
Proactive Dog Policy: Why Seattle Needs It

By Colleen Lynn
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Seattle has an overpopulation of unwanted pit bulls, and a high number of pit bull bites. Failing to recognize this problem will inevitably lead to more victims and potentially death. As a modern, progressive city, we have the opportunity to address these questions by embracing proactive dog policy now, instead of after a series of attacks.

This paper examines the nation-wide pit bull problem, Seattle's pit bull problem and the pit bull breed itself. It also offers solutions that other US cities have found effective in preventing future victims, while simultaneously protecting pit bull type dogs.

Editor's note:

This document was delivered to Seattle City Council member Tim Burgess March 4th, 2008. In this time, the author of this paper, Colleen Lynn, has accomplished additional research and fine-tuned more issues. Updated information and revisions to this document can be found at DogsBite.org, Ms. Lynn's national dog bite victims' organization.

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Introduction

In 1987, CBS Evening News shocked the nation with what still remains the most violent depiction of a pit bull attack to date: the image of Florence Crowell under assault. In reaction to this video and violent attacks in their own city, Denver enacted the most controversial pit bull ban in the country. In this same year, 1989, the City of Yakima also instituted a pit bull ban. Since then, about 250 other US cities have followed.

A Twenty Year Old Problem:

For over 20 years, communities across the nation have struggled with the "pit bull problem." The issues present in 1987 are even more realized today. A Sports Illustrated cover page story, written in 1987, expresses this vividly:

The Pit Bull: Friend and Killer

By E. M. Swift

"The horror stories involving pit bulls are voluminous. Recent tragedies include the death of two-year-old James Soto, who was mauled in Morgan Hill, Calif., on June 13th by a neighbor's pit bull rendering the child "unrecognizable as a human being," according to paramedics. Nine days later a national television audience watching the evening news was treated to the terrifying spectacle of a pit bull terrier attacking Los Angeles animal control officer Florence Crowell."¹

As a direct result of policy makers failing to address the pit bull problem, the pit bull population has exploded; euthanization rates have soared; dog fighting has escalated; animal shelter and homeowner insurance costs have magnified and victim medical costs have flown out the window. Today, one million dollars in medical costs after a pit bull attack is not uncommon.

The Seattle Problem

Seattle has an overpopulation of unwanted pit bulls. According to the Seattle Animal Shelter, between 2002 and mid-September 2007, city shelters had to euthanize 3,407 dogs, 48% percent of these dogs were pit bull type dogs.²

Seattle has a disproportionate pit bull bite problem. Of the 128 breeds represented in Seattle dog bites, pit bull type dogs are responsible for 24%.³ No matter where one stands on the issue of legislation targeted at specific breeds, it is agreed that pit bulls often inflict severe damage when they do bite.

Under the current scenario, Seattle is headed down a tenuous path. Failing to recognize this problem will inevitably lead to more victims and potentially death. The need for proactive steps is further underscored by the reality that many pit bull dog owners are "judgment proof." They are renters, not homeowners, and cannot provide adequate civil recourse when a tragedy *does* occur.

The argument that lies before the City of Seattle is not the "demonization" of pit bulls, it is instead: What steps can we take to prevent future attacks? And who pays when they do attack?

As a modern, progressive city, we have the opportunity to address these questions by embracing proactive dog policy now instead of after a series of attacks. Through the course of this process, we must also not forget that the "pit bull problem" is a manmade problem that requires a manmade solution. This solution is Breed Specific Legislation.

Our Stance

Breed Specific Legislation (BSL) is defined as any law, ordinance or policy that pertains to a specific dog breed or breeds, but does not affect any others. Proponents of proactive dog policy support BSL that limits public exposure to pit bull type dogs by regulating ownership of these breeds. We feel such legislation is necessary because far too many people and pets fall victim to these dogs and far too many dog owners fail to act responsibly on their own.

Our Goals

Our primary goal is to adopt proactive policy so that future victims are not created. In the event they are created, these victims must have adequate civil recourse. Owners of pit bull type dogs must not fall under the category of "judgment proof" under any circumstances.

Our additional goals include reducing the pit bull population, whereby reducing pit bull bites and pit bull euthanization rates. Furthermore, we'd like to increase pit bull ownership responsibility, whereby making it simpler for police and animal control officers to impound these dogs when owners fail to follow regulations.

What is a "Pit Bull Type" Dog?

Following in the footsteps of other communities, we've outlined several breeds that make up the "pit bull type" dog. Additional breeds have the distinction of being "bred for fighting" and require special regulation as well. Yet, in the instance of Seattle, as in most US cities, the focal point revolves around pit bulls. This is because this class of dogs is the most common and negatively impacts communities the most.

Pit Bull Type Dogs

The pit bull is a combination of breeds that includes the following: American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier, Bull Terrier, American Bulldog*, and any other pure bred or mixed breed dog that is a combination of these dogs.

**The American bulldog is a direct cousin to the pit bull. Most progressive pit bull legislation includes this dog in the definition of a pit bull type dog for two reasons: it stems from a fighting bloodline and pit bull owners frequently report their dogs as being an American bulldog to dodge breed specific regulations.*

A Brief History of Pit Bulls

The sport of "bull baiting" began nearly a thousand years ago in Greece. When the Romans conquered Greek lands, they adopted and spread the sport. After 17 hundred years of selective breeding, a type of bull baiting dog emerged which we recognize as the pit bull today: extremely strong jaws for it's size, a fierce fighter and very loyal to his master.

By 1835, bull baiting was banned in England and replaced by "ratting," in which a person would toss a rat into a pit and wagers were placed on how long it would take the dog to kill it. To increase agility, quickness and prey-drive, ratters blended terriers into the bull baiting breed. This combination produced the modern day pit bull.

On the heels of ratting, dog fighting developed. Both sports were intricately linked with gambling, just as dog fighting still is today. Pit bulls, dog fighting and gambling, and the traditions surrounding each, were exported to America and Canada as settlers made their way to the New World.

As history shows us, the United Kingdom has had a much longer history with pit bulls than the United States. Nearly two decades ago -- after tremendous public outcry and a slew of devastating attacks -- the United Kingdom banned pit bull type dogs in the toughest dog ordinance of it's time: The Dangerous Dog Act of 1991.

Other Fighting Breeds

Though far less common than pit bull type dogs, several other breeds pose significant threat to public safety as well, including: Akita, Cane Corso, Dogo Argentino, Dogue de Bordeaux, Kuvasz, Presa Canario and Tosa Inu, and any other pure bred or mixed breed dog that is a combination of these dogs.

Dog Bite Statistics

Seattle Dog Bite Statistics

According to the Seattle Animal Shelter, between January 2002 to September 2007, city shelters euthanized 3,407 dogs. Roughly half (48%) of these euthanizations were pit bull type dogs.⁴

Whether we can correlate the high euthanization numbers to the high human bite numbers is another matter. But we do know that of the 128 biting breeds recorded in Seattle, pit bull type dogs are responsible for 24%. Before sharing the statistical analysis of Seattle's dog bites, a point must be made regarding: *What constitutes a bite?*

A single bite, recorded and used within dog bite statistics, is a bite that "breaks the skin." A small puncture wound from a Chihuahua is recorded the same way as a pit bull attack, which can constitute a hundred bites and more. Last year Sue Gorman of Gig Harbor endured multiple lacerations from two pit bulls after they broke into her house when she was sleeping. Her injuries were statistically counted as "two" bites, one per pit bull.

In Washington State, dog bites that result in "severe injury" trigger legal recourse for the owner and the dog, yet the City of Seattle does not track which breeds are responsible for these bites. Since there can't be more than 50-75 per year (the average bite count per year in Seattle is about 225) you have to ask yourself why. If Seattle Animal Control did track cases of severe bites by breed, regulations for pit bulls would already be in place.

5 Year Bite & Menacing Analysis (2003-2008)⁵

- 128 breeds are responsible for bites and acts of menacing in the city of Seattle. Pit bull type dogs, which include the American staffordshire terrior, American pit bull

terrier and the pitbull, make up 3 breed types -- the latter being responsible for nearly all acts of bites and menacing.

- Of the 1,189 bites recorded, pit bull type dogs make up 24%. It is doubtful that they also make up 24% of household dogs. Other dogs that inflicted high bite counts, but do live in a greater number of households include: Labrador retrievers 12% and German Shepherds 9%.
- During this same timeframe, pit bulls accounted for 37% of all menacing reports. Followed by: Labrador retrievers 11% and German Shepherds 11%.

It may be impossible to determine the exact population of each dog breed within Seattle, but it is relatively inarguable that pit bull type dogs make up 2-9% of the US dog population.⁶ From a statistical standpoint, pit bulls are overrepresented in Seattle bites and menacing reports just as they are overrepresented in fatality statistics nationwide.

Breeds of Dogs Involved in Fatal Attacks

Human fatalities are rare in dog attacks. Yet it is important to recognize the breeds involved in these fatalities. In a JAMA report that reviewed dog bite-related fatalities from 1979-1988, pit bulls were responsible for 41%. This is nearly 3 times more than German Shepherds, the next most commonly reported breed. Additionally, pit bulls were implicated more than twice as often when the attack was caused by loose dogs.⁷

By tracking press accounts in 2007, DogsBite.org discovered that 7 breeds were involved in 33 human dog bite fatalities. Pit bull type dogs were involved in 67% of these attacks. While there may be slight inaccuracies in the 2007 data, it is clear that the number of pit bulls involved in human deaths is escalating.

Breeds of Dogs Involved in Maimings

The Center for Disease Control provides data about how many people receive emergency care for dog bites, but the CDC does not know the breeds responsible for these bites. Merritt Clifton, the editor of Animal People News, compiled US and Canadian press accounts from 1982 to 2007. He found that of the 100 hundred breeds recorded in attacks, pit bull type dogs accounted for:⁸

- 56% of attacks that induce bodily harm
- 50% that result in maiming
- 24% of attacks to children
- 62% of attack to adults

What is important to point out is that pit bulls and their mixes inflict more bites that induce bodily harm as 90 other breeds combined (56%), and they induce half of all reported maimings.

Frequency of US Dog Bite Injury

The following statistics stem from a JAMA report that analyzed the frequency of dog bite injury treated in US emergency care (1992-1994).⁹

- New dog bite injury visits to emergency rooms exceeds 333,0000 per year. That's nearly 1,000 people per day. Nearly half (46%) of these injuries were triaged in emergency rooms as "urgent-emergent"

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- For each dog bite fatality there are about 670 hospitalizations and 16,000 emergency room visits, 21,000 other medical visits (office and clinic), and 187,000 non-medically treated bites.
 - Dog bites are the second highest activity that sends children to emergency care superseding the following activities: playground accidents, all-terrain vehicles and moped use, volleyball, inline skating, horseback riding, baby walkers and skateboards.

Not All Dogs Are Equal

The theory that "all dogs are equal" and should not be subject to "breed profiling" has placed the general public at great risk. Hundreds of US cities are reacting by creating BSL to protect families and pets from pit bull type dogs. On an international level, entire countries have banned them, including: England, Scotland, Wales, Northern Ireland, Italy, Spain, Germany, Norway, New Zealand, Puerto Rico, Singapore and the UAE.

Experts Agree that Not All Dogs are Equal

In the canine world, aggressive personalities are both made *and* born. Herding dogs, for instance, instinctually herd; it is an inherited trait. Pit bulls and fighting breeds instinctually fight and therefore require special supervision. Alan Beck, a world-renowned dog ecologist, recently submitted testimony on behalf of Ontario, Canada's pit bull ban:

"While all breeds of dogs can and do bite on occasion, pit bulls (due to their inherent fighting nature, strength and high pain threshold) have a much higher potential of being involved in a serious attack than most, if not all, breeds. There is no doubt that the fear of pit bull dogs is reasonable and social tension about them should also be considered when a community is developing policy."

He adds in his conclusion that:

"Pit bulls are like a "loaded gun." Like guns, in the wrong hands there is great potential for serious harm to humans and pets. Even in the hands of the "innocent" there is serious potential for harm as is evidenced by the common media reports of attacks where pit bull owners are reported as saying they were responsible and never had a problem until the attack in question."¹⁰

Alan Beck, PhD

Alan Beck is an ecologist with a doctorate from The Johns Hopkins School of Public Health. From 1974-1979 he directed the Bureau of Animal Affairs, in the Department of Health, City of New York. For the next ten years, he directed the "Center for the Interaction of Animals and Society" at the University of Pennsylvania. Since 1990, he has been the Dorothy N. McAllister Professor of Animal Ecology and Director of the "Center for the Human-Animal Bond" at Purdue University.

For more than two decades, he conducted studies on the interaction of people and their pet animals, the epidemiology and behavior of animal bite injury, and the epidemiology of rabies. He has also served as a consultant on the reporting of animal bite and animal control for the Centers of Disease Control (CDC) and several municipalities around the country.

Pit bulls Do Not Communicate Intention:

Another important expert is Randall Lockwood, who falls on the opposite side of the BSL argument. As a senior vice president to the American Society of the Prevention of Cruelty for Animals (ASPCA), he promotes the theory that the pit bull problem is a dog-human interaction problem, not a dog problem. Yet, in a police officer training video, he specifies the unique dangers posed by pit bulls that "non-fighting breeds" do not pose:

"The main impediment to reading a dog's communication is when the dog is a fighting breed. The best strategy for a fighting breed is to not communicate your intention. This is why we hear about so many fighting breeds attacking without warning. Meaning there was no growl, there was no bark, there was no direct stare, the dog just went from point a to point b and did what he wanted to do. Likewise, they are disrespectful of the traditional signs of submission and appeasement."

He adds that fighting breeds are liars:

"Fighting dogs lie all the time. I experienced it first hand when I was investigating three pit bulls that killed a little boy in Georgia. When I went up to do an initial evaluation of the dog's behavior. The dog came up to the front of the fence, gave me a nice little tail wag and a "play bow" -- a little solicitation, a little greeting. As I got closer, he lunged for my face."¹¹

Randall Lockwood, PhD

Randall Lockwood has degrees in psychology and biology from Wesleyan University and a doctorate in comparative and physiological psychology from Washington University. He served as vice president for research and educational outreach for the Humane Society of the United States until 2005, when he became the ASPCA's Senior Vice President for Anti-Cruelty Initiatives and Training.

For more than 25 years, Lockwood has worked closely with humane societies, animal control agencies and law enforcement, serving as an expert on wolf and dog behavior, dog aggression, dog bite prevention and illegal dogfighting. He has been an advisor on animal-related issues to the Centers for Disease Control and the United States Postal Service.

Animal Shelters are Taking "Breed Specific Actions"

While many animal shelters support the idea that "all dogs are equal," their actions prove otherwise. More and more animal shelters have "no adopt out" policies for pit bull type dogs. This means that when a pit bull enters a facility, automatic euthanization results.

A quick search on Google indicates the following states contain county animal shelters with no-adopt out policies for pit bulls: Virginia, Florida, Oklahoma, Texas, Louisiana, Tennessee, Massachusetts and Missouri. Such a policy is mainly due to liability reasons. As insurance costs rise and multimillion-dollar lawsuits crop up -- because an adopted pit bull ended up mauling a family member -- it is expected that more shelters will follow.

Shelters also enforce no-adopt out policies because of the risk dogfighters pose. *Dogmen* often pick up shelter pit bulls to fight against their own pit bulls. In an effort to save shelter pit bulls from potentially abusive futures, they euthanize them instead. While belief systems at animal shelters vary, by and large, when it comes to BSL, "breed specific" actions are okay for liability reasons and to protect a species from an abusive future, but not okay to protect human beings from a future attack.

Catastrophic Human Damage

Sustained Attacks

Pit bulls were bred to deliver and endure "sustained attacks" for better success in the ring. Fighting matches routinely last over an hour and sometimes as long as three hours. In terms of attacks on humans, pit bulls are the only known breed that inflicts sustained attacks. Such an attack is described as lasting 15 minutes or longer.

In the sustained attack that help spawn Denver's pit bull ban, Reverend Wilbur T. Billingsley, was bitten 70 times and suffered two broken legs by a pit bull as he crossed into an alley near his home. Though an alerted neighbor intervened and struck the dog repeatedly on the head with a two-by-four, it was a shotgun that finally stopped the attack.¹²

In the Chicago pit bull rampage that sent six people to emergency centers, the attack was finally stopped by police officer gunfire 1.5 hours after it began. Both Nick Foley and Jordan Lamarre, each 10 years old, suffered catastrophic injury. The dog's owner, Scott Sword suffered severe injury trying to protect Nick, as did three neighbors who later intervened with baseball bats.¹³

What occurred to the author of this paper last summer, as she jogged down a Beacon Hill sidewalk, was an attack that lasted 5 seconds or less. In this time, the leashed pit bull broke her forearm in half. Medical costs for surgery and other treatments have reached 30 thousand dollars and additional surgery is expected.

What we learn from this local incident is that a pit bull attack lasting 5 seconds or less can still inflict considerable damage.

Massive Soft-Tissue Loss

In one of two known published medical reports that specifically discusses "pit bull injuries," doctors at the University of Texas Medical Branch in Galveston Texas examined the body of an 83-year old man that was attacked by two pit bulls for approximately 15 minutes. The findings revealed massive soft-tissue loss to both upper extremities.

"Such intensity of bites and the magnitude of soft-tissue trauma may be characteristic of a pit bull attack. The development and use of this breed of dog and its current population in the United States suggest that further injuries and deaths will occur."

The doctors add that:

"Most breeds do not repeatedly bite their victims, however, a pit bull attack has been compared to a shark attack and often results in multiple bites and extensive soft-tissue loss. Although the teeth of dogs are not very sharp, they can exert a force of 200 to 450 psi. Pit bulls tend to inflict more serious bite wounds than do other breeds because they tend to attack the deep muscles, hold on, and shake."¹⁴

This report was published in November 1988, yet the analysis is strikingly real today. The authors detail the catastrophic wounds and surgical procedures endured by the victim, including the amputation of his left arm. The victim died on the 42nd hospital day from complications stemming from the attack and cardiac arrhythmia.

The other known report details the injuries of 6 pit bull maulings in Detroit between the years of 1987-2005 from the Wayne County Medical Examiner. The first three victims examined are children under the age of 2. So horrifying were the injuries -- which include degloving and decapitations -- that the author of this paper could not complete reading this report. It is available upon request.

Million Dollar Medical Bills

A million dollar medical price tag is becoming more common in vicious dog attacks. Nick Foley, Alan Hill and Jaydon Embry are just a few pit bull attack victims that fall into this category. Extensive damage inflicted by these dogs required extensive medical surgeries, and lifelong maiming still resulted. It is inarguable that when a pit bull chooses to bite, the outcome can be devastating physically and financially.

Insurance providers are responding to this fact. Many providers refuse to offer homeowners insurance to owners of pit bulls, Washington State included. The actuary risk is simply too high. Some cities legislate conditions for owning pit bulls by requiring owners to buy a \$250,000 policy for their dogs. While this offers some victims recourse for their injuries, it hardly contributes to those who suffer catastrophic injury, who time and again are victims of pit bull attacks.

On a national level, the rate of all dog bite injuries is on the rise. The cost of treating these injuries is rising even faster. In 2002, the average claim was \$16,600. In 2005, the cost rose to \$21,200. Dog bite claims in 2005 accounted for nearly 15 percent of liability claims paid under homeowners insurance policies. These bites cost the property/casualty insurance industry \$317.2 million in 2005 and \$352.4 million in 2006, a 10.8% percent increase.¹⁵

These claim numbers, however, are misleading. We already know that many pit bull owners are "judgment proof." There is hardly a better example than the City of Seattle where it is more affordable to rent than it is to own. Renters do not have homeowner insurance policies nor are they required to hold policies for their dogs. To answer the question of "who pays" for medical costs in our city when a dog owner cannot? All of us do.

Lifelong Psychological Damage

Nearly all victims of trauma suffer psychological damage; dog bite victims are no different. Even with psychological treatment, fear of another attack may never fade. Each time a victim walks down a sidewalk, strolls through a park or visits a dog owner's home, the nightmare reawakens. Man's best friend -- to the irony and horror of a dog bite victim -- is fully integrated into our society. There is little a bite victim can do to avoid dogs.

In September 2007, a neighbor's pit bull charged into Angela Silva's garage in Fremont California, where she stood holding her 4-month old child. The dog lunged at the child while it was in her embrace. She placed her son into a garbage can and vainly tried to swat the dog away. The pit bull shredded through her two forearms before help arrived.

4 months later, the horrific event still comes back to her each time a stranger stares at her scars. Since the attack, she has yet to take a walk outside. She has also moved several neighborhoods down to get away from the dog's owner. The new physical distance though, does not help her sleep. At night, she continues to have dreams filled with mad, vicious dogs.¹⁶

Human Relationship Damage

Dog bite victims fall into a profoundly disturbing category of victims, one that rarely receives media coverage or insightful discussion. The injuries incurred by the dog attack are one aspect. The long-term psychological damage is another. Yet, there is a third, and hardly spoken of aspect: human relationship damage.

A dog bite victim frequently knows the owner of the dog; he or she is a neighbor or a friend. In the vast majority of instances, this owner blames the victim and refuses to pay medical costs. While "blaming the victim," and evading financial responsibility is a universal phenomenon, it is nearly always the case in dog attacks. *This may be true because dogs are a metaphorical "extension" of their owner.*

Because of this complex mixture, many dog bite victims are forced to move to new a household after an attack. No longer can they cope with the adversity of their neighbor, who likely still owns the dogs -- even after a serious attack, dogs are often returned to their owners. How can a victim feel safe gardening in this instance, particularly if the neighbor still refuses to constrain his dogs (which is also common)?

When the attack stems from a dog owned by a family member or friend, even more devastating results occur. After decades of a solid bond, such relationships are often ruined forever, and for the primary reason that *the dog can't be blamed, yet neither can the owner.* In the end, a dog bite victim is left with physical and psychological scars, little to no civil or criminal recourse, exorbitant medical bills and broken human relationships.

Unstoppable by Powerful Weapons

How does a common citizen stop a lethal weapon that chooses to go after a child, a dog or ourselves?

Courts across the country have deemed pit bulls as "lethal weapons," including Washington State. Police officers have the right to shoot and kill pit bulls when under threat or when protecting citizens and other pets. Examples of officers shooting these dogs are a daily occurrence in the US news. They are often quoted as saying, "The taser did not stop the animal. I had to use my gun."

Communities are ill equipped to deal with cougars and other wild animals capable of unstoppable aggression. We are also ill equipped to deal with dogs capable of the same trait. It is widely known and accepted that when pit bulls bite, they "don't let go." In more technical terms they display the characteristic of "lock and shake," which leads to severe bone and muscle injury.

When the Colorado Supreme Court upheld the Denver pit bull ban in 1991, the high court set aside 14 unique characteristics that pit bulls displayed *when they attack* that differ from other breeds in similar circumstances. One of the premiere differences was pain tolerance: When a pit bull began to fight, it would not retreat even when considerable pain was inflicted upon it.¹⁷

The only question that remains is: Why aren't stronger policies in place to protect communities -- people and their pets -- from these dogs?

Pit Bulls Kill Our Pets

Pit bulls are inherently *animal-aggressive*. The most avid pit bull advocates agree. Why then does it make sense to allow such breeds into off-leash dog parks? Why then does it make sense to allow such breeds, even leashed, into areas that are highly trafficked by people and pets? As the author of this paper can attest: Leashes do not stop pit bulls.¹⁸

The most poignant Northwest example of *how far a pit bull will take animal-aggression* is the case of Sue Gorman. This Gig Harbor resident was sleeping when two neighborhood pit bulls broke into her home and began attacking her two dogs. In an effort to stop the attack, Gorman intervened and suffered severe injury to her arms, neck and face.

Pit bull advocates consistently say that animal-aggression does not lead to human-aggression, as if the former behavior ought to be acceptable. It is unacceptable for two reasons: The behavior kills and maims innocent pets, and it often leads to human-aggression. Sue Gorman's case is a prime example: A pit bull attacks a person's dog and the dog's owner gets injured trying to stop the attack.¹⁹

Furthermore, the leading pit bull educational website (pbrc.net) encourages responsible pit bull owners to use "break sticks" in the instance that their dog gets into an "accidental fight."

"Insert the break stick behind the molars where the gap is found. Turn the stick as if you're twisting the throttle of a motorcycle. This action will open the dog's jaws enough to pull the dog back by the collar. If both dogs have a hold, you will then have to break the second dog from the first. Just remember...Straddle, grab, break!"²⁰

The Pit Bull Paradox

Time and again, communities wrangle with the pit bull paradox: one side says pit bulls are the victims of terrible abuse, the other side says pit bulls inflict the most abuse. Both sides are correct, but as a community we must address the growing problem instead of clinging to one side.

Along these same lines, an antiquated voice often belts out, "Punish the deed, not the breed." What this antiquated voice fails to realize is that the *deed has already occurred*; a new victim has been created. A proactive, progressive voice declares the following: "Prevent the deed, regulate the breed."

The author of this paper agrees that pit bulls need friends more than ever. Yet, breed specific regulations protect pit bulls from *dogmen*, abusive owners, backyard breeders and the certainty of death upon entering an animal shelter. It is only through city ordinances that regulate pit bull ownership and state and federal laws that criminalize dog fighting that we can address this paradox meaningfully.

Proactive Dog Policy: The Solutions

Seattle Recommendations

As described earlier, our primary goals include adopting proactive policy so that future victims are not created, in the event they are created, these victims must have adequate civil recourse. Owners of pit bull type dogs must not fall under the category of "judgment proof" under any circumstances.

Our additional goals include reducing the pit bull population, whereby reducing pit bull bites and pit bull euthanization rates, and increasing pit bull ownership responsibility, whereby making it simpler for police and animal control officers to impound these dogs when owners fail to follow regulations.

I. Identification and Liability

Reportedly about 20% of dog owners in Seattle license their dog. This leaves 80% of all dogs unlicensed. It is reasonable to believe that many pit bulls are unlicensed. This lack of identification leads to lack of recourse for the victim, and is unacceptable. For the same reason, mandatory microchipping and insurance must be required for pit bull type dogs.

A. Mandatory Licensing

Pit bull type dogs must be licensed. Failure to provide proof of a valid license, or failure to renew a license, results in a \$250 dollar fine.

B. Mandatory Microchipping

Law enforcement officers must always be able to identify pit bull type dogs and link them to their owners. Failure to microchip results in a \$250 dollar fine.

C. Mandatory Insurance Policy

If a homeowners policy is unattainable -- for instance, the dog owner is a renter -- a pit bull owner must carry a \$250,000 liability insurance policy. Failure to provide proof of insurance results in a \$250 dollar fine.

In each instance, automatic impoundment of the dog may also result if law enforcement believes the pit bull is aggressive or is being used in dog fights.

II. Reducing Pit Bull Bites and Population

Just as Seattle suffers from a disproportionately high number of pit bull bites and occupancy rates in city shelters, so did San Francisco. On February 1, 2006, San Francisco enacted a mandatory pit bull spay/neuter law. Eighteen months after the ordinance took effect, significant results emerged:²¹

- The rate of bite victims dropped 21%
- Shelter occupancy rates fell from three-quarters to one-quarter
- 21% fewer pit bulls were impounded and 24% fewer were euthanized

Why did a mandatory sterilization law drop the occurrences of bite victims? What we understand about "dogs that bite" was uncovered in a 1991 study done by the city of Denver:²²

-
- Biters are 6.2 times as likely to be male than female
 - Biters are 2.6 times as likely to be intact than neutered
 - Biters are 2.8 times as likely to be chained as unchained

In addition to mandatory licensing, microchipping and holding an insurance policy, the City of Seattle must consider a pit bull spay/neuter ordinance. Such a law not only provides protection to community members, it ensures that fewer pit bulls will be created and thus fewer will be euthanized.

A. Mandatory Spay/Neuter

Like San Francisco, law enforcement officers can issue "Fix It" tickets to noncompliant dog owners, requiring the pit bull to be sterilized within two weeks. At this time, information regarding low-cost spay/neuter clinics can be provided. Failure to comply within the given time period results in a \$500 dollar fine.²³

III. Prohibit Felons from Owning Pit Bulls

Pit bull type dogs are the "chosen" breed of criminals (and have been for years) including: drug dealers, gang members, perpetrators of domestic violence and other violent offenders. Persons convicted of a felony do not have the right to own a gun, nor should they have a right to own a dog that our courts deem a "lethal weapon."

A. Felon Ownership Prohibition

While pit bulls are a clear favorite choice, it may be wiser policy to disallow felons from owning "any" dog over 35-40 pounds. Too frequently dogs play a critical role within criminal endeavors. A SWAT team member recently told the author of this paper that each team has a designated "dog shooter."

IV. Tracking Severe Dog Bite Injury

Under Washington State law, severe injury is defined as (RCW 16.08.073): "Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery." If we, as a city, are ever to understand which breeds are responsible for the most severe bites; we must track this data.

A. Severe Dog Bite Injury Records

Animal Control authorities must track and record each case of severe injury by dog breed.

Additional Options

Modifying RCW 16.08 (Dangerous Dogs)

Some Washington State cities have adopted policies that include pit bull type dogs in the definition of "potentially dangerous" and/or "dangerous dogs." Essentially, such laws deprive the dog of having "one free bite" and trigger a variety of restrictions including:

- Obtaining a certificate of registration from animal control authority
- Special enclosure/containment requirements
- Posting of signs warning of the dangerous dog
- A surety bond in the sum of at least \$250,000
- A policy of liability insurance in the amount of at least \$250,000.

Toledo, Ohio, recently enacted legislation that *automatically deems pit bull type dogs as vicious*. Tom Skeldon, the Lucas County, Ohio Dog Warden, is the leading US expert on pit bulls from a law enforcement aspect. He is currently in the midst of adding mandatory spay/neuter to the county's pit bull ordinance. The "vicious" requirements did not alleviate the pit bull overpopulation problem.

Exemptions

A. Canine Good Citizen Certificate Exemption

Some cities provide exemptions for potentially dangerous and breed specific dogs that receive a certificate from passing the American Kennel Club's Canine Good Citizen Program. Among them are Pasco and Oak Harbor.

B. Service Dog Exemption

Dangerous dog ordinances should also provide exemptions, or waivers for trained guide dogs or service dogs used by people with disabilities. Yet at all times, the service animal must be safe and under control of the user.

Banning Specific Breeds (Yakima City Code 6.18)

A number of cities across the US have banned pit bull type dogs entirely, including Yakima. A pit bull ban is the most proactive policy that can be undertaken for the following reasons: It saves the most human lives by preventing attacks before they occur; it saves countless pit bulls from abuse and automatic euthanization; it criminalizes the breeding of pit bulls which dramatically reduces the ability to breed these dogs for the purpose of dog fighting.

Proactive Dog Policy: The Arguments

BSL is Unconstitutional

Opposition to BSL falls into several main categories, being "unconstitutional" is one. As recently as February 19, 2008, the United States Supreme Court handed the pit bull lobby another defeat when it refused to hear their appeal from the Ohio Supreme Court's decision in the City of Toledo vs. Tellings case. Pit bull advocates had argued that the law was unconstitutional on several grounds, all of which the Ohio Supreme Court rejected:

1. Procedural due process
2. Substantive due process
3. Equal protection of the laws
4. Void for vagueness

The Supreme Court of Ohio has now joined courts in Washington*, Colorado, New Mexico, Florida, Arkansas, Iowa, Kansas, Utah, Wisconsin, and Kentucky in ruling that BSL is, indeed, constitutional when properly written.

**Washington State Supreme Court also rejected an appeal. In an attempt to fight Yakima's pit bull ban -- American Dog Owners v. Yakima -- the Superior Court of Yakima County granted judgment in favor of the city. The gist of the complaint by American Dog Owners was "identification," and that an ordinary person would misidentify mixed breeds.*

BSL is Racist

A breed of dog cannot be equated to a race of human beings. The term "racism" applies to human beings alone, as does the term "human rights." Additionally, mankind created multiple breeds of dogs for multiple purposes, and as such can regulate them if the need arises.

Additional Arguments

The remaining oppositional arguments include: media bias and flaws in fatality statistics. These two issues are addressed -- side by side -- by two canine experts in a recent *Veterinary Forum* (January 2007) article authored by Alan M. Beck Sc.D. (pro-BSL) and Ledy VanKavage, Esq (anti-BSL).

Please see the following several pages to review the article: *Profiling: Two Sides of the Issue*.

Profiling: Two Sides of the Issue

Veterinary Forum, January 2007

Editor's Note: The fear of certain allegedly vicious canine breeds has spread like a prairie fire across North America, with many jurisdictions passing strict bans. Even if there are no local laws restricting ownership of these breeds, homeowners may find it impossible or prohibitively expensive to purchase homeowner's insurance if they own certain breeds.

The current scare breed is the pit bull, which is often vaguely defined as any dog that, to relevant authorities, looks like their conception of a pit bull. (An attorney friend once showed 24 photos of purebred dogs to students in my animal ethics seminar and challenged them to identify the "pit bulls" -- no one could do so with any accuracy.) Rottweilers elicit a similar reaction. A generation ago, the targeted breeds were German shepherds and Doberman pinschers.

Experts are divided on the rationality of these approaches. The late Dr. Frank Loew, dean at Tufts and Cornell Universities veterinary schools, dismissed such reactions as "canine racism," since canine breeds are essentially races and individuals are targeted because of group membership. Other experts strongly defend such bans as being empirically based and essential to protecting public health and safety.

In this pair of columns, we present the strongest arguments we could find that are put forth by experts from both sides of the issue in the hope that veterinarians will be better informed in the event they are approached to help advance or prevent such breed-specific bans in their communities. -Bernard E. Rollin, PhD, Column Editor

Point

By Ledy VanKavage, Esq

Mark Twain said, "What gets us into trouble is not what we don't know, it's what we know for sure that just ain't so."

If you've read the papers lately, you would think that every dog that bit must be a "pit." Based on the myriad of news accounts, city councils have rushed to pass laws banning any mixed-breed dog that merely resembles an American pit bull terrier. Animal control and police officers routinely overrule veterinarians regarding the heritage of a mutt. The outcome: Friendly shorthaired dogs are being seized by authorities and killed because of their alleged "breed."

Is this a rational response to dog bites, or is it a witch hunt fueled by modern media bias?

A study in media bias

According to Janis Bradley, author of *Dogs Bite: But Balloons and Slippers Are More Dangerous*, more people are killed by lightning each year than by dogs. The canine population has blossomed to 73 million in the United States.¹ Despite this increase, a relatively consistent 12 to 24 humans die from dog bites each year.²

So why the visceral reaction to dog bites when swimming pools, for example, are much more dangerous? Perhaps the answer is that dogs are predators, and humans naturally recoil from being considered prey. Our innate fear of carnivores results in bad public policy.

That fear is further fueled by inflammatory news reports designed to sell papers. Karen Delise, LVT,

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Counterpoint

By Alan M. Beck, Sc.D.

Subpopulations of plants and animals that become distinct as a result of isolation from the large population are known as *races*. Subgroups of domestic animals whose differences develop because of human selection are known as *breeds*. Human races are a special case in that, although they developed naturally, they no longer have any biological significance. Indeed, human races are more defined by those who make the categories than by any inherent characteristic. They are social statements, not natural ones. When a group of humans uses race as a category to deny another group social equality, we call it "racism."

The pit bull-supporting community has not suggested any serious breeding program but has reacted by denying the validity of the data and using the rhetorical argument of calling the bans "racist." The analogy to real racism is cruel and inaccurate. At the very least, it demeans the terrible impact human racism has had on our culture. It also implies that canine breeds are some kind of "protected" category, which they are not. We change canine breeds all the time by changing breed standards and crossing breeds to create new ones.

The AVMA Professional Liability Trust published a book for veterinarians who are AVMA members that gives information on how to recognize pit bull-type dogs and has references to other books with useful photographs. After listing all the breeds usually associated with pit bulls, the authors note, "One should remember that crossbred dogs with pit bull in their bloodlines. . . are equally dangerous and unpredictable."¹ Does this mean that the AVMA is practicing canine racism?

Continue reading *Counterpoint* on next page

the author of *Fatal Dog Attacks: The Stories Behind the Statistics*, has examined media bias in dog-bite reporting. She surveyed news stories about dog attacks that occurred on a random day: June 9, 2006 (Delise K: Personal communication, National Canine Research Council, Slanesville, WV, 2006).

On that day, a 3-year-old Virginia boy was admitted to the hospital with extensive injuries. The child required 300 stitches and eventually needed additional surgeries to functionally repair muscles and nerves as well as scar tissue. The child had been attacked by a golden retriever mixed-breed dog. This horrific attack was reported in only two local Virginia newspapers.

An 11-year-old girl was bitten in the leg and hospitalized when she was attacked by two pit bulls in California. She had serious but not life-threatening injuries. This incident, however, was reported by more than 91 national newspapers and media outlets, including Fox News, *Forbes*, *The Washington Post*, *the Los Angeles Times*, and the *Chicago Tribune*.

Two other incidents were reported that day: In Denver, a 3-year-old girl was admitted to The Children's Hospital with serious lacerations to her face and head. She had been attacked by her Labrador retriever. The attack was covered by four Colorado media sources only. In another dog-bite incident, one Indiana newspaper picked up the story of a woman who had been attacked by a German shepherd while she was walking her Shetland sheepdog mix. Neighbors were able to restrain the German shepherd but not before the woman had been bitten twice in the face, and her dog was so severely injured that it eventually had to be euthanized.

So, on June 9, 2006, four dog attacks made the news — but only the incident involving the pit bulls garnered extensive national attention.

Beyond breed banning

Legislators, of course, respond to sensationalized media accounts. Given the over-reporting of pit bull attacks, bans targeting that breed might appear rational, but in the past, such breeds as German shepherds, Doberman pinschers, and rott-weilers have all been similarly villified. Italy, in fact, now restricts over 90 breeds of dogs, including Welsh corgis.³

Despite the supposed quick fix offered by such bans, the only published study conducted on breed bans⁴ indicated that they don't work. The study involved the United Kingdom's Dangerous Dog Act, which banned "pit bulls" in 1991. The study concluded that the ban had no effect on stopping dog attacks. Indeed, data in a report published in the September 15, 2000, issue of JAVMA indicate that breed-specific legislation is not the solution to dog-bite prevention.

So, if canine profiling isn't the answer, what will work?

Delise examined all fatal dog attacks that occurred in

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Is there canine racism?

Dogs whose breeding has been managed by humans are a wonderful example of breed development. Dogs were originally bred for specific functions but are more recently being bred for morphologic (appearance) preferences. Is this canine racism? Just look at breed clubs and dog shows -- judgments of inclusion or exclusion based on breed and breed alone. That is a form of canine racism, although with less sinister intentions than human racism. Nevertheless, there is a clear recognition that specific breeds have recognizable morphologic and behavioral differences. The general categories (breeds) recognized by observation match fairly closely what has been found using genetic mapping.

It has long been recognized that breed traits include both morphology and behavior. No one is surprised when the Border collie herds or the pointer points. The behaviors emerge without specific training, which is noticeably more effective in breeds selected for a breed-specific behavioral pattern. Breed-specific behaviors are often released spontaneously. In most cases, these behaviors are, at worst, annoying. But when the behavior is an inclination to attack, there is a social problem that requires attention.

Breed-specific problems

Responsible breed organizations often address issues when a breed-specific problem emerges, whether it is a physical deformity or undesirable behavior. We have seen this when addressing springer spaniel rage and Doberman pinscher aggression. For some reason, the people dedicated to pit bull-type dogs have not addressed the issue of aggressiveness to people or even other dogs.

Researchers² studying the 1979 to 1998 records of dog bite-related fatalities recognized that not having concise estimates of the population of each canine breed placed some limitations on the certainty of the data regarding pit bulls:

"Despite these limitations and concerns, the data indicate that rottweilers and pit bull-type dogs accounted for 67% of human dog bite-related fatalities in the United States between 1979 and 1998. It is extremely unlikely that they accounted for anywhere near 60% of dogs in the United States during that same period; thus, there appears to be a breed-specific problem with fatalities."

It has been suggested that, because the Centers for Disease Control and Prevention (CDC) data rely, in part, on newspaper articles, there may be bias because pit bull attacks may be reported more often than attacks by other breeds. It may be true that nonfatal attacks have been disproportionately reported when pit bulls are involved, but fatal attacks are reported, at least once, for all breeds. Fatalities caused by pit bulls may be reported more extensively, but all the CDC studies were careful to "count" each event only once, regardless of how often it was reported in the media, accurately demonstrating the disproportionate contribution of pit bull-type dogs to

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the United States in 2005 and found some striking commonalities:

90% of the dogs were not neutered or spayed (interestingly, according to Delise, there is no documented case of a neutered companion pit bull causing a human fatality).

81% were not maintained as a pet (i.e., they were used as guard dogs or for fighting).

61% involved abuse and neglect cases or were not humanely controlled or contained (i.e., they were chained or allowed to roam).²

In lieu of profiling, politicians should focus on remedying these factors.

An owner's outcry

Tragically, breed-specific legislation severs the human-animal bond. Most Americans now view their pets as family members.⁵ The anguish experienced by thousands of responsible guardians who have had their pets seized simply because of their perceived breed is eloquently expressed in a recent message board posting on the Internet (originally posted in its entirety at tech.groups.yahoo.com/group/SecondChanceFosteringforDogs/message/56):

"My name is Andrea Miller, and I own an 8-year-old, black-and-white, neutered pit bull named Ali. I just found out today during a visit from the health department that pit bulls were outlawed in my city... I've had Ali since the day he was born; the runt of a litter of 10, he had to be bottle fed, and I became attached. He's been my best friend all his life and my only friend at times. Eight months ago, I had a baby, and Ali had no problem adjusting to the new situation. After all that Ali has become to me and my family, I can't bear to give him up and let city hall put him to sleep. But no one at city hall or the health department seems to care how heart-wrenching this is, and I just can't understand how they can be so coldhearted...

"He gets along with cats, too. ...He and Kiki take turns cleaning each other. I'm afraid she will be devastated as well once she realizes he is no longer around.

"I've wondered sometimes what life would be like when Ali passed on from old age, but I always assumed I didn't need to worry about that for many years. I never would have imagined something like this could be possible. He's been my one reliable, stable friend for so long that I don't know how I will manage without him. But I can guarantee it will be easier if I know he is alive, happy, and cared for. I've lived in and supported this city almost my whole life, but I can't help but feel betrayed and very bitter."

Across the United States, dogs such as Ali -- many of them mutts -- are being seized and killed simply because of their appearance. It's not only unconscionable and unconstitutional -- it's un-American.

human fatalities (Lockwood R: Personal communication, The Humane Society of the United States, Washington, DC, 2006).

The pit bull community takes pride in noting a single study³ that purportedly proves that pit bull bans do not work. In reality, the study proves absolutely nothing! It is a descriptive study of one small emergency room in Scotland, noting emergency room admissions for all bites, including humans, and no fatalities during a 3-month period before and after the British law of 1991 was passed. The number of pit bull bites went from six to 12, although other breeds did experience a slight decrease. The single observation of a difference of six bites in a small hospital that received no fatalities proves nothing, and it is sad that it is the best source the pit bull "lobby" can cite.

The need for legislation

About 20 years ago, western countries recognized the problems associated with pit bulls and did what governments do when there is no self-correction -- they developed legislative approaches to protect the majority. Since the end of the 1980s, many European countries and many cities in North America enacted breed-specific legislation in varying forms from outright bans of ownership to restrictive management when the pit bull-type breeds were in public.

I suspect if a breed disproportionately caused the death of humans and other dogs because of disease there would be symposia, breed club meetings, and changes in breed standards to address the problem. It would not be canine racism but good and responsible husbandry. It is time to stop calling names to evoke emotion and begin an honest recognition of a problem already recognized around the world. As an empirical generalization, pit bull-type dogs are an added burden for society, impacting the health of people, other dogs, and even themselves. I do not believe it is appropriate to take pit bull dogs away from their owners and believe such laws are unconscionable. However, I do find enough evidence to support restrictions, such as leashing and muzzling when in public, and not adding to their numbers in society.

There should be less talk of racism and more talk of responsible animal management so that all dogs would be more welcomed in society.

Conclusion

In conclusion, the following statement is stressed again:

The argument that lies before the City of Seattle is not the "demonization" of pit bulls, it is instead: What steps can we take to prevent future attacks? And who pays when they do attack?

These are 20-year old questions that many cities, including Seattle, have yet to answer. Until these questions are answered, more victims will be created, more pit bulls will be euthanized and more dog owners will remain "judgment proof."

No law or set of regulations surrounding pit bulls will be perfect. Perfection is hardly a goal. Compromise, on the other hand, is a goal. Public policy makers, animal control agencies, law enforcement and victims can and should come together on this issue. If we are ever to create proactive dog policy that protects both citizens and pit bulls, we must.

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About the Author

My name is Colleen Lynn, and I am 38 years old. On June 17th, 2007, I was attacked by a leashed pit bull while jogging in my Beacon Hill neighborhood. Four months after this incident, I started **DogsBite.org**, a national dog bite victims group dedicated to reducing serious dog attacks by creating common sense laws. By trade, I am a web designer. I lead and administer a free-lance web design company in Seattle.

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