



# BSL INFORMATIONAL PACKET

BSL stands for Breed Specific Legislation. Any legislation that is directed at a dog solely based on breed is considered BSL. Breed-specific legislation (BSL) comes in many forms, from extra insurance policies and special licenses, to outright bans of particular breeds.

**BSL is coming to Minnesota this 2008 legislative session.**

This packet of information has been carefully prepared for you, the concerned citizen, business, or organization, to help you learn more about and understand BSL.

Some of the questions we hope to answer with this packet are:

1. What is BSL?
2. How could BSL affect me?
3. Why should I care?

Ultimately, we would like you to take this information and come to your own informed conclusion as to why BSL is not the answer to the dilemma of dealing with dangerous dogs.

For full, electronic versions of sources cited in this packet, please visit our website or email: [bsl\\_info\\_mn@yahoo.com](mailto:bsl_info_mn@yahoo.com)

*Prepared for you by the volunteers of A Rotta Love Plus ([www.arottalove.org](http://www.arottalove.org)), the Taskforce of concerned citizens, and those involved in various other humane organizations.*

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## WHAT IS BSL?

Any legislation that is directed at a dog solely based on breed is considered BSL. Breed-specific legislation (BSL) comes in many forms, from extra insurance policies and special licenses, to outright bans of particular breeds.

The United States is unique in that animal control laws vary dramatically from city to city and state to state. Every local municipality is responsible for their own dangerous dog laws. Minnesota currently has a state law that prohibits local municipalities from enacting breed specific laws or ordinances. However, numerous areas in the United States have enacted or begun to enact BSL laws that affect a number of breeds.

The introduction of BSL tends to surface as the result of highly publicized dog attacks and is a societal pacifier used to curb citizen's anxiety with regard to dog attacks. When certain breeds appear in the media more often than others, it instills the idea that those breeds in particular are the only perpetrators. This logic leads people to believe that eliminating the breeds will eliminate the incidences of dog attacks.

It is important to remember that the media is very selective about what they report. They know how to attract people to headlines. Often dog attack articles are subsequently corrected because breeds were misidentified and the circumstances reported inaccurately. When the media creates pseudo-crime waves of dog attacks by their reporting, people become worried and turn to their legislators.

Legislators must react to their constituents concerns and often turn to banning breeds because it is an easy way to calm people down and put their minds at ease. However, easing people's emotional anxiety and solving the problem of dangerous dogs are two totally different issues independent of the other.

There are conflicting arguments regarding the role of breed and a dog's tendency to bite. The American Veterinary Medical Association Task Force on Canine Aggression and Human-Canine Interactions cautions that "singling out 1 or 2 breeds for control can result in a false sense of accomplishment" and "ignores the true scope of the problem and will not result in a responsible approach to protecting a community's citizens."



## ***History of BSL in Minnesota***

BSL does not have a noble history in Minnesota.

In fact, the most notable attempt by a Minnesota city to pass an ordinance requiring pit bulls to wear muzzles and short leashes out in public in 1988 was defeated as unconstitutional in a Hennepin County District court. Attorney Marshall Tanick argued successfully that the Minneapolis ordinance was unenforceable, in part because it is impossible to identify a pit bull with any accuracy. Minneapolis animal control officers agreed and testified against the ordinance.

The next year, Minnesota outlawed local BSL completely. Minn. Stat. 347.51, Subd. 8, reads:

“A statutory or home rule charter city, or a county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.”

The Minnesota Senate, in particular Senator Charlie Berg from District 13, who wrote the changes to 347.51 in 1989, did not indicate why Subd. 8 was added to the rest of 347.51 in the legislative history.

Possibly the Senate’s motivation for this statute was twofold: first, it might have been designed to prevent BSL generally and, second, it might also have been designed to prevent local BSL in particular. These are two separate arguments. Preventing BSL generally is overwhelmingly justified by the arguments elsewhere in these materials: just as persuasive then as they are now.

In terms of preventing local BSL, the Legislature was clearly attempting to maintain some control over local ordinances and they drew the line at those specific to particular breeds. There are many good reasons for this, not the least of which is preventing huge numbers of local challenges to these laws from being litigated at huge costs to local governments. There was also the potential for great confusion among Minnesotans as to where they were and were not allowed to live with their pets. That leads to the question of enforceability: for example, is someone to be penalized because they did not intentionally become part of a community who banned their pet, but rather, simply could not keep the local ordinances straight? The prospect of local BSL is highly arbitrary in that light. On one side of France Avenue, it might be illegal to live with a banned pet, but across the street it might be perfectly okay. Additionally, allowing localities to determine on their own which pets may be banned means that a far smaller number of people end up deciding the issue than if it’s decided at the state level by everyone’s representatives.



## **HOW DOES BSL AFFECT ME?**

While BSL would appear to initially only affect those who own and have registered banned breeds of dog, it does affect everyone in society.

Animal control programs tend to be under funded and without a disposable income. Lack of funding makes it difficult for these agencies to enforce the animal control laws already in existence.

BSL requires a lot of time and effort to track down banned dogs. More time and effort requires more dollars, which affects all taxpayers. There are initial and ongoing costs to consider including the hiring and paying of additional animal control officers to locate and confiscate dogs, house and euthanize dogs, and dispose of dog carcasses and to fight litigation from affected breed owners.

Breed banning never ends once it starts. Since dogs tend to be a product of their environment they will be as aggressive as their owners allow them to be. The same bad owners will always have dangerous dogs regardless of their dog's breed. Today's "dangerous" breed will just continue to shift to new breeds and the cycle will not end until all dogs are banned.

Moreover, even if one breed is banned, owners who desire vicious dogs can circumvent the law by breeding and/or training a new "vicious breed". For example, after Diane Whipple's death by 2 Presa Canarios, a number of Presa Canario breeders received calls from potential owners wanting "that dog that would kill." As dog-bite law expert and attorney Kenneth Phillips states, "Any dog - literally any dog - can be a bad dog if the owner is a bad owner or the breeder is a bad breeder."

## BREEDS BANNED IN THE US

Dogs currently affected by BSL in the United States

*List is specifically named in ordinances*

1. American Pit Bull Terrier
2. American Staffordshire Terrier
3. Staffordshire Bull Terrier
4. Bull Terrier (Monticello, Centerville, Alburnett & Hiawatha IA) (Grandview, MO) (N Little Rock, AR) (KY & Auburn, WA) (Lincoln, North Dakota) (North Chicago, IL) (Edenton, NC) (Albany, MO) (Lafayette, IN) (Martins Ferry, OH) (Ecorse, MI)
5. Akita (Ulyssas, KS) (Auburn, WA)
6. Alaskan Malamutes (Fairfield, IA)
7. American Bull Dog (North Little Rock, AR) (Aurora CO.)(Akron OH)
8. Belgian Malinois (Fairfield, IA)
9. Boerboels (Fairfield, IA)
10. Cane Corso (Aurora CO)(Auburn, WA)
11. Chow Chow (Travelers Rest, SC), (Newport, RI) (Lynnville, TN)
12. Doberman Pincher (Fairfield, IA) (Sisston, SD), (Westfield, IL), (Travelers Rest, SC) (Lynnville, TN) (Buffalo Center, IA)
13. Dogo Argentino (Aurora CO)(Auburn, WA)
14. English Mastiffs, (Yale, IA)
15. Fila Brasileiro (also known as the Fila, Brazilian Mastiff) (Aurora CO)
16. German Shepard (Fairfield, IA) (Lynnville, TN)
17. Great Danes (Fairfield, IA)
18. Irish Wolf Hounds (Fairfield, IA)
19. Mastiffs (Fairfield, IA)
20. Malamutes (Fairfield, IA)
21. Presa Mallorquin (also known as the Ca De Bou) (Aurora, CO)
22. Presa Canario (Lanett, AL) (Aurora CO)(Auburn, WA)
23. Rottweiler (North Little Rock AR) (Buffalo Grove, IL) (Fairfield, Conrad, Lake Mills & Lockridge IA) (Walkerton, IN) (Inman, KS) (Carl Junction & Salisbury MO) (Binghamton, NY) (Velva, ND)(Pawtucket, RI) (Travelers Rest, SC)(Lynnville, TN)(Smithville, UT)(Neah Bay, WA) (Buffalo Center, IA) (Albany, MO) (Lafayette, IN)
24. Scottish Deerhounds (Fairfield, IA)
25. Shar Pei's (Smithfield, UT)
26. Siberian Huskies (Fairfield, IA)
27. Tosa Inu (Aurora CO) (Auburn, WA)
28. Wolf-Hybrid (Huntington)



## **WHY ARE SOME DOGS TARGETED MORE THAN OTHERS?**

The breeds most frequently targeted by BSL are breeds perceived as dangerous by society at a particular point in time. Breeds targeted as 'dangerous' tend to be those that have been spotlighted through a series of highly publicized and sensationalized attacks.

While all breeds are capable of attacking and causing damage, certain breeds are simply larger and stronger. There is no genetic proof that certain breeds are inherently more aggressive than others.

The Center for Disease Control conducted a study using data available from 1979 thru 1998 to try and determine which breeds caused the most fatalities. While attacks by certain breeds had more fatalities, the report concluded that breed was not the cause of attacks. Owners were the ultimate cause. More on the CDC study can be found in later in this packet.

The hysteria generated by media coverage of various attacks is often all people know about a particular breed of dog. It is easy for people to form misconceptions about breeds based on media sound bytes and fragmented videos. It is not surprising, considering how dog bites are reported, that people become afraid of certain breeds and want to see them banned.

## **MEDIA BIAS: THE PIT BULL PAPARAZZI**

A study by the National Canine Research Council reveals biased reporting by the media, its devastating consequences for dogs and the toll it takes on public safety.

Consider how the media reported four incidents that happened between August 18th and August 21st:

*August 18, 2007*

A Labrador mix attacked a 70-year-old man sending him to the hospital in critical condition. Police officers arrived at the scene and the dog was shot after charging the officers. This incident was reported in one article and only in the local paper.

*August 19, 2007*

A 16-month old child received fatal head and neck injuries after being attacked by a mixed breed dog. This attack was reported two times by the local paper only.

*August 20, 2007*

A 6-year-old boy was hospitalized after having his ear torn off and receiving severe bites to the head by a medium-sized mixed breed dog. This attack was reported in one article and only in the local paper.

August 21, 2007

A 59-year-old woman was attacked in her home by two Pit bulls and was hospitalized with severe injuries. **This attack was reported in over two hundred and thirty articles in national and international newspapers, as well as major television news networks, including CNN, MSNBC and FOX.**

"Clearly a fatal dog attack by an unremarkable breed is not as newsworthy as a non-fatal attack by a pit bull" says Karen Delise, researcher for the National Canine Research Council.

People routinely cite media coverage as "proof" that pit bulls are more dangerous than other dogs. Costly and ineffective public policy decisions are being made on the basis of such "proof". While this biased reporting is not only lethal to an entire population of dogs; sensationalized media coverage endangers the public by misleading them about the real factors in canine aggression.

*(Animal Farm Foundation & National Canine Research Council)*

## DOG BREED POPULATION VS. BITE FREQUENCY

Breed	No. of Fatal Attacks	Number Registered	Percentage
Chow Chow	12	240,000	.705%
German Shepherd	67	800,000	.008375%
Rottweiler	70	960,000	.00729%
Great Dane	18	128,000	.01416%
Doberman	14	114,000	.012288%
St. Bernard	10	72,000	.0139%
American Pit Bull	60	5,000,000	.0012%

*Statistics of registered breeds taken from AKC, A.D.B.A and UKC and number of fatal attacks data is from the CDC study.*



## **I DON'T HAVE A DOG ON THE LIST...WHY SHOULD I CARE?**

The list of banned breeds we have cited is long, 28 breeds. Banning breeds is a downward spiral. As the breeds of dogs people perceive as dangerous changes the list of banned breeds will need to change. The list will grow. It's a vicious cycle that will ultimately affect more and more breeds.

Just because your breed isn't currently listed, it doesn't mean it won't be. Allowing the banning of breeds is risky in and of itself for all dog owners.

## **I HEAR PEOPLE TALKING ABOUT PIT BULLS, ROTTWEILERS, CHOWS, AND AKITAS BEING NICE...BUT THEY SEEM SCARY TO ME. WHY WOULD ANYONE WANT TO OWN ONE?**

Every breed has its good and bad owners. As a society, we typically don't hear about good, complacent dogs that sit at home and cause no harm. All the banned dogs we have listed are affectionate, loving, and loyal dogs that when treated and cared for properly are great pets.

Everyone has different tastes in dogs, there is a breed for everyone and pit bull types, Rottweilers, Chow Chows, and Akitas are no exception.

## Ruby the Wonder Dog



Every year the Minnesota Veterinary Medical Association (MVMA) honors 3 dogs and accepts them into a hall of fame.

The 3 categories for this honor are:

- A Hero Dog
- A Working Dog
- A Companion Dog

In 2007, Ruby was honored as the Companion Dog based on her work as a pet therapist. Every week she attends 2 nursing homes and in the fall of 2006 she appeared in an on stage production of "Cheaper by the Dozen." Originally she was denied the acting position because of her breed but later called back because the first choice couldn't act.

Ruby's owner, Pat Bettendorf originally took Ruby in for a weekend of foster care but just couldn't let her go. Everyday Ruby goes to work at the WLKX radio station in Forest Lake, MN and is now titled the silent mascot and referred to as the "Narcoleptic Barkless Wonder Dog" within the office.

Ruby is just one of many examples of the wonderful dogs we would lose if we banned specific breeds. Her work as a therapy dog is admirable and priceless and is a huge asset to society.

## Wallace the Pit Bull



*Wallace at the 2007 Purina Incredible Dog Challenge Freestyle Flying Disc Competition*

Wallace is a rescued American Pit Bull Terrier. He was found as a stray and turned into the humane society. Wallace has a very high working drive so it was no surprise that he did not do well in the kennel environment. As typical of most Pit Bulls in shelters, he was chosen for euthanasia.

Roo and Clara Yori were able to rescue Wallace before he was put down. Negative comments kept on flowing even after they had pulled him out of the shelter. But just 9 months after bringing him home, Roo and Wallace qualified for the 2005 Skyhoundz World Finals in pair's freestyle and began to change the minds of the skeptical people who once thought Wallace wasn't worth it. Since then, Wallace has been in multiple magazines, newspapers, multiple TV news segments, and was flown out for a chance to be on *The Late Show with David Letterman*. Unfortunately, the segment was actually cut completely due to timing issues and no pet tricks were aired that evening.

Wallace travels the country and is a great ambassador for his breed and is constantly changing the minds of people who were once afraid of pit bulls. Roo and Clara were able to maximize his potential

Some other title's Wallace holds:

- He placed 2nd in Pairs Freestyle in the Skyhoundz World Finals in 2006
- He finished 7th in the 2006 UFO World Cup Series.
- He finished 4th in the 2006 Ashley Whippet Invitational World Championships
- 1st in the Flying Disc Dog Open 2006 Western Leg Pro Division
- The AWI and FDDO finishes combined at the Cynosport World Games crowned Wallace the 2006 Cynosport Flying Disc World Champion.

## AMERICAN TEMPERAMENT TESTING SOCIETY STATISTICS

The American Temperament Test Society, Inc. (ATTS) is a national not-for-profit organization (registered in the state of Missouri). The society works for the promotion of uniform temperament evaluation of purebred and spayed/neutered mixed-breed dogs.

ATTS was established to:

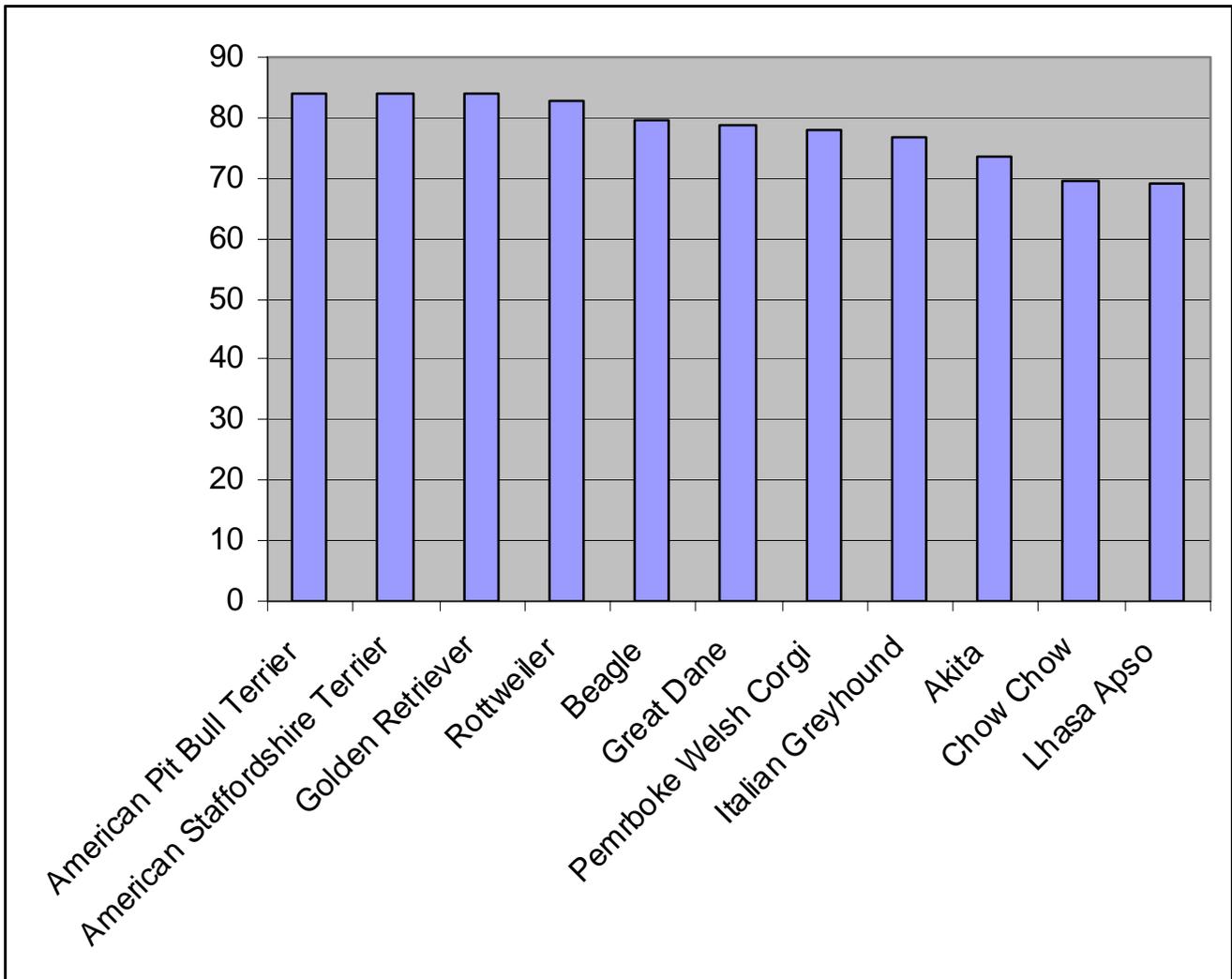
- Provide for a uniform national program of temperament testing of purebred and spayed/neutered mixed-breed dogs.
- Conduct seminars to disseminate information to dog owners, dog breeders and evaluators (testers) concerning dog psychology, motivation, reaction and other aspects of temperament testing.
- Recognize and award certificates to dogs that pass the requirements of the temperament evaluation.
- Work for the betterment of all breeds of dogs.
- Select, train, prepare and register temperament evaluators.
- The ATTS test focuses on and measures different aspects of temperament such as stability, shyness, aggressiveness, and friendliness as well as the dog's instinct for protectiveness towards its handler and/or self-preservation in the face of a threat. The test is designed for the betterment of all breeds of dogs and takes into consideration each breed's inherent tendencies.
- The test simulates a casual walk through the park or neighborhood where everyday life situations are encountered. During this walk, the dog experiences visual, auditory and tactile stimuli. Neutral, friendly and threatening situations are encountered, calling into play the dog's ability to distinguish between non-threatening situations and those calling for watchful and protective reactions.

Failure on any part of the test is recognized when a dog shows:

- Unprovoked aggression
- Panic without recovery
- Strong avoidance

(This information was taken directly from the organization's website. More info on the temperament tests can be found at [www.atts.org](http://www.atts.org))

*This graph highlights the temperament scoring of breeds being targeted to ban, as well as some other common breeds. Percentiles reflect the consistency in which each breed was able to pass the test.*





## CENTER FOR DISEASE CONTROL DOG BITE RESEARCH

One of the primary sources of information quoted to justify breed banning is a CDC report titled *Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998* published initially in 2000.

The Center for Disease Control conducted a 20 year study citing breeds of dogs involved in fatal attacks on humans to assess policy implications regarding those breeds and breed specific legislation. From 1981-1992 about 1/3 of fatal attacks were by pit-bull types of dogs and from 1993-1996 Rottweilers were responsible for about 1/2 of fatal attacks.

*It is important to note that fatal dog bites account for only .00001% of the total dog bites each year.*

The CDC report illustrates more than anything that dangerous dog trends change (breed is incidental and subject to popularity and fad) through time.

Yet the aforementioned CDC data is being used at present in Minnesota because the statistics from those time periods appears to validate the argument for banning particular breeds of dogs.

While many people choose to focus on the numbers and breeds represented in that study, they fail to mention that ultimately the conclusion of the study was:

“Although fatal attacks on humans appear to be a breed-specific problem (pit bull-type dogs and Rottweilers) other breeds may bite and cause fatalities at higher rates.

Because of difficulties inherent in determining a dog's breed with certainty, enforcement of breed-specific ordinances raises constitutional and practical issues.

Fatal attacks represent a small proportion of dog bite injuries to humans and, therefore, should not be the primary factor driving public policy concerning dangerous dogs. Many practical alternatives to breed-specific ordinances exist and hold promise for prevention of dog bites.”

In fact, the vast majority of the CDC report discusses why breed specific legislation is **NOT** the proper avenue for addressing dog attacks. The authors of the report have personally gone on record to state that the report is INACCURATE and should NOT be used to justify BSL.

"It is frustrating for me personally," Golab says, "because people who want to enact breed-specific legislation keep using that paper to try and make a case against pit bulls. But all we did was match breeds with fatalities over a 20-year period. And the numbers show that the breed that goes to the top changes over time, which suggests that something other than breed is responsible for the fatalities.



But people try to use just the last few years in the table, which shows pit bulls and Rottweilers on top. **The whole point of our summary was to explain why you can't do that. But the media and the people who want to support their case just don't look at that.**"

The CDC's Gilchrist argues "the breeds involved are going to vary. The more encompassing way is to deal with dangerous dogs so that every dog and every owner is covered all the time"

The CDC recommends that improvements in surveillance for fatal and nonfatal dog bites are necessary to target and evaluate prevention efforts.

They recommend that dog bites should be reported as required by local or state ordinances but that the reports should include information about:

1. Circumstances of the bite
2. Ownership
3. Breed
4. Sex
5. Reproductive status of the dog
6. History of prior aggression
7. And the nature of restraint prior to the bite incident.

Tracking such factors will help pinpoint where the problem lies within society and dog ownership. Areas, such as stricter leash laws or stricter spay and neuter programs, can then be addressed.

The Chicago Tribune estimated that there are 4.8 million pit bulls living in the United States making them one of the most common breeds (the CDC estimates there are 68 million dogs total)...**7% of the dog population.**



## **POSITION STATEMENTS REGARDING BSL**

### ***Minnesota Animal Control Association:***

MACA has for many years been and continues to be opposed to BSL. We are drafting a position statement in the event Rep. Lesch introduces legislation.

### ***American Veterinary Medical Association:***

The AVMA supports dangerous animal legislation by state, county, or municipal governments provided that the legislation does not refer to specific breeds or classes of animals. Legislation should be directed at fostering safety and protection of the general public from animals classified as dangerous

### ***Center for Disease Control:***

Breed specific approaches to the control of dog bites do not address the issue that many breeds are involved in the problem and that most of the factors contributing to dog bites are related to the level of responsibility exercised by dog owners. Furthermore, tethered dogs are more likely to bite than un-tethered dogs.

### ***Journal of the American Veterinary Medical Association:***

Because of the difficulties inherent in determining a dog's breed with certainty, enforcement of breed specific ordinances raises constitutional and practical issues. Many practical alternatives to breed specific ordinances exist and hold promise for prevention of dog bites.

### ***American Kennel Club (AKC):***

Opposes breed specific legislation for these reasons:

- Breed specific laws are not the best way to protect communities. An owner intent on using his/her dogs for malicious purposes will simply be able to switch to another type of dog and continue to jeopardize public safety.
- Breed specific laws are hard to enforce.
- Breed specific laws are unfair to responsible owners.
- Breed specific laws increase costs for the community



***The Humane Society of the United States:***

The HSUS opposes legislation aimed at eradicating or strictly regulating dogs based solely on their breed for a number of reasons. Breed specific legislation is a common first approach that many communities take. Thankfully, once research is conducted most community leaders correctly realize that BSL won't solve the problems they face with dangerous dogs.

***Heather Day, Jon Roesler, and Mark Kinde are epidemiologists with the Minnesota Department of Health's Injury and Violence Prevention Unit.***

We found little information about the dogs in medical records (dog breed was unknown or undocumented in nearly 60% of cases, and previous bite history was unknown for 73% of dogs). In most instances (75%), the victim was familiar with the dog(s) involved. The dog bites most often occurred in the home (48%) and yard (18%).

## WHY BREED SPECIFIC LEGISLATION IS NOT THE ANSWER

There are several reasons why BSL is not the answer to keeping the public safe.

- Breed Identification Difficulties
- Enforcing BSL is a strain on already limited Animal Control resources and funds
- BSL does not address the actual causes of dog attacks

### ***Breed Identification***

Clear identification of a dog's genetic heritage is next to impossible. To "overcome" this problem, BSL laws are frequently written with vague language such as "and any dog that is a mix or shows the characteristic of the banned breed". Determining the combination of breeds in any mixed breed dog will give advocates and experts alike a run for their money.

Let's look at the common and ubiquitous term "Pit Bull".

This is NOT a breed of dog, but a term usually meant to encompass three breeds of dog: American Pit Bull Terrier, American Staffordshire Terrier, and Staffordshire Bull Terrier. Frequently included in the group by appearance are the American Bully, and the American Bulldog.

"To further the injustice, in many cases the dog's owner is responsible for proving that their dog is *not* a member of the proscribed breed, a task that is usually as difficult as proving it *is* a certain breed.

This is a clear cut case of "guilty before proven innocent" - a very *un-American* philosophy.

Breed misidentification leads to expensive, time-consuming lawsuits against the government, something that costs taxpayers a lot of money. The animal control departments I spoke to recently identify these lawsuits as one of the worst consequences of BSL - their precious time and money wasted defending laws that almost nobody in the animal control industry likes." ([www.stopbsl.com](http://www.stopbsl.com)).

Try it yourself...which of these dogs is the “Pit Bull”



*Answer: None of them – all are pure bred dogs of various other breeds*



## ***Enforcement Costs of BSL***

Cities have repealed BSL laws based solely on the additional costs of enforcement. Some direct costs include:

- Additional animal control staff
- Kenneling dogs waiting for breed determination
- Veterinary costs for kenneled dogs
- Legal expenses incurred by the city, such as attorneys' fees and court costs, to defend the law against constitutionality challenges and owner lawsuits regarding breed misidentification.

Some indirect costs include:

- Estimated financial loss for local pet-related businesses (metro-area):
  - Vet care: \$5,036,832.00
  - Food/Misc: \$5,246,700.00
- Loss of yearly licensing fees = \$41,141 (calculated using the number of registered dogs of targeted breeds in 2007 in just Mpls./St. Paul)
- Loss of city revenue if the ban affects dog shows or exhibits.
- Amount of residents opting to move outside city limits.

*Examples: (Provided by [www.understand-a-bull.com](http://www.understand-a-bull.com))*

In 2001, Baltimore, Maryland projected it would cost over 750,000 dollars a year to attempt to enforce legislation directed at specific breeds and voted against breed specific legislation.

In Saginaw Michigan, a breed ban was repealed several years ago because of the cost of impounding dogs and the legal cost to the city for its defense against dog owners who filed civil action.

In Prince George County, Maryland, a study on their BSL law revealed not only was the ban not lowering the incidence of dog bites, the cost of the ban was much more than anticipated. It was found that to maintain a single pit bull throughout the entire determination and appeals process was approximately \$68,000.00.

## CAUSES OF DOGS ATTACKS

“Singling out 1 or 2 breeds for control can result in a false sense of accomplishment. Doing so ignores the true scope of the problem and will not result in a responsible approach to protecting a community’s citizens” (AVMA – A community approach to dog bite prevention)

### **From the National Canine Research Foundation:**

Over the past 43 years (1965-2007) there have been roughly 615 fatal dog attacks in the United States. Often times, when the subject of fatal dog attacks is addressed, the breed of dog is viewed as the primary driving force behind these incidents and little recognition is given to other factors that directly contributed to these tragic events.

First, contrary to popular perception, stray dogs are rarely responsible for hospital-treated dog bites, the majority (75%) of victims were bitten by dogs that were known to them.

Investigation into the 615 fatal attacks in the United States from 1965 through 2007 revealed the following circumstances and situations to figure predominantly in fatal dog attacks:

### **Sex of a dog –**

Though not possible to determine the sex of all the dogs involved in fatalities from 1965, a study of the sex of the dogs involved in the last 8 years (2000-2007) reveal that overwhelmingly the dogs involved in fatal attacks are males.

In the fatal attacks during this eight-year period, 92% of these cases involved a male dog(s), (i.e., either a single male dog or a male dog accompanied by other males and/or female dogs).

Only 8% of the fatal attacks from 2000-2007 involved a female dog(s) acting independently of a male dog(s), with the majority of these female dogs either in estrus, pregnant or with puppies.

### **Reproductive status of dog (intact vs. altered)-**

As with the sex of the dog, it was not possible to determine the reproductive status of all the dogs involved in fatal attacks dating back to 1965, but an examination of the dogs involved in fatal attacks from 2000 to 2007, revealed that the overwhelming majority of the dogs involved were unaltered.

During this eight-year period, 93% of the dogs involved in fatal attacks were unaltered (not spayed or neutered).

### **Chained or restrained dogs-**

Statistically, chained and penned dogs pose a greater danger than free roaming dogs; a dog that kept chained or penned inflicts 30% of all fatal attacks.

Dogs that are kept chained/penned may be more protective of their restricted space and their resources (i.e. food/water bowls). Additionally, the natural "fight or flight" response afforded to most animals in stressful situations is denied to a chained dog. Removing the option of flight for

any animal will always increase the chance of a physical encounter (or fight response) to a perceived threat.

### **The family dog vs. Resident dog -**

It needs to be recognized that dogs maintained outside the home (chained dogs, penned dogs, outdoor/ yard dogs) are not family dogs - they are resident dogs.

This distinction is vital in the understanding of canine behavior and aggression. Dogs maintained as resident dogs cannot be expected to exhibit the same level of sociability as dogs afforded the opportunity to have positive interactions with humans on a daily basis.

### **Dogs obtained for protection, guarding, fighting or image enhancement-**

The behavior of a dog is directly influenced by the use or function he/she plays in the life of the owner. Dogs acquired to protect, guard, fight or project an image of danger are often obliged or duty-bound to behave aggressively.

Not surprisingly, a substantial number of fatal dog attacks involved dogs that were either directly encouraged or indirectly permitted to behave aggressively in their function as "guard or status" dogs.

### **Multiple dogs and pack mentality -**

While single dogs are responsible for the majority of fatal attacks, pack mentality does play a role in fatal attacks. Obviously, multiple dogs can inflict injuries quicker and with more severity than a single dog. Also, there are cases where the victim may have been able to fend off or sustain an attack by a single dog, but became overpowered by the number of dogs involved in the attack.

### **Unsupervised children -**

This is arguably the most critical factor in fatal dog attacks on children. There are a number of reasons why unsupervised children are especially vulnerable to a fatal dog attack:

- Dogs are much less likely to attack a child in the presence of an adult, particularly in the presence of the owner.
- In the event that a dog does attack a child in the presence of an adult, the intervention of the adult often prevents the attack from becoming a fatality.
- Children, because of their small size, are usually not able to sustain an attack until help arrives. Many adults survived severe dog attacks simply by virtue of the fact that they were able to sustain and fend the dogs off to some degree until assistance arrived.
- Children often engage in dangerous behavior (approaching too close to a chained dog or trying to hug/kiss an unfamiliar animal) that a supervising adult would have prevented.

- The age group with the second-highest amount of fatalities due to a dog attack is 2-year-old children. Over 88% of these fatalities occurred when the 2-year-old child was left unsupervised with a dog(s) or the child wandered off to the location of the dog.

### **Breed of dog -**

The breed of dog is another factor in fatal dog attacks. While breed may be a factor in attacks, it is not the cause for an attack. While Pit Bulls and Rottweilers have been responsible for a significant amount of fatal attacks in recent years, one cannot conclude that an attack occurred simply as a result of the breed of dog; no more than we can conclude that a fatal attack occurred simply because the dog was an intact male, or chained, or a because a child was left unsupervised with a dog.

### **Irresponsible owners and gross negligence -**

While not every fatal dog attack is the result of an irresponsible owner, clearly the level of care and responsibility of an owner is an important element in permitting dogs to behave aggressively.

The majority of fatal dog attacks were 100% preventable.

The case of a 3-year-old Texas girl wandering over to one of 12 breeding dogs chained in the backyard was 100% preventable.

The fatal mauling of a man climbing over a fence and attempting to burglarize a business with two large guard dogs was the result of a conscious human decision, thus was 100% preventable by simply choosing not to enter the property or engage the dogs.

One of the many problems with statistics dealing with breeds and dog attacks is that there is no distinction made between an attack that was due to an unforeseeable event, or an attack that was due to a highly aggressive dog, or an attack that was due to human behaviors or gross human negligence.

The fatality involving a newborn discarded by his mother in a junk-strewn yard with two Pit Bulls and the fatality in which a Pit bull attacked his owner are counted equally, yet one fatality is the direct result of human behavior while the other fatality can be attributed to canine behavior.

While proponents of breed specific legislation often seem uninterested in recognizing the distinction between dog attacks that can be attributed to canine behavior and those that can be attributed to human behavior, the criminal justice system (police and courts) are frequently recognizing that were it not for the reckless disregard of some dog owners (and/or parents of the victim) these fatalities would not have occurred.



## EVIDENCE OF BSL NOT BEING EFFECTIVE

Denver, CO implemented a pit bull ban in 1989. The last fatal pit bull attack in Denver occurred in 1986. The assistant city attorney, Kory Nelson, has claimed this is proof the ban is working.

Portland, OR, a city of comparable size, also had their last fatal pit bull attack in 1986 and has not had a fatal pit bull attack since.

To further emphasize this point, Dallas TX, a city twice the size of Denver also had their last fatal pit bull attack in 1986, have no breed bans, and have not had an attack since. (National Canine Research Council)

City/State	Population (US Census)	Last Fatal Pit Bull Attack	Ban on Pit Bulls
Denver, CO	554,636	1986	YES
Portland, OR	529,121	1986	NO
Dallas, TX	1,188,580	1986	NO

### Winnipeg Canada:

After Winnipeg banned pit bulls in 1990, pit bull attacks decreased significantly while the number of Rottweiler and German Shepherd attacks surged. (George)

### Miami Dade County, FL

In 1988 Miami-Dade County Florida passed a ban on pit bulls. In 2002 it was estimated that 50,000 pit bulls reside in Miami-Dade County.

### Westbury, NY

Spring of 2003, a Westbury NY court ruled that the city's BSL was unconstitutional and repealed the law.



## HOW CAN YOU HELP FIGHT BSL?

### ***Contact your legislator***

One of the most important things you can do to help defeat this legislation is to contact your legislators and let them know that you do not support it, and that you do not support legislators that do. The other is to let your friends, family, and everyone else know that this type of legislation is being proposed.

### **How to find your State Representative**

Visit <http://www.leg.state.mn.us/leg/districtfinder.asp>

#### ***John Lesch – Bill author***

John Lesch (DFL) 66A  
537 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, Minnesota 55155  
(651) 296-4224  
E-mail: [rep.john.lesch@house.mn](mailto:rep.john.lesch@house.mn)

Legislative Assistant: Sasha Bergman (651) 296-4388

### ***Get involved and Stay informed***

Join up with other concerned citizens and work together doing awareness events, talking to the public, and getting the word out.

To learn more about what A Rotta Love Plus is doing or to join our efforts, please visit:  
[www.arottalove.org/bsl](http://www.arottalove.org/bsl)

### ***Be a responsible owner***

The best defense against these sorts of laws is to be a responsible owner. Show people what responsible dog ownership looks like and make sure your dog is an ambassador of its breed.

## TIPS FOR BSL COMMUNICATION

### Tips for Writing or Talking About BSL

Aurora, Colorado City Council member Bob Fitzgerald explained the need for a citywide pit bull ban thus: "We don't want 'those people' here." Owners of certain breeds of dogs - especially pit bulls and Rottweilers - suffer from strong stereotyping that can make it difficult for them to be heard or treated seriously, especially when it comes to talking about BSL. Government representatives typically believe that owners of certain breeds are drug dealers, criminals, young punks, poverty-stricken, or otherwise marginalized and "dangerous". And many owners of these particular breeds are seen as anti-social, uncaring, thuggish, or violent.

No scientific studies have been done to determine whether the stereotype is in fact the norm, and as is often the case, I suspect the stereotype is pretty far off. (Some informal polls indicate that most pit bulls are in fact owned by middle-age white females of average socio-economic status.)

However, when talking with your representatives about BSL, you must be aware of not only how you are portraying yourself, but also how the representatives already see you. If you are already shoved into the negative category of "anti-social, drug dealing pit bull owner", your representatives are going to discount or abuse every single thing you say. You can make the situation worse through your own words and behavior, so it's important to tread carefully. Here are some tips regarding how to properly portray yourself and communicate for best results.

1. **Keep it short and to the point.** Legislators really don't read everything they get. It's not humanly possible. Often they just ask their aides to keep a tally of "yays" and "nays". Make sure you state your position clearly and firmly in the first few sentences. Make it simple: "I do not support SB 1111." Then elaborate.
2. **Steer clear of stereotypes.** In politics, appearance is everything. When you talk face-to-face about BSL to politicians and the media, you must also adopt that same philosophy. Hide your tattoos, brush your hair, put on some nice slacks and a dress shirt, stand up straight, and use good grammar. I know it doesn't seem fair that you can't just "be yourself", but the fact is, life isn't fair, and this isn't about you. It's about your rights as a citizen and your responsibilities as a dog owner. If you don't convey an attitude of respectability, you will get two negative results: first, you won't be taken seriously, and second, you will be reinforcing a negative stereotype, thereby making it much harder for all the rest of us.
3. **NEVER speak or write rudely - ALWAYS be respectful and mature.** As the saying goes, "you catch more flies with honey than with vinegar." Or like my mom used to tell me, "If you want to be treated like a grown-up, you need to act like a grown-up." If you want your views to be heard, you need to be patient, open-minded, and mature. If you name-call, swear, threaten, or lash out, you risk losing your audience. Not only that, but



you are reinforcing a negative stereotype ("all pit bull/Rottweiler owners are uneducated and immature"). Denver council members recently expressed interest in a non-breed-specific alternative to their draconian pit bull ban - until they started getting angry hate mail and threats from some pit bull owners. That just confirmed to them that pit bull owners are scary, angry, dangerous individuals; they now defend their BSL with fervor, and hundreds of family dogs have been put to death as a result. Don't let your passion and emotions carry you away when you speak!

4. **If you choose to mention your dog, be very careful what you say.** When you speak out against BSL by arguing "My pit bull is the friendliest dog on the planet and everyone loves him!" that is not helping your case. Your pro-BSL representative believes you own a ticking time bomb. Your protests that your dog "loves everyone" only confirms in their mind that you are in denial - and anything else you may try to say becomes more crazy talk to them. On the other hand, if you speak to the representative as a concerned citizen - not a dog owner - you are more likely to be heard and respected as an equal rather than discounted as a nut job.
5. **Mention your dog only if you have proof** - a title, certificate, award, or other evidence - that your dog is capable of "above average" good deeds and is highly unlikely to be a "ticking time bomb." If you have a therapy dog, a search-and-rescue dog, a hero dog (which received some sort of recognition from a major group), or an obedience-titled dog, you can mention it. If your dog's credentials are average (i.e. Temperament Tested, took some agility classes, lives with a child and hasn't eaten him yet), that's great - but not good enough to get out of the "could snap at any moment" category, so it's probably best to leave him out of it. Yes, you have every right to be proud of your dog, and yes, you should tell people all about your great dog - but not when you're talking to a pro-BSL legislator. They have a tendency to tune out words from pit bull and Rottweiler owners in particular.
6. **Join your representative in worrying about the human victims.** Aurora Councilmember Bob Fitzgerald gives us a wonderful quote regarding his reasons behind supporting a pit bull ban: "The thought of one kid getting hurt is too much for me." If we think further about the context in which Fitzgerald gives this comment, he seems to be implying that he does not care about children who are attacked by dogs other than pit bulls. In fact, some months prior to Fitzgerald's insensitive comment, in a city very close to Aurora, a young girl was killed by two Alaskan Malamutes. This child's needless death was apparently not "too much" for Fitzgerald, since he shows no interest in banning Alaskan Malamutes. This sort of exclusionary thinking is pervasive among legislators who support BSL. They are so focused on the victims of attacks committed by certain breeds of dogs that they tend to overlook victims who were attacked by less "controversial" breeds. In effect, they are minimizing the danger posed by non-targeted breeds, the fear suffered by individuals who live near a dangerous dog



of a non-targeted breed, and the pain inflicted on victims of attacks committed by a non-targeted breed. Ultimately, pointing this out to representatives is helpful; politicians do not want to seem insensitive toward victims, and the only way to treat every dog attack victim equally and fairly is through non-breed-specific legislation, where all victims are entitled to the same justice and retributions regardless of the breed of dog that injured them.

7. **Provide good examples of non-breed-specific legislation that works.** Identify some possible solutions to the problems your community is having with dangerous dogs. Perhaps your animal control department is under funded and understaffed, resulting in paltry enforcement of laws. Maybe your community has a blasé attitude toward leash laws and other dog laws. Perhaps school children are not getting any lessons in dog safety. Try to identify what areas need to be worked on in order to improve public safety and reduce dog bites. Offer model non-breed-specific dangerous dog legislation to replace breed-specific proposals (the AKC and the HSUS can both provide this). Our government representatives need to look like they're doing something - anything - to protect the public against vicious dogs. They automatically default toward BSL because it seems so easy, but if you give them something better, safer, and more effective...
8. **Phone calls, snail mail, and fax are preferable to email.** Email is too fast and too easy - our legislators get emails by the truckload, and even after weeding out the spam, they still have to sift through countless poorly written or incomprehensible emails and rantings. (I know from personal experience that some representatives don't bother checking their email at all.) Sending a letter in the mail, or, if time's a factor, sending a letter via fax, is often the best way to show that you are a concerned, involved citizen who has given a lot of thought and energy to the issue at hand. You can also make a quick phone call to express your opinion if you are able to control your emotions and not let any anger or anxiety leak into your voice or words.



Some of the Information contained within this packet was obtained from the following sources:

Attacking the dog-bite epidemic: Why Breed Specific Legislation Won't Solve the Dangerous-Dog Dilemma by Safia Gray Hussain\*

LexisNexis® Academic: Document

<http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/frame>

The Case against Dog Breed Discrimination by Homeowners' Insurance Companies by Larry Cunningham\*

LexisNexis® Academic: Document

<http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/frame>

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[www.stopbsl.com](http://www.stopbsl.com)

National Canine Research Council

<http://www.nationalcanineresearchcouncil.com/>

CDC Special Report on breeds involved in fatal human attacks in the United States between 1979 and 1998, September 2000