommended that everyone take an investigative journalist position in evaluating its necessity or lack thereof. He stated that the math and science extrapolated from a bite incident is critical. He gave the following example “Here’s why this five year-old child died. The dog was never walked, lived in feces in the backyard eating scraps and lacking nutritious food, and was never socialized. All of these things happened fifteen years ago, for

example, with a different case. Last year, thirty people died from dog bites and all or some of these criteria were present in the cases resulting in death. If you clean up human behavior, you will address the issue.” Breed bans do not help people train their dog better, manage their dog to avoid having them stressed out, nor do they help the dog to have reliable behavior to manage an animal appropriately; this issue would take care of itself without need for regulation.

Mr. Michaels provided possible solutions that could help create a non-breed specific dog ordinance that would encourage safety for all domesticated beings. His recommendations were to raise fines for off leash or roaming dogs to such a substantial fee that no one would do it, this would be the first solution he would implement. Unless you are a first class dog trainer, which most people are not, off leash fines should be \$500. People would make sure to never have their dog off leash again to cause unnecessary outcomes like bites, car accidents, or harming animals. Most ordinances in existence are rarely enforced or cost so little that people do not respect the rules. This situation needs to be treated as reckless dog ownership. Additionally, there should be mandatory feces pick up and enforcement related to this to help discourage people’s dislike of dogs. Anti-tethering or reduced times for tethering while being supervised would be ideal to avoid incidents. Lastly, encourage mass email or circular containing brief safety tips that goes out to registered dog owners to help guide the community in the right direction. He believes that if the government (City, State or Federal) spent more time looking at how human behavior affects dogs versus dog behavior, most issues would be self-correcting.

He believes that if people were given a mandated one-pager, that could immediately instruct communities about safer dog management techniques. This would include proper management

with fencing, tethering, managing and finessing children and elderly with dogs, as a one page, two-sided document that contains best practices. A dog that is afraid and is protecting himself could land twenty-five bites in four seconds. Regardless of whether a dog is a puppy, a 15-pound adult canine, or a large dog, a human is never faster than a dog. If you are more aware of these general issues, if dog owners make safe and smart decisions and have a good foundation dog owners can avoid unnecessary problems. The bottom line is that dogs are always learning in a safe, unsafe, neutral approach. Anthropomorphizing dogs can lead to unintentional duress.

Mayor Gary Christensen of Malden, Massachusetts recently (2012) vetoed a breed specific muzzle ordinance and sent back the document with attachments for a better, sound ordinance to protect all people and dogs, regardless of breed.

He believes that safety can be achieved without a breed specific ordinance and added a section dealing with irresponsible dog owners. He also made sure insurance was addressed and that property owners be made aware if there is a dog that has had a bite history living near their home. He updated *Section 9.25D: Dogs with a propensity to bite*. How would this be determined? An Animal control officer would make the assessment. Their goal with this section was to address intimidating dogs that have not yet bitten and help give the ACO an ability to help avoid another incident. He called in board of health and animal control officers, along with MSPCA and Animal Rescue League to obtain alternate ideas on achieving the goals of an amended ordinance. The Board of Health told Mayor Christenson that they did not believe the muzzle ordinance was a sound way to address the problem.

LIMITATIONS

The intent behind this research was to take an in-depth look in breed specific ordinances in order to evaluate whether or not they can, in any way, make a community safe. I had hoped to find even the smallest piece of evidence of how breed bans can work effectively if only to find better ways to manage dogs in general. One of the limitations to my research is my personal bias. Living with two Pit bull-type dogs that have both come from abusive pasts has led me to focus my energy on understanding why people choose to harm animals, how these dogs overcome seemingly impossible feats of trust after abuse, as well as the fact that they live with two non-Pit bull type dogs. My personal experience affects my voice in my case study and I am working tirelessly to remain objective when presenting the opposing argument. If there was research in existence that proved that pit bull-type dogs are inherently dangerous or peer-reviewed articles from veterinarians that discussed how some breeds of dog are inherently more dangerous than others, I could present a stronger argument to disprove their methods and theory. The end goal of this research is to find methods to keep people safe from harm while allowing dogs to live in safe environments amongst people.

RESULTS AND ANALYSIS

There is lack of consistency or true journalism in the media as it pertains to alleged dog attacks. Veterinary scholars, canine experts, and even the American Bar Association (ABA) and Department of Justice (DOJ) have proven that these details being reported are skewed. However, reports are printed in the media leading other reporters to draw from other reporters' data or opinion pieces, leading to the mistrust of these dogs. Such reports lead the general public

to fear certain dogs based on what they have read, and it contributes to a troublesome cycle of misinformation being released. Paul Pierson (2004) stated in “Politics of Time” that the “best case for connecting history to social sciences is neither empirical...nor methodological...but rather theoretical. We turn to an examination of history because social life unfolds over time. Real social processes have distinct temporal dimensions” (p. 5). As these dog articles present themselves in the media, a case is being built against pit a bull-type dog that is founded in the opinions of newspaper journalists rather than being rooted in science-based data provided by experts such as Veterinarians and Animal Behaviorists.

To date, there has not been a single peer-reviewed journal or study that has proven that one breed or mixed breed of dog is inherently more dangerous, or that Breed Specific laws reduce dog bites. However, countless opinion pieces surface in a generic Internet search on these topics.

Drayton Michaels believes the crux of the issue is behind using harsh aversive training methods, such as the use of shock collars, choke or force. If people avoided using these methods of training, 90% of dog-related issues would disappear. He believes that the reason we use pain and fear and force with dogs is because trainers and dog owners can get away with it. If morality and safety are taken off the table, the behavioral problem is that fear generalizes extremely well for dogs since they are evolutionally built for survival. Dogs generalize fear easily. This is the reality of the dangers from a behavioral standpoint. The American Veterinary Society for Behavior (AVSAB) conducted a test of shock collars on dogs and found that only 20% of the dogs who were shocked showed little change, but 80% of the dogs became fearful and aggressive or shut

down. Drayton asked “how good are you [of a trainer] if you have to electrocute a dog or use another aversive to keep a dog in line?”

Dogs learn through association and consequence. Every snippet of information is taken in through their amygdala, where they associate things with being safe, unsafe or neutral. If a dog owner or trainer avoids using pain and force, they can avoid most issues that may otherwise arise.

When a dog bite is reported, minimal information is collected on the characteristics of the dog, the victim, and the setting of the attack (Bate, et al. 2001, p. 1). News reports have been published extensively that state the cause being a type of dog rather than what was the actual cause of the bite. This has led to public assumption of a type of dog being dangerous and a certain expectation that lawless people keeps them as pets.

CONCLUSION

Stigmatizing of dogs has lasting effects and carries over into many areas of dog ownership, rescue, shelter, and advocacy work. It becomes challenging for a dog owner to defend their dog to the public if the public has a preconception of what their dog is, or is not. Educating the public that all dogs can bite, most dog bites can be prevented, and that there is no dog breed more dangerous than another can help reduce shelter overpopulation, redirect tax dollars to programs that can truly keep communities safe, and can help fund spay and neuter programs for

all income levels. Solutions such as these can have sweeping positive effects on communities in both the short and long run.

The framework is already in place in most cities and towns to enforce and encourage existing leash laws by raising fines on at-large dogs, off-leash walks in enforcement zones, and animal neglect and abuse could severely reduce dog bite statistics even further. Investing the funds typically used on enforcing a breed ban in a community safety program that can be attended by both children and adults, regardless of their choice in companion animal, would provide a better service. Additionally, encouraging animal control officers and community wellness advisors to instruct adults to never leave a child alone unsupervised with any dog is critical to the success of reduced dog bites and fatalities. Dogs do not understand when a child is teasing and children do not understand when a dog is offering a warning signal. Risks like these can be avoided and can be undone through education. Dog owners should be aware of fines that can be placed upon them if they do not abide by the rules in place. Repeat offenders should suffer higher fines and penalties. Municipalities can create safer communities while bringing in much needed tax dollars through enforcement of simple rules that benefit all members of the community. Additional solutions involve anti-tethering rules or reduced times for tethering while being supervised would be ideal to avoid incidents. Lastly, encouraging a mass email or circular that goes out to registered dog owners to help guide the community in the right direction could help maintain a level of mindfulness amongst all dog owners.

The solutions to breed neutral city ordinances for managing dog and human safety are much easier to apply and are less costly than enforcing or maintaining a dog breed specific ordinance.

States such as Pennsylvania and New Jersey have made BSL illegal by prohibiting municipalities from passing BSL. The ADA has used similar language for dogs that are used as service animals. The educated majority understands that dogs are individuals and cannot be grouped solely by their genetic makeup.

Communities are no safer when a breed ban is enacted. Such bans are symbolic actions of control and are meant to make people feel safe. But, if a dog feels safe and secure, he has no reason to act against his biological makeup. Per Jensen (2007) reflects on man-dog communication by referencing that “Domestic dogs become extremely skillful observers of both vocal and non-verbal communication by their humans. They are responsive to both the emotional tone of voice, and its content. Facial and body gestures by owners greatly influence a well-socialized dog, as do more subtle chemical stimuli arising from sweat and other body secretions. These are learned skills which will be less well developed in dogs raised in institutional environments such as kennels, laboratories, or denied significant contact with humans as puppies. The tiniest gestures or change of mood in a human can communicate important messages to a dog” (p. 227). The key issue is that all dogs have the propensity to bite. Banning one type of dog does not address why a dog bites or how you could avoid being bitten, which is allegedly the root of a breed ban. Eliminating specific breed bites from a community is certainly possible when banning a specific breed of dog however, as long as dogs can remain in a community, bites will remain possible.

Closing the gap in the federal law against dog fighting bill: H.R. 366 would help ensure that fines increase and that both children and dogs are protected by this amendment. Presently,

bystanders are not charged with dog fighting if they attend a dogfight. Additionally, some children attend dogfights, which may encourage further incidents. The language in this bill holds people responsible for bringing minors and for attending such events.

Lastly, to date, breed specific bans have not proven to reduce dog bites. Rather, enforcement of existing leash laws, enforcement of non-breed specific dangerous dog ordinances and cruelty laws can solve the majority of problems relating to dog bites in communities.

REFERENCES

- A Community Model for Responsible Pet Ownership: Calgary, Alberta (2012)
Retrieved from <http://www.nationalcanineresearchcouncil.com/responsible-pet-ownership/calgary-alberta>
- American Kennel Club (2012). Retrieved from
http://images.akc.org/pdf/canine_legislation/toolbox_bsl.pdf
- American Temperament Testing Society (2012). Retrieved from <http://atts.org/breed-statistics/statistics-page1/>
- Animal Law Council (2006-2012), Breed Specific Laws: A Basic Primer. Retrieved from
<http://www.theanimalcouncil.com/BreedSpecificLaw.html>
- Ashby, K., J. Ozanne-Smith, and V. Z. Stathakis (2001).
Dog bite and injury prevention--analysis, critical review, and research agenda. *Injury Prevention*, 7.4, p321.
- Bate, L.A. et al. (2001)
A Case Series of Biting Dogs: Characteristics of the Dogs, their Behavior, and their Victims. *Applied Animal Behaviour Science*, 74, 43-57.
- Best Friends Animal Society (2011). *Breed Discriminatory Legislation in Ohio*. John Dunham and Associates, New York. Retrieved from <http://www.guerrillaeconomics.biz/bestfriends/>
- Blackman, D. (1995). Practicality of Breed Specific Legislation in Reducing or Eliminating Dog Attacks on Humans and Dogs. Retrieved from
www.dogplay.com/Articles/MyArticles/pitbull.html
- Bradley, J. (2006). *Dog bites: Problems and solutions*.
(2nd ed.). Ann Arbor, MI: Animas and Society Institute. DOI: E
www.animalsandsociety.org
- Bradley, J. (2011). The relevance of breed in selecting a companion dog. National Canine Research Council. DOI: www.nationalcanineresearchcouncil.com
- Breed Specific Laws: A Basic Primer. (2006-2012). Retrieved December 2, 2012, from
<http://www.theanimalcouncil.com/BreedSpecificLaw.html>
- BSL state-by-state (2012). Retrieved December 2, 2012 from
<http://www.dogsbite.org/legislating-dangerous-dogs-state-by-state.php>
- Clifford, D. (1990). *The Pit bull Dilemma*.
Philadelphia, PA: The Charles Press, Publishers, Inc.

- Cohen, J., & Richardson, J. (2002). Pit bull panic. *Journal of Popular Culture*, 36(2), 285-317. Retrieved from <http://search.proquest.com/docview/195376084?accountid=10559>.
- Collier, Stephen (2006). Breed-specific legislation and the pit bull terrier: Are the laws justified? *Journal of Veterinary Behavior: Clinical Applications and Research*, 1.1, pg. 17.
- Court of Appeals of Ohio, Sixth District, Lucas County, CITY OF TOLEDO Appellee v. Paul Tellings Appellant, N.E. 2d, 2006 (Ohio App. 6 Dist.). Decided March 3, 2006
- Dangerous Dogs: Which Breeds Are They? (2013) Retrieved from <http://www.dogsbite.org>
- Delise, K. (2007). *The Pit bull Placebo: The Media, Myths, and Politics of Canine Aggression*. Ramsey, NJ: Anubis Publishing.
- Dennison, P.S. (2005). How to Right a dog gone WRONG: A Roadmap for rehabilitating aggressive dogs. (1st ed.). Loveland, CO: Alpine Publications, Inc.
- Dog Bite Prevention & Statistics (2011) Retrieved from <http://network.bestfriends.org/initiatives/pitbulls/media/p/189459.aspx>
- Dog fighting FAQ* (2011). Retrieved from <http://www.asPCA.org/fight-animal-cruelty/dog-fighting/dog-fighting-faq.aspx>
- George, Lianne (2004). Pit bull, Bum Rap? *Macleans*, 117(46), p 112-114.
- Gershman, K. (1994). Which Dogs Bite? A Case-Control Study of Risk Factors. *American Academy of Pediatrics*, 93, 913-917.
- Ginsberg, C. (2011). *Animal Impact: Secrets Proven to Achieve Results and Move the World*. Virginia: Priority Ventures Group.
- Goffman, E. (1963). Stigma: Notes on the Management of Spoiled Identity. (1st ed.). New York, NY: Simon & Schuster, Inc.
- Greenwood, Arin (2001). Nuisance or necessity? *ABA Journal*, 97.9, pg. 11.
- Hall, H. (2011). Shift Away from Negative Ads Increases Giving to Animal Shelter. *The Chronicle of Philanthropy*. Retrieved from <http://philanthropy.com/blogs/prospecting/shift-away-from-negative-ads-increases-giving-to-animal-shelter/30178>

- Hallsworth, S. (2011). Then they came for the dogs! *Crime, Law and Social Change*, 55(5), 391-391-403.
- Huemer, A. (2000). Scapegoats and underdogs: The pit bull dilemma. *The Animals' Agenda*, 20(4), 30-30-33+.
- Italy Scraps Dangerous Dog Blacklist: Ansa, Rome. Retrieved from <http://www.iadcro.com/italia.html>
- Jasper, J. & Nelkin, D. (1992). *The Animal Rights Crusade: The Growth of a Moral Protest*. New York: Free Press
- Jasper, J.M., & Poulsen, J.(1993). Fighting Back: Vulnerabilities, Blunders, and Countermobilization by the Targets in Three Animal Rights Campaigns. *Sociological Forum*, Volume 8, Number 4. Retrieved from <http://www.jstor.org/pss/684967>
- Jensen, P. (2007). *Behavioural Biology of Dogs*. Cambridge, MA: CABI Publishing.
- Kenix, L. J. (2008). Nonprofit Organizations' Perceptions and Uses of the Internet. *Sage Publications*, Volume 9, Number 5. Retrieved from <http://tvn.sagepub.com/content/9/5/407.abstract>
- Kippen, Thomas (2012, February 10). How Potential Changes to OH Pit bull Law Affect Owners. *North West Ohio, WNWO*. Retrieved from <http://www.northwestohio.com/news/story.aspx?id=718060#.TzbtG CfHol>
- Klaasen, B., J.R. Buckley & A. Esmail (1996). *Does the Dangerous Dogs Act Protect Against Animal Attacks: A Prospective Study of Mammalian Bites in the Accident and Emergency Department*, 27(2) Injury 89-91.
- Lahart, M. (2009). Defending Allegedly Dangerous Dogs: The Florida Experience. In J. Schaffner (Ed.), *A Lawyers Guide to Dangerous Dog Issues* (pages 61-71). Chicago: American Bar Association Publishing.
- Lilly, J. R., & Puckett, M. B. (1997). Social control and dogs: A Sociohistorical Analysis. *Crime and Delinquency*, 43(2), 123-123-147.
- Maher, J., & Pierpoint, H. (2011). Friends, status symbols and weapons: The use of dogs by youth groups and youth gangs. *Crime, Law and Social Change*, 55(5), 405-420.
- Medlin, Jamey. (2006-2007). Pit bull Bans and the Human Factors Affecting Canine Behavior; 56 De Paul, L. Rev. 1285.
- Mitka, M. (2001) Control "Social Carnivores" to Prevent Bites *JAMA*. 2001; 286(2): 153-154. Retrieved from <http://www.cdc.gov/HomeandRecreationalSafety/images/dogbreeds-a.pdf>

- National Canine Research Council, LLC. (2013). *Limitations of the Media*. United States: Retrieved March 18, 2013 from <http://nationalcanineresearchcouncil.com/limitations-of-the-media>
- National Canine Research Council, LLC. (2011). *The Relevance of Breed in Selecting a Companion Dog*. United States: Bradley, Janis.
- Nebraska Humane Society (2010). Retrieved from: http://www.nehumanesociety.org/site/PageServer?pagename=laws_responsible_owner
- Neil, M. (2003). Fighting Fido. *ABA Journal*, 89(07470088), 26-26-27.
- OH House Bill 14, 129th General Assembly, 2011-2012. Retrieved from http://www.legislature.state.oh.us/bills.cfm?ID=129_HB_14
- Patronek, et al. (2010). Exploring the Bond: Use of a number-needed-to-ban calculation to illustrate limitations of breed-specific legislation in decreasing the risk of dog bite-related injury. *JAVMA*, 237:7, 788-792.
- Perdue, E. (2012, November 12). Dangerous Dogs: Saginaw's chief inspector says ordinance 'very effective' in first year. *The Saginaw News*. Retrieved from http://www.mlive.com/news/saginaw/index.ssf/2012/11/saginaw_chief_inspector_danger.html
- Pierson, P. (2004). *Politics in Time: History, Institutions, and Social Analysis*. Princeton University Press, 2004.
- Professional Organizations that Oppose Breed-Specific Legislation. Retrieved from: <http://stopbsl.org/bslovelview/the-lack-of-professional-support/>
- Rollin, B.E. (2009). Animal Ethics and Breed Specific Legislation. *Journal of Animal Law*, 5J, 1-12.
- Schaffner, J. (2009). The Constitutionality of Breed Specific Legislation: A Summary. In J. Schaffner (Ed.), *A Lawyers Guide to Dangerous Dog Issues* (pages 25-36). Chicago: American Bar Association Publishing.
- Schaffner, J. & VanKavage, L. (2009). Ordinances Targeting Reckless Owners and Damaged Dogs: Is Canine Profiling Effective? In J. Schaffner (Ed.), *A Lawyers Guide to Dangerous Dog Issues* (pages 25-36). Chicago: American Bar Association Publishing.

- Shapiro, Kenneth J. (2008). Human-Animal Studies: Growing the Field, Applying the Field. *Animals & Society Institute*
- Staff research (2012). Breed Specific Prohibited or Restricted Ordinances. *American Veterinary Medical Association, 1-3*. Retrieved from <https://www.avma.org/Advocacy/StateAndLocal/Pages/sr-breed-ordinances.aspx>
- Stone, D. (2012). *Policy Paradox: The Art of Political Decision Making*. (3rd ed.). New York, NY: W.W. Norton & Company, Inc.
- Strutzel, J. (2010, June 16). Pit bull ban: A Waste of Taxpayer Dollars. *Platte Institute for Economic Research*. Retrieved from: <http://www.platteinstitute.org/research/detail/pit-bull-ban-a-waste-of-taxpayer-dollars>
- Swann, K. E., Student author,
Irrationality Unleashed: The Pitfalls of Breed-Specific Legislation.
UMKC Law Review v. 78 no. 3 (Spring 2010) p. 839-68.
- Thacher, David (May 2006). The Normative Case Study. *American Journal of Sociology* Vol. 111, No. 6 pp. 1631-1676 Published by: The University of Chicago Press Stable. Retrieved from: <http://www.jstor.org/stable/10.1086/499913>
- Twining, H., Arluke, Arnold & Patronek, G. (2000). Managing the Stigma of Outlaw Breeds: A Case Study of Pit Bull Owners. *Society & Animals* 8:1.
- Udell, M. A. R., & Wynne, C. D. L. (2008). A review of domestic dogs' (canis familiaris) human-like behaviors: Or why behavior analysts should stop worrying and love their dogs. *Journal of the Experimental Analysis of Behavior*, 89(2), 247-247-61.
- United States BSL Locations. Retrieved December 2, 2012, from <http://www.understand-a-bull.com/BSL/Locations/USLocations.htm>
- Vankavage, L. (2011). New DOJ rules on service dogs. *PM.Public Management*, 93(6), 25-25. Retrieved from <http://search.proquest.com/docview/879813544?accountid=10559>
- Weiss, L.S. (2001). Breed-Specific Legislation. Animal Legal and Historical Web Center, 1-11. Retrieved from <http://www.animallaw.info/articles/aruslweiss2001.htm>
- Welch, M. (2009). Prosecuting Dangerous Dog Cases. In J. Schaffner (Ed.), *A Lawyers Guide to Dangerous Dog Issues* (pages 39-59). Chicago: American Bar Association Publishing.
- Welfare Implications of the Role of Breed in Dog Bite Risk and Prevention: April 2012. Retrieved from

https://www.avma.org/KB/Resources/Backgrounders/Documents/dog_bite_risk_and_prevention_bgnd.pdf

Winograd, N.J. (2009). *Irreconcilable Differences: The Battle for the Heart and Soul of America's Shelters* (1st ed.). Self Published.

Winograd, N.J. (2009), *Redemption: The Myth of Pet Overpopulation and the No Kill Revolution America*. California: Almaden Books.

(2009). J. Schaffner (Ed.), *A Lawyer's Guide to Dangerous Dog Issues* Chicago, IL: American Bar Association.