

## Breed-specific legislation FAQ

DogsBite.org | <https://www.dogsbite.org/legislating-dangerous-dogs-bsl-faq.php>

### What is breed-specific legislation (BSL)?

Breed-specific legislation is a type of dangerous dog law. It is defined as any ordinance or policy that pertains to a specific dog breed or several breeds, but does not affect any others. Proponents of breed-specific laws seek to limit public exposure to well-documented dangerous dog breeds by regulating the ownership of them. The objective of breed-specific legislation, which primarily targets pit bulls and their derivatives, is to prevent severe and fatal attacks before they occur.

Dangerous dog laws that are non breed-specific usually react after a damaging or deadly attack; they do not prevent the first attack. The trend in the U.S. and across the world is to regulate a small group of breeds that have a genetic propensity to attack and inflict severe and disfiguring injuries so that first attacks by these breeds can be avoided. First attacks by pit bulls, for instance, almost always result in severe injury. In some cases, the first bite by a pit bull or rottweiler is fatal.

### Q: What kinds of dogs are included in breed-specific laws?

Breed-specific legislation always targets pit bulls, the premier fighting breed. This class of dogs is comprised of several breeds: American pit bull terrier, American Staffordshire terrier and Staffordshire bull terrier. The American bulldog can also be classified within this group, as they share a common gene pool and are close cousins. The breed standard for the American bulldog, Scott-type, was developed by crossing early Johnson lines with the American pit bull terrier.<sup>1</sup>

Much less commonly, breed-specific ordinances target rottweilers, the second most lethal dog breed in the United States. Some cities also incorporate additional [fighting and bull-baiting breeds](#), such as the presa canario, cane corso, dogo argentino and other pit bull-mastiff derivatives. Yet, these instances are rare. The focal point of breed-specific legislation has always been pit bulls because this class of dogs is the most common and negatively impacts communities the most.

---

<sup>1</sup> American Bulldog, molosserdogs.com (Accessed: January 31, 2010). Also there is a 2005 Johnson-Scott declaration that talks about the former name of the American bulldog, the American pit bulldog. Johnson states in no uncertain terms that the pit bull terrier and his "preserved" American bulldog Johnson-type variance is nothing more than the latter being a larger dog -- both dogs share the "exact" same heritage of bull-baiting and dogfighting. Johnson is simply one of many who want to take credit for "preserving" the "original" bull-baiting and fighting bulldog. Johnson even goes as far as saying in an online-posted interview (1997) that the American pit bull terrier gained all of its "gameness" from the "original" bulldog that he later "preserved." American dogfighters would highly disagree, but also rarely make any distinction and simply call their dogs "100% bulldogs." (Accessed: January 31, 2010: <http://www.dogsbite.org/pdf/american-bulldog-molosserdogscom-jan-2010.pdf>) (Accessed: November 25, 2012: [http://www.arfusa.com/declaration\\_scott\\_and\\_johnson.htm](http://www.arfusa.com/declaration_scott_and_johnson.htm)) (Accessed: January 1, 2015: <http://www.alapahabluebloodbulldogs.org/johnjohnsoninterview.php>) (Captured March 18, 2014: <https://www.scribd.com/doc/213026137/100-Bulldog-American-Pit-Bull-Terrier>)

[Wolf hybrids](#) fall into a special class due to their mixture of being part undomesticated. The regulation of wolf hybrids often occurs on a state-level for this reason. States like Alaska, Michigan, Massachusetts and Maryland ban their ownership.<sup>2</sup> When state law is silent on this issue, some cities do incorporate wolf hybrids into their breed-specific ordinances. Notably, all three major military divisions prohibit [pit bulls, rottweilers and wolf hybrids](#) in privatized housing.

### Visual breakdown

To show how these ordinances are applied across several hundred different dog breeds,<sup>3</sup> we analyzed our estimated U.S. jurisdictions with breed-specific laws.<sup>4</sup> Of the 860 cities that regulate specific dog breeds, 100% target pit bulls. The second most regulated breed, rottweilers, were named in only 7% of these ordinances. Followed by wolf hybrids and presa canarios, each named in 3% and mastiff variations, American bulldogs and doberman pinschers, each named in 2%.

#### Analysis of 860 Cities with Breed-Specific Laws

Dog Breed	Named in Ordinances	% of All Ordinances
Pit bulls	860	100%
Rottweilers	59	7%
Wolf hybrids	30	3%
Presa canarios	30	3%
Mastiff variations	15	2%
American bulldogs	14	2%
Doberman pinschers	14	2%

\*Breeds named in 1% or fewer ordinances were excluded from our analysis.

The majority are depicted here: [2014 Fatal Dog Attack Breed Identification Photographs](#)

### Q: Do breed-specific laws work?

Well enforced breed-specific pit bull laws absolutely reduce damaging attacks by pit bulls. In our ongoing report, [Cities with Successful Pit Bull Laws: Data Shows Breed-Specific Laws Work](#), we document these results in the U.S. and Canada. The most dramatic results are often seen in jurisdictions that ban pit bulls because a ban reduces the breeding and the importation of new pit bulls into a community. There have been excellent results with other types of ordinances as well.

<sup>2</sup> Hybridlaw.com (Accessed: October 13, 2018: <http://hybridlaw.com/>).

<sup>3</sup> How Many Breeds of Dogs Are There in the World?, by Stanley Coren, *Psychology Today*, May 23, 2013 (Accessed: August 14, 2015: <https://www.psychologytoday.com/blog/canine-corner/201305/how-many-breeds-dogs-are-there-in-the-world>).

<sup>4</sup> This document is updated once each year and the numbers do change. At the time of our analyses, the count was 860 (Accessed: August 15, 2015. Version December 3, 2014: <https://www.scribd.com/doc/56495216/Estimated-U-S-Cities-Counties-States-and-Military-Facilities-with-Breed-Specific-Pit-Bull-Laws>).

After Aurora, Colorado adopted its pit bull ban ordinance in 2005, attacks by pit bulls decreased 73% (as of March 2014). After Pawtucket, Rhode Island adopted their pit bull ban in 2004, the city released 13-years of bite data showing that in the 4-years leading up to the ban, there were 52 pit bull attacks on people. In the 10-years after the ban, there were only 13 (as of September 2013). In Toronto, after a decade long pit bull ban, pit bull attacks dropped from 168 to 13 annually.<sup>5</sup>

The dramatic reduction in pit bull attacks on people and animals are not the only benefits. Over the same period in Aurora, pit bull euthanasia dropped 93%. In Pawtucket, the Rhode Island Society for the Prevention of Cruelty to Animals (RISPCA) had "regularly" convened vicious dog hearings for pit bulls before the ban ordinance. After the ban passed, the RISPCA never saw another one from Pawtucket.<sup>6</sup> Other cities report a substantial reduction in vicious dog designations as well.

After Springfield, Missouri adopted a pit bull ordinance in 2006, impoundments of pit bulls were quickly cut in half, freeing up shelter space. In the year before the ordinance, 502 pit bulls were impounded, by 2007 only 252 and by 2017 only 140.<sup>7</sup> When breed-specific laws are combined with an anti-chaining element, as was done in Little Rock's pit bull ordinance, excellent outcomes also resulted: The commonality of seeing a pit bull chained in its owner's yard disappeared.<sup>8</sup>

#### Peer-reviewed abstracts and studies

In 2017, the first report evaluating breed specific legislation in the United States showed that from 2001 to 2016, 5.7% of bites in Denver -- the largest jurisdiction in the United States that bans pit bulls -- were attributed to pit bull-type dogs compared to 54.4% in the remainder of the United States.<sup>9</sup> Peer-reviewed studies from two different countries, Canada and Spain, show that breed-specific regulations resulted in a significant decrease of dog bite injury hospitalizations.

- [A Review of Dog Bites in the United States from 1958 to 2016: Systematic Review of the Peer-Reviewed Literature](#), by Chad Bailey, MD, Katharine Hinchcliff, MD, and Lee Pu, MD, PhD, FACS, *Plastic and Reconstructive Surgery - Global Open*, 2017 Abstract Supplement, Presentations at the American Society of Plastic Surgeons' Annual Meeting: Plastic Surgery The Meeting 2017, 2017 Sep; 5(9 Suppl): 172-173.
- [Effectiveness of Breed-Specific Legislation in Decreasing the Incidence of Dog-Bite Injury Hospitalisations in People in the Canadian Province of Manitoba](#), by Malathi

---

<sup>5</sup> Pit bulls were Toronto's biggest biters before the ban, by Eric Andrew-Gee and Joel Eastwood, *Toronto Star*, October 3, 2014 (Accessed: August 2, 2015: [http://www.thestar.com/news/gta/2014/10/03/pit\\_bulls\\_were\\_torontos\\_biggest\\_biter\\_before\\_the\\_ban.html](http://www.thestar.com/news/gta/2014/10/03/pit_bulls_were_torontos_biggest_biter_before_the_ban.html)).

<sup>6</sup> Local ACOs oppose removal of ban on pit bulls, by Russ Olivo, *The Call*, June 27, 2013 (Accessed: August 22, 2015: <http://www.woonsocketcall.com/node/8782>) (Archived by WebCite® at <http://www.webcitation.org/6ayl7Pr0o>).

<sup>7</sup> Pit Bull Statistics, Springfield-Greene County Health Department, July 2018 (Accessed October 13, 2018: <https://insight.livestories.com/s/v2/pit-bull-statistics/547b3b9e-d019-464c-a634-4c8ee8cc7f6e/>) (Archived by DogsBite.org)

<sup>8</sup> Indianapolis ordinance puts restrictions on pit bull breeds, by Mary Milz, *WTHR 13*, April 7, 2009 (Accessed: August 31, 2010: <http://www.wthr.com/Global/story.asp?S=10145348>) (Archived by WebCite® at <http://www.webcitation.org/5sPLpDjxR>)

<sup>9</sup> A Review of Dog Bites in the United States from 1958 to 2016: Systematic Review of the Peer-Reviewed Literature, by Chad Bailey, MD, Katharine Hinchcliff, MD, and Lee Pu, MD, PhD, FACS, *Plastic and Reconstructive Surgery - Global Open*, 2017 Abstract Supplement, Presentations at the American Society of Plastic Surgeons' Annual Meeting: Plastic Surgery The Meeting 2017, 2017 Sep; 5(9 Suppl): 172-173.

Raghavan, Patricia J Martens, Dan Chateau, and Charles Burchill, *Injury Prevention*, Published Online First, June 30, 2012.

- [Decline in Hospitalisations Due to Dog Bite Injuries in Catalonia, 1997–2008. An Effect of Government Regulation?](#), by Villalbí JR, Cleries M, Bouis S, Peracho V, Duran J and Casas C, *Injury Prevention*, 2010 Dec;16(6):408-10.

## Q: Is breed-specific legislation constitutional?

Well-written breed-specific laws have a 100% success rate in appellate courts when faced with constitutional challenges. This is true with "private property" issues too. In 2014, when Utah-based fighting dog advocates, Best Friends Animal Society, fiercely lobbied Missouri legislators to pass a state preemption bill barring municipalities from enacting pit bull ordinances, the group used false constitutional arguments. DogsBite.org clarified these fallacy arguments in a letter to legislators.

### Example fallacy: Local ordinances cannot trample constitutional rights!

To believe or to promote such an invalid argument would be to ignore American Jurisprudence. If the analysis of the supporters of SB 865 were correct, there would have been no legal basis for any of the breed-specific law victories in appellate courts; not one would have survived constitutional scrutiny. The fact is, the exact opposite is true. Why has every well-written breed-specific law been upheld after judicial scrutiny? [Please see a full listing of these decisions.](#)

Private property issues have been re-litigated in breed-specific cases and each time have failed because this legal issue has been settled for over a hundred years when the United States Supreme Court ruled in [Sentell v. New Orleans & Carrollton R. Co. - 166 U.S. 698 \(1897\)](#) and determined that government officials could shoot and kill loose dogs that pose a danger to the community. See Google Scholar search results for: "Sentell" and "property" and "pit bull" —*DogsBite.org*

In 2015, a Washington state legislator who sponsored a state preemption bill, falsely stated that a U.S. Supreme Court decision in 1920, *Nicchia v. New York*, found that it was "unconstitutional to have breed-specific ordinances." In a follow up letter to the House Judiciary Chair, we explained why Rep. Sherry Appleton's analysis of *Nicchia* is 100% flawed. A good rule of thumb in this legal area is that entities opposing breed-specific legislation will throw anything to see if it sticks.

### Subject Line: HB 1018 - Cited Supreme Court ruling 100% false

Dear House Judiciary Chair Rep. Laurie Jenkins,

I watched the public hearing for HB 1018 that would terminate the right of local governments from regulating dangerous dog breeds in the state of Washington. I also transcribed Rep. Appleton's oral testimony, which is filled with "personal" and anecdotal statements and lacks even the most modest citations.

However, she did cite one case by the U.S. Supreme Court in 1920, [Nicchia v. New York](#), and alleged that the decision found that it was "unconstitutional to have breed-specific ordinances" (her exact words). I will briefly explain why Rep.

Appleton's reasoning is like saying *Brown v. Board of Education* supports separate schools for black and white students.

Part of the primary basis of the *Nicchia v. New York* decision relies upon the U.S. Supreme Court decision in *Sentell v. New Orleans & Carrollton R. Co.* - 166 U.S. 698 (1897), which determined that the "property in dogs is of an imperfect or qualified nature" and that government officials could shoot and kill loose dogs that pose a danger to the community.

The combination of citing *Nicchia* and *Sentell* by appellate courts pertaining to upholding well-written breed-specific ordinances was done as recently as 2007 (*American Canine Foundation v. Sun, Dist. Court, ND California 2007*). **These two SCOTUS decisions are used to support breed-specific laws**, which is in direct opposition to Rep. Appleton's analysis. —*DogsBite.org*

### **United States Supreme Court agrees**

At least eight U.S. State Supreme Courts have upheld the constitutionality of breed-specific legislation including: Arkansas, Colorado, Iowa, Kansas, Ohio, Utah, Washington and West Virginia. At least seven State Appeals Courts have as well, among them, courts located in Florida, Kansas, Kentucky, Missouri, New Mexico, Ohio and Wisconsin. Nearly a dozen federal U.S. district courts have also weighed in favorably on the constitutionality of breed-specific laws.

In February of 2008, the United States Supreme Court refused to hear an appeal of the Supreme Court of Ohio's decision in *Toledo v. Tellings* (Ohio, April 14, 2008). Pit bull advocates had argued that the ordinance was unconstitutional on multiple grounds, all of which the Supreme Court of Ohio rejected. By refusing the appeal, the United States Supreme Court declared Toledo's breed-specific ordinance constitutional and the case cannot be appealed further.

Also see: [High Courts Rule a Dog Owner of 'Ordinary Intelligence' Can Identify a Pit Bull](#)

## **Q: What are the most common types of breed-specific laws?**

### **Breed ban**

Breed-specific legislation falls into several categories. The most publicized is a "breed ban," which prohibits the future ownership and reproduction (breeding) of a specific dog breed, chiefly pit bulls. All well-written bans allow existing pit bulls to remain with their owners. The goal of a ban is to eliminate "future" breeding and dramatically reduce the number of pit bulls within a community. This is why existing pit bulls must be altered once the ban is enacted. (See: [Model pit bull ban](#))

Cities of all sizes across the U.S. have enacted pit bull bans from large-sized to small. A handful of these cities include: Aurora and Denver, Colorado; Minot, North Dakota; Council Bluffs, Iowa and Independence, Missouri. Entire counties have as well, including: Miami-Dade County, Florida, Prince George's County, Maryland and Wyandotte County, Kansas. To find out if cities or counties within your state have passed a pit bull ban ordinance, [please see our state-by-state guide](#).

In 2012, Miami-Dade County became the first municipality to place their longstanding pit bull ban on a countywide ballot during a primary election. [By a wide margin, 63% to 37%](#), voters favored

keeping their pit bull ban. In 2014, Aurora, Colorado became the first city to place their pit bull ban on a ballot during a general election. Again, [by a wide margin, 64% to 36%](#), voters chose to keep their ban, indicating that the majority of these voters do not want to live next door to a pit bull.

It is also important to point out the dramatic human and humane success of Aurora's pit bull ban. Statistics provided by Aurora's animal care division 8 months before the November vote showed enormous success in both areas. Since the ban's enactment in 2005, pit bull bites fell by 73% and complaints related to pit bulls fell by 50%. Shelter space occupied by unwanted or dangerous pit bulls fell from 70% (pre-ban era) to 15% by 2014 and pit bull euthanasia fell by a striking 93%.<sup>10</sup>

"Since the ban has been in place, bites are down 73 percent from pit bulls," said Cheryl Conway, a spokeswoman for the city's animal care division ...

"There hasn't been a human mauling in many years. Complaints and requests related to pit bulls are down 50 percent"...

According to city documents, before the ordinance was enacted in 2005, up to 70 percent of kennels in the Aurora Animal Shelter were occupied by pit bulls with pending court disposition dates or with no known owner. That number is now only 10 to 20 percent of kennels...

"Euthanasia of pit bull dogs is down 93 percent. Of those few that are put down, they are primarily those that come in as strays and their owners don't come to claim them." –*Cheryl Conway, Aurora Sentinel, March 2014*

### **Automatic labeling**

Another type of breed-specific law is to automatically declare a breed prima facie "potentially dangerous" or "dangerous," which triggers various regulations for the dog's owner to prevent a first attack from occurring. Both definitions vary by state, but the former has fewer requirements. Shared requirements can include: higher registration fees, microchipping for identification purposes, mandatory sterilization, muzzling when off-property and fencing requirements.

When a dog breed is declared "dangerous" or "vicious," which is a higher designation than "potentially dangerous," additional requirements apply. These often include: liability insurance ranging from \$100,000 to the recommended \$300,000, secure confinement in a locking pen that prevents the animal from escaping and from a child entering, requiring a secure top, sides and flooring, and displaying visible "Beware of Dangerous Dog" warning signs on the premises.

Cities from coast-to-coast have passed automatic labeling laws. In 2008, Little Rock, Arkansas passed a pit bull ordinance declaring the breed "potentially dangerous" requiring pit bull owners to register, microchip and sterilize their dogs. Owners had to adhere to special fencing requirements too and place a sticker on their home indicating that a pit bull is inside.<sup>11</sup> The ordinance also prohibited the chaining of all dogs, though it was primarily to stop this activity by pit bull owners.<sup>12</sup>

---

<sup>10</sup> City lawmakers uphold Aurora's ban on pit bulls, by Rachel Sapin, *Aurora Sentinel*, March 4, 2014 (Accessed: March 4, 2014: <http://www.aurorasentinel.com/news/city-lawmakers-uphold-auroras-ban-pit-bulls/>) (Archived by WebCite® at <http://www.webcitation.org/6NpRs4GAp>)

<sup>11</sup> Little Rock, Arkansas Municipal Code, Section 6-19 - Potentially dangerous breeds, Municode.com.

<sup>12</sup> Indianapolis ordinance puts restrictions on pit bull breeds, by Mary Milz, *WTHR 13*, April 7, 2009 (Accessed: August 31, 2010: <http://www.wthr.com/Global/story.asp?S=10145348> (Archived by WebCite® at <http://www.webcitation.org/5sPLpDjxR>))

"There was a day when you could walk down any street in center city Little Rock, you could see several pit bulls chained up. You don't see that anymore," said Tracy Roark with Little Rock Animal Services.

Roark told Eyewitness News over the phone that pit bull attacks have been cut in half and credits their new law with getting them there.

"This is the most abused dog in the city," said Roark.

The Little Rock law passed last year and requires pit bulls to be sterilized, registered and microchipped. Also dogs - regardless of the breed - are also not allowed to be chained up outside. –*Tracy Roark, WTHR 13, April 7, 2009*

### **Mandatory spay and neuter**

The most modern type of breed-specific legislation, and growing in California, is a mandatory pit bull sterilization ordinance. Nearly all open-admission shelters across the U.S. are plagued with a similar reality: pit bulls occupy 30% or more of animal shelter space, high pit bull euthanasia rates<sup>13</sup> and a high number of pit bull bites. San Francisco enacted the first mandatory pit bull sterilization law in 2005. Results in 2013 continue to show a strong reduction in all three areas.<sup>14</sup>

Many [California cities and counties](#) have followed in the footsteps of San Francisco. Jurisdictions in California are limited to only being able to enact breed-specific "spay and neutering" laws. Prior to San Francisco's ordinance, a statewide preemption law prohibiting local governments from enacting any form of breed-specific law governed California. A state bill was passed in 2005 that partially repealed the state preemption law, allowing San Francisco to adopt its ordinance.<sup>15</sup>

In San Francisco, the killing of a boy by pit bulls in 2005 led to big change.

After 12-year-old Nicholas Faibish was fatally mauled by his family's pit bulls, the city adopted a mandatory spay-neuter law for the breed ...

Since then, San Francisco has impounded 14 percent fewer pit bulls and euthanized 29 percent fewer - which is a "significant decrease," said Rebecca Katz, director of the city's Animal Care and Control department.

Another significant indicator, she said, is that there have been 28 pit bull bites reported in the past three years - and 1,229 bites by other breeds during the same period. In the three-year period before that, there were 45 pit bull bites and 907 incidents involving other breeds. –*Rebecca Katz, San Francisco Chronicle, June 19, 2013*

More examples: [Cities with Successful Pit Bull Laws; Data Shows Breed-Specific Laws Work](#)

<sup>13</sup> Pit bulls were 32% of U.S. shelter inventory in June 2014, by Merritt Clifton, Animals24.org, July 4, 2014 (Accessed: August 19, 2015: <http://www.animals24-7.org/2014/07/05/pit-bulls-were-32-of-u-s-shelter-inventory-in-june-2014/>)

<sup>14</sup> Often no warning signs in pit bull attacks, by Henry K. Lee, *San Francisco Chronicle*, June 19, 2013 (Accessed: June 30, 2013: <http://www.sfgate.com/default/article/Often-no-warning-signs-in-pit-bull-attacks-4611027.php>) (Archived by WebCite® at <http://www.webcitation.org/6Hm1oNyhj>)

<sup>15</sup> Senate Bill 861, sponsored by then Senator Jackie Speier, was signed by the governor on October 7, 2005 (Accessed: June 14, 2015: [ftp://www.leginfo.ca.gov/pub/05-06/bill/sen/sb\\_0851-0900/sb\\_861\\_bill\\_20051007\\_chaptered.html](ftp://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_0851-0900/sb_861_bill_20051007_chaptered.html))



## **Q: How does a city enforce a breed-specific law?**

The model for most cities is "enforce as you go." Authorities take action as they become aware of infractions or as complaints are received. For example, San Francisco issues a "Fix It" ticket when a person is caught having an unaltered pit bull. The owner then has two-weeks to sterilize the dog. If the owner fails to provide proof of surgery after this time, he or she is fined \$500.<sup>16</sup> This method also allows officers to check for ordinance violations in the course of their everyday duties.

Routine duties for animal control officers include patrolling assigned areas to enforce local animal control ordinances. Duties include, but are not limited to, responding to at large and dangerous dogs complaints and carrying out animal bite investigations and animal cruelty investigations. Throughout these everyday duties, officers issue warnings and citations to owners found in violation of the local animal control regulations whether the ordinance is breed-specific or not.

## **Q: Is enforcement of a breed-specific law expensive?**

This depends upon the chosen method of enforcement and size of the jurisdiction. Most mid and large-sized cities operate on the basis of "enforce as you go." For instance, when Council Bluffs, Iowa (population 62,000) enacted a pit bull ban in 2004, the animal control department embraced this method. As a result, the department did not see a negative affect on its budget. The duties of enforcing the pit bull ban ordinance were woven into the course of everyday officer duties.

Specifically, after the Council Bluffs pit bull ban went into effect, based on current registered dogs, animal control established a list of dogs in compliance with the ordinance. These owners were required to sterilize, license and microchip their pit bulls and obtain liability insurance. Afterward, if a complaint was filed, officers could check the list and determine right away if the owner was in compliance. If the owner was not, various actions were triggered, including impounding the dog.<sup>17</sup>

Larger cities that hire additional personnel for enforcement can also use increased registration fees for the grandfathered-in pit bulls to offset costs. In 2005, Aurora, Colorado (population 346,000) passed an ordinance banning pit bulls and derivative fighting breeds. In a report issued over two years after the ban began, animal services said the higher registration fees for the restricted breeds covered most of the day-to-day costs of enforcement, including additional personnel.<sup>18</sup>

### **Sham BSL calculator**

In 2012, when Miami-Dade County officials voted to place the pit bull ban on the primary ballot, pit bull advocate Dalia Caines testified to committee members that "taxpayers paid \$3 million annually to enforce the ban on pit bulls." Caines' spurious figures came from the bogus "BSL

---

<sup>16</sup> S.F. Sterilization Law Successful in Reducing Pit Bull Population, by Marisa Lagos, *San Francisco Chronicle*, August 28, 2007 (Accessed: August 22, 2015: <http://www.sfgate.com/news/article/S-F-sterilization-law-successful-in-reducing-pit-2507585.php>) (Archived by WebCite® at <http://www.webcitation.org/6aylqzunN>)

<sup>17</sup> Information supplied by Council Bluffs Animal Control Services (March 2008).

<sup>18</sup> City Reports Fewer Bites, Licenses for Restricted Dogs Since Breed Ban, by Adam Goldstein, *Aurora Sentinel*, July 2, 2008 (Accessed: July 5, 2008 [www.aurorasentinel.com](http://www.aurorasentinel.com)) (Archived by DogsBite.org)



Fiscal Impact Calculator,"<sup>19</sup> peddled by Utah-based fighting dog advocates, Best Friends Animal Society and designed by John Dunham, who formerly produced "research" for Big Tobacco.<sup>20</sup>

When commissioners asked the Animal Services director to verify if the fiscal impact to the county of the pit bull ban was \$3 million, director Alex Munoz said that \$3 million was more than the department's entire budget for enforcement and that pit bulls accounted for 2% of the enforcement expenses.<sup>21</sup> The sham BSL calculator was funded by the National Canine Research Council, a subsidiary of Animal Farm Foundation. Jane Berkey owns and operates both. ([See graphic](#)).

[Ms. Caines] noted taxpayers paid \$3 million annually to enforce the ban on pit bulls ... Commissioner Bovo asked the Animal Services Department Director to verify whether the fiscal impact to the County of the pit bull ban was \$3 million. Mr. Alex Munoz, Director, Animal Services, pointed out that \$3 million was more than the department's entire budget for enforcement, and that pit bulls accounted for two percent of the enforcement expenses. –*Miami-Dade Legislative Item (120173), Straw Ballot Pit Bull Dogs, Introduced January 27, 2012*

To break this down more concretely, we examined the 2011-2012 Miami-Dade County Animal Services budget on the county's website.<sup>22</sup> The total budget for the department was \$9.36 million. The total budget for Code Enforcement was \$2.3 million. Director Munoz stated that pit bulls accounted for 2% of total enforcement costs, which equates to \$46,140. The BSL calculator, which claimed the ban cost taxpayers \$3 million, is an exaggeration by almost two orders of magnitude.

Other exaggerations by John Dunham & Associates (JDA) are cited by the *Texas Tribune* in 2011, which describes his firm as working "almost exclusively for lobbyists, industry trade associations and private companies looking for studies that bolster their case for legislation and policy changes

---

<sup>19</sup> Best Friends Breed-Discriminatory Legislation (Bdl/Bsl) Fiscal Impact (Accessed: September 1, 2015 <http://bestfriends.guerrillaeconomics.net/>).

<sup>20</sup> John Dunham served as the manager of Fiscal Issues and Chief Domestic Economist at Philip Morris from 1995 to 2000, according to SourceWatch.org. The JDA website explains Dunham's role as, "producing research and information on key issues facing all of the company's divisions." There are over a thousand documents referencing Dunham in the publicly available archive of tobacco industry materials. Dunham continued creating studies funded by Philip Morris after starting JDA in 2002, including, *The Economic Incidence of Smoking Restrictions* (2003) and *The Private Market for Accommodation: Determinants of Smoking Policies in Restaurants and Bars* (2004). (Accessed: October 14, 2010: [http://www.sourcewatch.org/index.php/Michael\\_Marlow](http://www.sourcewatch.org/index.php/Michael_Marlow)) (Accessed: August 19, 2015: <https://industrydocuments.library.ucsf.edu/tobacco/>)

<sup>21</sup> Miami-Dade Legislative Item, File Number 120173. Straw Ballot Pit Bull Dogs, Introduced 1/27/2012 (Accessed: August 4, 2015: <http://www.miamidade.gov/govaction/matter.asp?matter=120173&file=true&yearFolder=Y2012>) (Archived by WebCite® at <http://www.webcitation.org/6aymZjGBD>)

<sup>22</sup> FY 2011-12 Adopted Budget and Multi-Year Capital Plan, Miami-Dade County Animal Services Department (Accessed: September 1, 2015 <http://www.miamidade.gov/budget/FY2011-12/adopted/volume2/animal-services.pdf>) (Archived by DogsBite.org)

they are trying to advance."<sup>23</sup> More recently in 2013, on behalf of oil and gas industry groups, JDA overestimated the cost of a revised federal proposed fracking rule by 90%, or over \$310 million.<sup>24</sup>

"We're an economic consulting firm that supports lobbyists," the company said in its very first Tweet, in late 2009. "Want a legislator to listen? Tell them how much its gonna cost..." –*John Dunham & Associates Tweet, November 10, 2009*

Learn more about the [Five Levels of the Pit Bull Lobby](#) and the overlapping relationships.

## Q: When did breed-specific legislation first begin?

In modern times, breed-specific legislation was unveiled in the early 1980s in direct response to the savagery of pit bull attacks. Communities were horrified by the catastrophic and fatal injuries inflicted by these dogs. As stated in Pit Bull Myths, the population of pit bulls first erupted in the mid 1970s, when pit bulls (fighting dogs) began leaking into the general population from the illegal world of dogfighting. By 1987, regulating or banning pit bulls had become a national conversation.

At the turn of the 20th century, when dogfighting was still legal but largely frowned upon, cities across the country began calling for and enacting breed-specific "bulldog" ordinances. Up until the mid 1900s, pit bulls were called bulldogs or bull terriers. Some of these cities included Sacramento, CA (1896), Richmond, VA (1904), Ogden, UT (1911), Washington DC (1911) and Maysville, KY (1912). Attacks by pit bulls at that time were just as violent as they are today.

One of the earliest fatal pit bull attacks that DogsBite.org has on record, through researching the Library of Congress and historical newspaper archives, occurred in Baltimore in 1844. John Dubernard, a respected aging citizen, was so badly mauled by a pit bull while visiting the dog owner's home that he died. An article published by the *Baltimore Sun* in November 1844 describes how Baltimore society felt about this dog breed at that time. The article is simply titled, "Dead."<sup>25</sup>

His death is a melancholy comment upon the impolicy, we might also say the criminality of keeping dogs, so ferocious in the character as this one was, in the yards of private dwellings. The bull terrier, and this dog was one of that species, is perhaps the very worst description of dog with which we are beset in our community. They are always fierce, and it is a rare circumstance that even their

---

<sup>23</sup> Independent Analysis of Flat Tax Questionable, by Jay Root, *The Texas Tribune*, October 28, 2011 (Accessed: August 22, 2015: <http://www.texastribune.org/2011/10/28/independent-analysis-flat-tax-questionable/>) (Archived by WebCite® at <http://www.webcitation.org/6aymePig0>)

<sup>24</sup> Flawed Industry Analysis Drastically Overstates Cost of Proposed Federal Hydraulic Fracturing Rule, by Center for Western Priorities, July 29, 2013 (Accessed: August 18, 2015: <http://westernpriorities.org/2013/07/29/flawed-industry-analysis-dramatically-overstates-cost-of-proposed-federal-hydraulic-fracturing-rule/>) (Archived by WebCite® at <http://www.webcitation.org/6aymk6cli>), and, Industry, BLM far apart on frack rule cost, by Dennis Webb, *The Daily Sentinel*, July 29, 2013 (Accessed: August 17, 2015: <http://www.gjsentinel.com/news/articles/industry-blm-far-apart-on-frack-rule-cost/>) (Archived by WebCite® at <http://www.webcitation.org/6aymodcsA>)

<sup>25</sup> "Dead," *The Globe and Commercial Advertiser*, November 18, 1844 (genealogybank.com) (Archived by DogsBite.org) and "Local Matters—Dead," *The Baltimore Sun*, November 15, 1844 (genealogybank.com) (Archived by DogsBite.org: <http://www.fatalpitbullattacks.com/pdf/1844-john-dubernard.pdf>)

masters have control over them -- when they once take hold, death has been frequently found necessary to make them loosen their grasp. –*Baltimore Sun*, 1844

Learn more about early breed-specific ordinances, social attitudes and vicious attacks by pit bulls in written testimony by DogsBite.org for the [Maryland Senate Judicial Proceedings Committee](#) (February 6, 2014). Provided in the document is an [1897 woodcut illustration](#) published in *The San Francisco Call* of a policeman "strangling a savage bulldog into releasing his hold" of a child. The illustration shows the 8-year old girl lifted entirely off the ground by the jaws of the pit bull.<sup>26</sup>

## Q: What is a state preemption anti-BSL law?

DogsBite.org recently posted a detailed explanation of these state laws, along with their history (See: [A Primer on State Preemption Laws](#)). State preemption anti-BSL laws bar local governments from regulating specific dog breeds. Wave I of these laws arose in the late 1980s, just after cities began adopting pit bull laws and ended in 1992. Wave II began in 2012, chiefly driven by Best Friends and dog breeder interests, and is ongoing today. Currently 21 states have adopted one.<sup>27</sup>

Jurisdictions in Colorado can supersede the preemption law under home rule authority. Yet home rule authority varies amongst states, as do the preemption laws. Primarily they center upon the prohibition of declaring a specific breed "dangerous" or "vicious" (prima facie legal designation). California is a mixed preemption state. It allows for the regulation of specific breeds via spay, neuter status, but prohibits specific breeds to be declared "potentially dangerous" or "vicious."

Big industry interests are typically the force behind state preemption laws. Such laws were historically pursued by the tobacco industry, and continue to be today, to impede local tobacco laws.<sup>28</sup> This strategy by Big Tobacco was so successful that a range of other big industries began pursuing state preemption laws as well. Grassroots public health movements often suffer the most, as these laws essentially extinguish the motivation to organize and take action locally.

Please see: [State Preemption Map](#) | [Deaths After Preemption](#) | [Fighting Preemption Laws](#)

## Q: Why not just enforce the laws we already have?

Most cities have laws that take effect after a person has been bitten or attacked, in some instances, only after a second person has been bitten or attacked. In these jurisdictions, a pit bull

<sup>26</sup> "Bitten and Torn by a Bulldog -- The Painful Experience of an Eight-Year Old Girl," *The San Francisco Call*, April 15, 1897 (Library of Congress. Accessed January 5, 2014: <http://chroniclingamerica.loc.gov/lccn/sn85066387/1897-04-15/ed-1/seq-7/>)

<sup>27</sup> This is correct as of October 13, 2018.

<sup>28</sup> The Tobacco Industry on Why it Needs Preemption, by Americans for Nonsmoker's Rights, 2005. The group collected a series of statements from Big Tobacco during the 80s and 90s about this issue, one of the most famous is from Philip Morris, "While we're not married to any particular form of preemption language, we're dead serious about achieving preemption in all 50 states." - *Tina Walls, Philip Morris internal document, Bates No.: 2041183751/3790, 1994* (Accessed: April 10, 2015: <http://www.no-smoke.org/pdf/tiwhypreemption.pdf>)

can maul two separate victims, leaving each with severe injury before any substantial penalties are triggered. Such antiquated state and local laws were designed to address "common" dog bites that result in minor injuries, not a pit bull mauling that often results in life-altering damage.

Most current state and local dog attack laws also fail to sufficiently criminally penalize a dog owner after a severe attack. Cases abound where the owner of a dog is given a minor "infraction" for failure to leash his pet or failure to vaccinate his dog after a victim is airlifted to a Level I or Level II trauma center. The phrase, "just enforce the laws we have" is deceitful given how paltry many existing laws are, not to mention how few states have a meaningful felony dog attack statute.

The grandfather of a 5-year-old boy killed by a dog Monday night said the dog's owner got off too light, after being cited for two ordinance violations.

"That's all you get? My grandson's gone forever, and all you get is two tickets? Yeah, I have a problem with that," James Nevils said of the mauling death of his grandson, James Nevils III.<sup>29</sup>—*James Nevils Sr., CBS Chicago, May 27, 2015*

The solution is not to enforce the inadequate laws we already have, often further hindered by existing legal systems that offer insufficient routes to civil and criminal recourse. The solution is to create preventative laws that greatly reduce the risk of dangerous dog breeds, primarily pit bulls, from ever inflicting a first attack. This radically reduces grave injuries and the need for victims to endure both deficient legal processes. These are the two primary goals of breed-specific laws.

Breed-specific legislation recognizes the cost and severity of victims' injuries and the difficulties of receiving compensation after a serious attack. Many owners of dangerous breeds do not have sufficient insurance policies or any coverage at all. Proactive breed-specific laws require owners of these breeds to carry liability insurance in the baseline amount of \$100,000 or the recommended amount of \$300,000. So if an attack does occur, the victim at least has a clear path to recourse.

### **Q: I own a German shepherd; will my dog be regulated next?**

Pit bull owners, kennel clubs, humane and veterinarian groups often use scare tactics in their fight against breed-specific laws, of which 100% are targeted at pit bulls, distantly followed by the second top killer in the U.S., rottweilers, at 7%. They claim if pit bulls are banned, "your breed will be next." Former Lucas County, Ohio Dog Warden Tom Skeldon was the leading authority of pit bull regulations during his tenure (1987-2009). In a 2005 article, he highlights this scare tactic:<sup>30</sup>

"Some humane groups have been manipulated by these pit bull factions to where they fight breed-specific legislation using scare tactics like 'your breed will be next.' And for 13 years, their breed hasn't been next."—*Tom Skeldon, The Blade, February 21, 2005*

---

<sup>29</sup> Dog Owner Cited After Boy Mauling To Death; Victim's Grandfather 'Not Happy At All', by CBS Chicago, May 27, 2015 (Accessed: August 22, 2015: <http://chicago.cbslocal.com/2015/05/27/dog-owner-cited-after-attack-killed-5-year-old-boy/>) (Archived by WebCite® at <http://www.webcitation.org/6aynGa3ri>)

<sup>30</sup> Bulldog Approach to Warden's Job Makes Skeldon a Favorite Target, by Dale Emch, *The Blade*, February 21, 2005 (Accessed: August 22, 2015: <http://www.toledoblade.com/frontpage/2005/02/21/Bulldog-approach-to-warden-s-job-makes-Skeldon-a-favorite-target.html>) (Archived by WebCite® at <http://www.webcitation.org/6aynLoiup>).

Communities that enact breed-specific legislation usually do because a single class of dogs -- pit bulls -- constitutes a small percent of the registered dog population but inflicts a disproportionate number of bites. This is further compounded by the fact that many pit bull bites result in severe injury. The rational basis for regulating pit bulls, as opposed to virtually all other breeds, is that selective breeding produced a dog with a [bite style and attack traits](#) unlike any other dog breed.

### **About Us**

DogsBite.org is a national dog bite victims' group dedicated to reducing serious dog attacks. Through our work, we hope to protect both people and pets from future attacks. Our website, [www.dogsbite.org](http://www.dogsbite.org), was launched in October 2007 and contains a wide collection of data to help policymakers and citizens learn about dangerous dogs. Our research focuses on pit bull type dogs. Due to selective breeding practices that emphasize aggression and tenacity, this class of dogs negatively impacts communities the most. Our website hosts important dog bite studies, U.S. dog bite fatalities and other key bibliographies. In the Legislating Dogs portion of our site, we offer examples of breed-specific laws (state-by-state) and documentation of the constitutionality of these laws. The Victim Realities section provides a glance into the unforgettable stories victims leave behind and much more. DogsBite.org operates out of Austin, Texas.



**DogsBite.org**  
P.O. Box 12443  
Austin, TX 78711  
**[www.dogsbite.org](http://www.dogsbite.org)**  
[info@dogsbite.org](mailto:info@dogsbite.org)