

Are Breed-Specific Laws Effective?

Dealing with Reckless Owners and Dangerous Dogs in Your Community:

WHEN IT COMES TO LAWS that regulate “dangerous dogs,” there is at least one fact that is hard to dispute: Dogs permitted by their owners to run loose or dogs that attack people or other animals are a real and often serious problem in communities across the country. The more vexing and contentious issue arises in figuring out how to best address this problem. While many states, including New York, Texas and Illinois, favor laws that identify, track and regulate dangerous dogs regardless of breed and prohibit “breed-specific” laws that either regulate or ban a certain breed of dog, some local governments have enacted breed-specific laws. It seems, though, that the problem of “dangerous dogs” may not be remedied by the “quick fix” of breed-specific laws.



PHOTO BY KIM LEVIN

There is little evidence that breed-specific laws – which can be costly and difficult to enforce – make communities safer for human families or for the companion animals who are a part of so many households. And it turns out such laws can also have negative and wholly unintended consequences.

For example, a task force formed in 2003 to study the effectiveness of the Prince Georges County, Maryland pit bull ban estimated that the county spends more than a quarter-million dollars each year to enforce the ban. Further, in a report to the County Council, the task force noted that “public safety is not improved as a result of [the ban]” and that “there is no transgression committed by owner or animal that is not covered by another, non-breed specific portion of the Animal Control Code (i.e., vicious animal, nuisance animal, leash laws).” The task force recommended that Prince Georges County repeal the ban.

Breed-specific laws also cause unintended hardship to responsible owners of entirely friendly, properly supervised and well-socialized dogs that happen to fall within the regulated breed category. Regulated breeds, it is worth noting, have expanded in some localities to include not just American Pit Bull Terriers, American Staffordshire Terriers, Staffordshire Bull Terriers, Bull Terriers and Rottweilers, but also a variety of other dogs, including American Bull Dogs, Mastiffs, Dalmatians, Chow Chows, German

Shepherds, Doberman Pinschers and any mix of these breeds. Although these dog owners have done nothing to endanger the public, they may be required to comply with onerous regulations. Sadly, these responsible caretakers can be forced to choose between costly compliance and giving up their beloved companion.

Moreover, in their study of human fatalities resulting from dog bites, the United States Centers for Disease Control (CDC) did not support the breed-specific approach. They cited, among other problems, the inaccuracy of dog bite data and the difficulty in identifying dog breeds (especially true of mixed breeds). They also noted the likelihood that as certain breeds are regulated, those who exploit dogs by making them aggressive will merely turn to other, unregulated breeds.

Significantly, the CDC also noted how many other factors beyond breed may affect a dog’s tendency toward aggression – things such as heredity, sex, early experience, reproductive status and socialization and training.

These last two concerns seem well-founded given that more than 70 percent of all dog bite cases involve unsterilized male dogs, and that an unneutered male dog is 2.6 times more likely to bite than a neutered dog. In addition, a chained or tethered dog is 2.8 times more likely to bite than a dog who is not chained or tethered. Further, 97 percent of dogs

involved in fatal dog attacks in 2006 were not sterilized; 78 percent were maintained not as a pet but rather for guarding, image enhancement, fighting or breeding; and 84 percent were maintained by reckless owners — abused or neglected, not humanely controlled or contained, or allowed to interact with children unsupervised.

Perhaps the most unintended yet harmful consequence of breed-specific laws is their tendency to compromise rather than enhance public safety. When limited animal control resources are used to

regulate or ban a certain breed of dog, without regard to behavior, the focus is shifted away from routine, effective enforcement of laws that have the best chance of making our communities safer: dog license laws, leash laws, animal fighting laws, anti-tethering laws, laws facilitating animal sterilization and laws that require all dog owners to control their dogs, regardless of breed.

Unfortunately, these laws are often enforced more in the breach than as a routine function of law enforcement and animal control.

Solutions

Recognizing that the problem of dangerous dogs requires serious attention, the ASPCA seeks effective enforcement of breed-neutral laws that hold dog owners accountable for their animals' actions. The ASPCA believes that this is the most reliable way to control aggressive dogs and reckless owners.

Ideally, this breed-neutral scheme should include the following:

- Enhanced enforcement of dog license laws, with adequate fees to augment animal control budgets and surcharges on ownership of unaltered dogs to help fund low-cost pet sterilization programs in the communities in which the fees are collected. To ensure a high licensing rate, Calgary, Canada — its animal control program funded entirely by license fees and fines — imposes a \$250 penalty for failure to license a dog over three months old.
- Enhanced enforcement of leash/dog-at-large laws, with adequate penalties to ensure that the laws are taken seriously and to augment animal control funding.
- Dangerous dog laws that are breed-neutral and focus on the behavior of the individual dog, with mandated sterilization and microchipping (or another permanent identification) of dogs deemed dangerous, and options for mandating muzzling, confinement, adult supervision, training, owner education and, in aggravating circumstances — such as when the owners cannot adequately control the dog or where the dog causes unjustified injury — euthanasia. In Multnomah County, Oregon, a breed-neutral ordinance imposing graduated penalties on dogs and owners according to the seriousness of the dogs' behavior has reduced repeat injurious bites from 25% to 7%.
- Laws that hold dog owners financially accountable for a failure to adhere to animal control laws, as well as civilly and criminally liable for unjustified injuries or damage caused by their dogs. Calgary, Canada has reduced reported incidents of aggression by 56% and its bite incidents by 21% by requiring owners of dogs that have displayed dog or human aggression to pay fines ranging from \$250 to \$1500.
- Laws that prohibit chaining or tethering, coupled with enhanced enforcement of animal cruelty and animal fighting laws. Lawrence, Kansas has significantly reduced dog fighting and cruelty complaints by enacting an ordinance prohibiting tethering a dog for more than an hour.
- Laws that mandate the sterilization of shelter animals and make low-cost sterilization services widely available.



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