

BSL

Breed-specific legislation (BSL) is designed to place restrictions on ownership of certain breeds of dogs. Typically, the restricted breeds include pit bull-type dogs (usually vaguely defined), followed by Rottweilers. Other breeds may include German Shepherds, Chow Chows, Presa Canarios, Dobermans, Cane Corsos, Huskies, Boxers, and mixes of these.

Breed-specific legislation creates a number of restrictions or regulations on any one breed. Owners of certain breeds of dogs may be required to:

- Keep the dog muzzled in public
- Purchase insurance for the dog
- Keep the dog on its owner's property at all times (no trips to the park, the store, etc.)
- Keep the dog in a specific enclosure at all times.

The most common kind of breed-specific legislation completely bans all dogs of a certain breed. This means that *all* dogs of the banned breed must be removed from the area or euthanized.

WHAT'S WRONG WITH BSL?

Breed identification is impossible.

The biggest problem is that breed-specific legislation, true to its name, requires every dog to be classified as a certain breed. This is virtually impossible!

Almost all BSL restricts "pit bulls". What are "pit bulls"? American Pit Bull Terriers, American Staffordshire Terriers, and Staffordshire Bull Terriers are usually thrown into that category. What about American Bulldogs, Bull Terriers, Boxers, or English Bulldogs? To aggravate breed identification conundrums, most legislation adds "and mixes" to the wording. In what I can only assume is an attempt to patch up this mess, the law may helpfully describe the appearance of dogs that fall under the category of "pit bull". Needless to say, a lot of dogs fall under the description of "wide head, broad chest, and short fur". Suddenly you're up to your neck in "pit bulls"!

It is readily acknowledged by anyone familiar with handling a variety of dogs and mix breeds (animal control officers, veterinarians, shelter workers, etc.) that accurate identification of a dog's breed or mix is virtually impossible without registration papers or a pedigree at hand. Considering how rarely an animal control officer (ACO) catches a dog wearing tags, how often do you think an ACO lassos a stray dog that happens to have its pedigree papers? Funny thing, genetics. It causes dogs to come in all shapes and sizes and colors - especially the mixed breeds.

To further the injustice, in many cases the dog's owner is responsible for proving that their dog is *not* a member of the proscribed breed, a task that is usually as difficult as proving it *is* a certain breed. This is a clear cut case of "guilty before proven innocent" - a very *un*American philosophy. Breed misidentification leads to expensive, time-consuming lawsuits against the government, something that costs taxpayers a lot of money. The animal control departments I spoke to recently identified these lawsuits as one of the worst consequences of BSL - their precious time and money wasted defending laws that almost nobody in the animal control industry likes.

Pause for a moment to [take this test](http://understand-a-bull.com) from understand-a-bull.com. See if you can identify the purebred American Pit Bull Terrier. Good luck! You're going to need it.

New breeds fill the void.

There will *always* be antisocial creeps looking to boost their own ego by creating a monster to intimidate and threaten people with. So, what happens when people are blocked from owning "pit bulls"? They'll get some other breed to do the job. Indeed, across the decades we have seen those bad owners tarnish the reputations of Dobermans, Rottweilers, German Shepherds, and now to pit bulls. Next up: Cane Corsos and Presa Canarios. Banning a breed will not stop the sicko creeps that want to create a vicious dog. They have no problem moving on.

It's a hassle to own a dog of a restricted breed.

People who support BSL would say, "Good! We want it to be a hassle. We want it to be hard to own these dogs in order to be sure that only committed owners have them." Unfortunately, logically, it doesn't work out that way at all. In fact, it's just the opposite.

Responsible dog owners are turned off by BSL. Who wants to put up a fence, pay an extra license fee, purchase extra insurance, etc. just to own a dog that everyone discriminates against? Responsible owners are driven away from the breeds that need them the most. Rescue organizations and shelters are overburdened with perfectly good dogs that no one wants. For good owners with lower incomes, caring for a restricted-breed dog is too expensive considering the cost of extra insurance, special licensing fees, and so forth.

On the other hand, irresponsible owners and criminals could care less about BSL. They really don't care about the laws anyway. They already fail to license and vaccinate their dogs. They don't follow leash laws. Their dogs are unsocialized, untrained, and neglected. How can BSL change the way these owners act?

BSL treats all owners exactly the same, whether they are good, responsible owners or neglectful, irresponsible owners. What, then, would inspire a good owner to train their dog and teach it to be a good canine citizen? If the dog has to wear a muzzle on the streets and you have to buy extra insurance to keep it, there's no incentive to spend \$100 plus "one hour per week for six weeks" at an obedience class (assuming the dog is even allowed in public).

Upholding BSL is a burden.

Animal control agencies and animal shelters already struggle with too much work and not enough money. Employees and officers must prioritize based on the most immediate needs. They can't answer every stray dog call when they're buried in animal neglect and abuse cases. They already find themselves in court defending a seizure or testifying against an abuser, or spending hours calling witnesses and tracking down perpetrators. Animal control officers must take on roles as animal handlers, trappers, police, psychiatrists, social workers, veterinarians, prosecutors, investigators, detectives, witnesses, and more. They deal with life-and-death situations, angry people, and disturbing scenes of violence. All for a paycheck that's smaller than mine (and I'm just an office manager).

To make matters worse, animal-cruelty and dangerous-animal legislation is weak and often full of loopholes. Punishments rarely amount to more than a slap on the wrist. There's very little incentive for an animal control officer to pursue an abuse case if the likely outcome of the case is a measly fine for the perpetrator. In fact, many areas have animal abuse laws that are miserably inadequate and dangerous dog laws that are laughable. Even basic leash laws are sometimes nonexistent.

Punishments for violators are paltry and lack conviction. In my area, an owner of a loose dog that attacked people was not prosecuted - because his dog was killed during the attack. In fact, in several recent reports of dog attacks, the owners simply weren't charged with anything at all. This includes one case where a person's pack of dogs killed a little girl as they ran loose through the neighborhood. Wait, wouldn't that count as "manslaughter"? Apparently not. The owner didn't even get a fine for breaking the leash law.

In sum, animal control laws are not only weak, they are also generally unenforced, particularly in the case of minor infractions such as failure to follow leash laws and failure to register the dog as required by law. However, many dog attacks and bites result from these "minor" infractions. Adding BSL to this weak foundation only causes instability and possible collapse. Perhaps our first focus should be on reinforcing and strengthening the non-breed-specific laws already in place. This would help relieve some of the burden on animal control officers and shelters and would likely solve a lot of our dangerous dog problems in the process.

BSL is EXPENSIVE!

BSL is just another set of laws and rules that need to be upheld by struggling animal control agencies on tight budgets. These new laws will require larger budgets and additional employees to handle the expanded amount of enforcement duties.

BSL means more surrendered animals. Shelters will need to expand to hold the increased number of surrendered dogs. They will need to pay for food, shelter, and medicine for more dogs, and will ultimately need to euthanize more dogs due to lack of space and funding.

BSL prompts lawsuits from dog owners. These are often due to alleged breed misidentification or violated constitutional rights. Lawsuits are often expensive and time consuming, draining resources and tax money from the government. The

AKC (and other national organizations who are against BSL) often assists dog owners in their legal battles. The animal control agencies are often unhappy about defending laws they don't support in court.

BSL is ineffective.

The presumed goal of BSL is to reduce dog bites and dog attacks. In reality, BSL rarely achieves that goal. In notes from an interview with the ASPCA on 3/10/04, Chief Rodney Taylor of Prince Georges County, Maryland, stated that "bites from pit bulls have possibly gone down only marginally (no more than 5 to 10 bites annually)" in the county since the ban on pit bulls started in 1997. This pattern is seen across the country.

Dog bite and attack statistics indicate that dog bites are committed by more than just the so-called "dangerous" breeds. Until 2002, the Texas Department of Health Zoonosis Division put out annual "Severe Animal Attack and Bite Surveillance Summary" reports that summarize the breeds responsible for the most serious attacks. Pit bulls, Rottweilers, German Shepherds, and Chow Chows (in no particular order) were consistently on the list. But most interesting of all are the other breeds found on the list - so-called "family dogs". During the studies provided (1996 - 2002), these other breeds included Labrador Retrievers and mixes, Blue Heelers, and Collies. Additional breeds seen occasionally on the list included Chihuahuas and Dachshunds. Remember, this report deals with *severe* bites and attacks, so that should put to rest the myth that bites from little dogs are not serious.

However, these statistics can not establish which breeds are "more dangerous" than others. As the TDH Survey states, "the number of animals in various dog breeds in the overall canine population is unknown; therefore, no conclusions can be drawn concerning whether dogs of these... breeds [in the study] are prone to bite more often than other breeds or if these are merely the more popular breeds." Taking this into consideration, it's natural that a ban on certain breeds of dogs only means that another breed will become popular in the area - and new breeds will take the top spots on the Severe Bite list.

In fact, the studies were discontinued in 2002 after the agency concluded that the statistics gathered were not scientifically representative of the state. Because animal control agencies in the state are not required to gather or report dog bite statistics in their region, TDH got only "500 to 600 reports a year, and none of the major metropolitan areas (Amarillo, Brownsville, Dallas, El Paso, Fort Worth, Houston, Laredo, Lubbock, or San Antonio) participated." Therefore, the severe bite reports are useless in determining total dog bites and percentages per breed. They can only tell us which kinds of dogs are biting.

Karen Delise, in her book "Fatal Dog Attacks", examines the important elements of dog attacks and finds several situations that are statistically more dangerous than a simple breakdown of breed culpability. While the pit bull-type breeds account for 20% of fatal dog attacks during the 36 years encompassing her research, chained dogs account for 25% of deadly attacks. This would indicate that chaining a dog is more dangerous than the fact that the dog is a certain breed. Similarly, she states that unneutered male dogs are significantly more likely to bite than either female dogs or neutered male dogs. Clearly, neutering is an important step toward reducing dog bites.

BSL does not consider owner responsibility.

In almost every publicized case of a dog attack, there is a bad owner behind the wheel.

Leash law violations are a potent enabler for dog attacks. These laws are in place for public safety. Loose dogs are not just nuisances - they are potentially dangerous. Once they are not controlled by their owner, even dogs that are usually friendly can become aggressive. Dogs that are sweet by their owner's side can become fear-aggressive when lost and alone. Dogs are natural pack animals, and dogs roaming in packs are even more dangerous, even if they are harmless individually; if one of the dogs in the pack decides to initiate an attack, the other dogs are likely to join in. *This is common knowledge* and this is why leash laws exist.

Leash laws are intended to keep dogs from wandering unattended. Violations of the leash law are not "minor". Breaking this law can be deadly! Sadly, in most places the leash law is not treated seriously. Consequences of a violation include a warning, a small fine, or possible impoundment of the dog until the owner comes to claim it. This is not enough motivation to keep careless dog owners vigilant. Some locales in the U.S. have recently become less tolerant of leash law violations because of high numbers of dog bites resulting from those violations.

In the large majority of dog attack cases I've seen in the media, the owner blatantly violated the leash laws, sometimes repeatedly up until the incident. Bewilderingly, the media directs its attention on the dog as if it had done something unexpected. The owner is rarely confronted about their actions. Two attacks in my area occurred this way:

Incident #1 - A pack of loose dogs ("pit bull" mixes) attacked a young girl playing in her driveway in Travis County. Here are the parts of the story that make this such an obvious disaster: 1) The dogs were running in a pack - *always dangerous* no matter the breed, 2) the dogs were consistently seen loose in the area, and 3) Travis County did not have a leash law, so authorities were unable to catch these dogs unless someone got hurt. After the incident, a leash law was passed in the county (despite objections from many residents). The adjoining county, Williamson, despite being much more rural than Travis, already has a leash law. In the end, the dogs' owner or owners were not found.

Incident #2 - A dog (supposedly a "pit bull" mix) escaped from its backyard and went into a schoolyard as school was letting out. It was initially friendly, but then attacked two children. Gathering reports from several different news channels, I found out: 1) the dog had been loose a number of times before and had one time allegedly killed a cat, 2) the dog was kept on a chain, a practice known to cause aggression in many dogs, 3) the owner would not be charged with anything because a parent killed the dog during the attack. Again, we have a situation where the owner was negligent, the leash law was unenforced on previous occasions, and the law apparently had a loophole that allowed the owner to get away without repercussions because their dog was now dead. In all the news reports I watched/read over the next few days, the media did not speak with or about the owner but one station did interview one of the victims, a little girl. A parent (whose children were not involved) who was interviewed said she didn't think any resident should own a dog near a school. *Everyone* overlooked the single negligent owner who ultimately should have been to blame for this incident. In fact, the blame went everywhere else - on the dog, and on other dog owners.

Leaving children alone with dogs is another big no-no. But this rule of thumb is consistently overlooked, even when parents are faced with the hard cold facts. Children make up almost *half* of all dog bites in the U.S. Compared to teens and adults, they are more likely to be seriously injured or killed by a dog bite/attack because of their small size compared to the dog. Nearly 80% of all dog bites are received from the family or neighbor's dog (in other words, dogs that they are familiar with). Additionally, many children are not taught how to behave properly around dogs, nor are they trained to understand canine body language (many adults can't do that either).

This is why I cringe when I hear about a family's Rottweilers mauling their little girl while she's playing in the backyard. A small child, alone, likely running around shrieking, as children do when they are playing - in a yard full of big dogs. How dumb are these parents? Actually, it's a natural consequence, when you think about it. Bad parents are also bad dog owners, and bad dog owners end up with bad dogs. Bad dogs and bad parents lead to a deadly situation for a little girl.

I recently saw on television an advertisement for a set of toys called the "Doggie Daycare Playset" by Mattel. It comes with several toy dogs and babies as well as a couple scene sets (bathroom, bedroom, swingset, etc.). According to the ad, these toy dogs are babysitters for little toy babies. The dogs give the babies baths, put them to bed, give them rides on their back, and so on. Recommended age group - 3 to 7 years. The playset is teaching the dangerous concept that leaving babies alone with dogs is okay. Its intended audience is the age group most likely to be bitten by a dog.

Failure to understand dog behavior is another cause of dog attacks. Children running around screaming can stimulate a dog's prey drive. Some dogs are fear-biters and will lunge out when they feel threatened or trapped. Some dogs - especially intact males - are territorially aggressive (unneutered male dogs are the #1 perpetrators of dog bites). Staring into a dog's eyes is not always okay, nor is it always smart to "hold out a hand for him to sniff". People are rarely aware of how a dog is feeling, and children are even less adept at communicating appropriately with dogs.

Failure to train and socialize leaves an owner with a powder keg. An untrained, unsocialized dog does not understand the world around him, does not understand how to interact with humans or other dogs, may become aggressive, and suffers from lack of guidance from the owner. Such a socially inept canine is a danger to public safety.

Chaining and/or neglect results in an anxious, lonely, bored, understimulated, untrained, unsocialized, isolated dog. Dogs, as pack animals, do not tolerate separation from their "pack" very well. When they are left to themselves, they form no emotional bonds and become difficult to handle. Mentally, they deteriorate. Some dogs turn in on themselves and suffer quietly, while others become outwardly aggressive and neurotic. Chaining has been *proven* to cause aggression in dogs. One out of every four fatal dog attacks involves a chained dog.

Raising/breeding dogs for dog fighting creates vicious beasts. Historically, fighting dogs were required to be human friendly. A dog fighting in the pit had to be handled by its owner. Any dog that redirected its aggression onto a human was killed. This requirement of human-friendliness is reflected in the breed standards of any of the pit bull breeds. Today, the traditional rules of fighting have been lost as the illegal activity becomes popular amongst low-lives and criminals who mistakenly believe that fighting dogs can become more successful in the pit if they are human-aggressive. They do not understand the difference between dog-aggression and human-aggression, so they breed and train for both. These

fighters have created a vicious dog that is not representative of the breed-type in any way. These dogs are curs. Their aggression violates all of the national breed standards for the pit bull breeds.

Note that BSL often identifies pit bulls based on the breed standard of physical appearance, while disregarding the breed standard for temperament. Therefore, BSL is based only on appearance and has nothing to do with temperament.

BSL treats victims of dog attacks unequally.

A child killed by a pit bull (or occasionally a Rottweiler) provokes public outcry, calls for a breed ban, and BSL. A child killed by any other breed might get a paragraph or two in the local newspaper. The cases of Nicholas Faibish and Kate-Lynn Logel illustrate this injustice. Nicholas Faibish, age 8, was killed by his family's two pit bulls after his mother left him alone with them. His death sparked weeks of front-page news coverage, calls for a breed ban in California, and ultimately resulted in the passing of a CA state law permitting cities to create breed-specific spay/neuter laws. In May 2005, Kate-Lynn Logel, age 7, was killed by her family's two Alaskan Malamutes after her mother left her alone with them. Her death made the local (Colorado) news for a couple days, then faded away.

In October 2005, Aurora, CO - near where Kate-Lynn was fatally mauled - passed BSL against pit bulls. In the Denver Post, Aurora councilmember Bob Fitzgerald, who supported the BSL, was quoted as saying "The thought of one kid getting hurt is too much for me." Apparently, Kate-Lynn's death was not too much for Mr. Fitzgerald, since he did not suggest passing BSL against Alaskan Malamutes. He, like so many other legislators, have ears only for pit bull attack victims.

What is it that made Nicholas's death so much more outrageous than Kate-Lynn's? Why are pit bull attacks treated with such revulsion and outrage, while equally heinous and gory attacks by other dog breeds are merely given a sympathetic nod? By passing BSL to save victims from specific dog breeds like pit bulls or Rottweilers, legislators and BSL proponents are turning a blind eye to other dog attack victims simply because they weren't attacked by a certain breed of dog. BSL does absolutely nothing to prevent injury or death by unregulated dog breeds. On the other hand, strong non-breed-specific dangerous dog legislation treats all dog attack victims equally regardless of the breed of their attacker.

BSL IS NOT THE ANSWER

BSL does not address these root causes behind dog attacks. It simply blames a particular breed or breeds without actually solving the real problem of irresponsible ownership and lack of education. BSL is illogical, expensive, and ineffective. Non-breed-specific dangerous dog laws and anti-cruelty laws are more effective, provided those laws are strongly written and firmly enforced. Increased education (especially for dog owners and children) will also help reduce dog bites/attacks, as will low-cost spay/neuter campaigns. We need more funding for animal control agencies to enforce the laws and tackle dog fighting. These strategies make sense. BSL is a wet bandaid.

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