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Dog Aggression and the Pit Bull Terrier

Andrew N. Rowan

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BACKGROUND TO AND ANALYSIS OF PIT BULL TERRIER WORKSHOP

BY

ANDREW N. ROMAN, PH.D.

In June of 1986, Dr. Franklin Loew, Dean of Tufts University School of Veterinary Medicine suggested that the Tufts Center for Animals organize a workshop to explore the facts behind the growing furor over "pit bull terriers". The city of Lynn had passed an ordinance severely restricting such dogs and was being challenged in court. Other communities were also considering ordinances banning or restricting pit bull terriers. It seemed appropriate to explore why politicians were taking such drastic action. Accordingly, we contacted Dr. Randall Lockwood of the Humane Society of the United States who had been studying the pit bull issue (Lockwood and Miller, 1986) as well as several local experts. We asked them to constitute an expert panel on the subject and the workshop was scheduled for the afternoon of July 17, 1986. A small but informed and interested group (30-40 people) was expected to attend. However, events overtook us.

On July 14, a story on pit bull terriers appeared in Newsweek magazine and mentioned, among other things, that Tufts was holding a workshop to determine what was fact and what was fiction. This article brought a barrage of phone calls and letters from judges, attorneys, victims and owners. The media attention increased and it was clear that we would have to hold a separate press conference since we could not have accommodated all those who had told us they were coming plus another twenty to thirty to media in our small conference room.

On July 17, we held our press conference for 30-40 people (including a TV crew from San Francisco) and then went straight into the workshop. The proceedings were interesting and informative. By the end of the afternoon, it was possible to come to some reasonably clear conclusions, even if the data were not as strong as one might have hoped. The list of conclusions appears in Table 1 below and some of the data on which they are based appears in the papers that are included in this volume of the proceedings.

Aftermath of the Workshop

While we recognized that there were still many question marks that remained over the breeding and behavioral tendencies of pit bull terriers, we were pleased with the results of the first workshop. However, in twelve months since that meeting, the pit bull problem has become even more of an issue. The media have had a field day, as exemplified by a report in the U.S. News and World Report (April 20, 1987, page 24) that was headlined, "The most dangerous dog in America". In this article, the pit bull terrier was described as "America's baddest dog". It was placed in a separate league from German Shepherds, Doberman Pinschers and Rottweilers that cannot, according to the report,
"chomp through a chain link fence" like a pit bull. The article was prompted by two pit bull attacks in Jones, Oklahoma and Dayton, Ohio that led to the death of a 16-month old girl and 67-year old retired surgeon. The attack on the surgeon by two dogs lasted for twenty five minutes and was so relentless that nine people could not stop the dogs using a variety of poles, rods and brooms. Since then pit bull terriers have been responsible for several more deaths. A two-and-a-half year old toddler was killed by a pit bull terrier in California and a man in Lawrence, Massachusetts died of a heart attack while being chased by two dogs, one of them a pit bull terrier.

More and more local ordinances have been passed that restrict or ban pit bull terriers and the media maintain the state of hysteria (not entirely without cause) by reporting any pit bull attack but ignoring incidents involving other breeds. Under these circumstances it becomes increasingly difficult to present a calm and reasoned argument. Nevertheless, it is vital that readers have a clear understanding of the facts about pit bull terriers. Readers must know which "facts" are supported by the evidence, which are speculative, and which are clearly in error. Some of the data on pit bull terriers are reported and evaluated below.

Table I: Conclusions reached by the Tufts Center for Animals after the First Workshop on the Pit Bull Terrier Issue, July 17, 1986

1. Although there are several registered pit bull terrier and bull terrier breeds, the conformation and features vary widely both within and between breeds. The experts at the symposium agreed that some of the registered animals pictured on slides were not recognizable as pit bull terriers.

2. The available data did not support the claim that pit bull terrier-type dogs were over-represented among biting animals.

3. If one was bitten by a pit bull terrier, the outcome was likely to be more severe than with other dog bites. For example, of nine recorded U.S. fatalities from dog attacks in the twelve months proceeding the workshop, six were due to pit bull terrier-type dogs.

4. While some of the breed registries are attempting to encourage selection against aggressive behavior, there is also heavy selection pressure for aggression in a large pool of pit bull terrier-type dogs that are used in dog fighting.

5. The most effective public policy approach appears to involve a combination of measures. Steps must be taken to limit breeding for aggression (eg, investigate and prosecute dog fighting more actively), and an effective "vicious dog" ordinance must be put in place.

6. Pit bull terrier dogs can and do make good pets. However, they can also be extremely dangerous. A question mark will continue to hang over these animals until the relevant authorities, owners and breeders take active and vigorous measures to select against aggression when breeding these animals.
Historical Background (see Lockwood and Miller, 1986)

A variety of animals are lumped together under the generic name of "pit bull" or "pit bull terrier". These include the American Staffordshire Terrier (AKC), the American Pit Bull Terrier (UKC), the Staffordshire Bull Terrier (AKC), the Bull Terrier (AKC) and many unregistered dogs that vary considerably in appearance. All of these dogs trace their breeding lines to the bull dogs of the early and mid-nineteenth century. Bulldogs at this time were large, rather slow animals used in bull-baiting and bore no relation to the wrinkled, bow-legged dog now known as a Bulldog. They received prizes for showing "gameness"—namely, persistence in their attacks despite injury and fatigue. When bull-baiting was outlawed in 1835, dog fighting became popular and the bull dog was mixed with a variety of other breeds (such as the fox terrier) to produce smaller and faster animals that fought in pits dug in the ground. The dogs had a variety of names including the Bull-and-Terrier Dog, the Pit Dog and the Pit Bull Terrier.

These dogs came to America at about the time of the Civil War and were used in fights or as guard dogs. The American lines also include Bullmastiff genes. These dogs were first registered by the United Kennel Club (UKC), organized in 1898 specifically to register Pit Bull Terriers that were not recognized by the American Kennel Club (AKC), founded in 1884. The UKC also sought to standardize dog-fighting rules but has since changed and now takes a strong stand against dog fighting. The AKC began to register Staffordshire Terriers in 1934 (Pete of the Our Gang comedies was registered by both the UKC and AKC) and changed the name to American Staffordshire Terrier in 1972. In 1974, the AKC further confused the issue and began to register a smaller breed as the Staffordshire Bull Terrier. As if this were not sufficient, the AKC also registers the Bull Terrier, a dog with an oval, elongated head that is a cross between bull dogs, Old English Terriers and Spanish Pointers. Originally bred as a fighting dog, they have undergone considerable selection for good temperament in this century. The Pit Bull Terriers that are registered by the UKC, by the American Dog Breeders Association, and unregistered pit bull terriers are very variable in appearance and can resemble Boxers, large Pugs or even heavy Greyhounds. The behavior of these and other dogs is analyzed in the paper by Lockwood and Rindy in these proceedings.

Dog Bites, Human Fatalities and the Pit Bull Terrier

Dog bites are a problem wherever people keep dogs. It is the price that humans pay for choosing to share their lives with a social carnivore. However, most of us who have been bitten by dogs suffer little or no lasting damage and the experience does not produce a negative attitude toward dogs (Beck and Jones, 1985). In a study done one county in Pennsylvania, Beck and Jones (1985) found that, while 17.3% of children aged 5-14 were bitten, the actual reported bite rate in the county for this age group was only 0.46%. Thus, less than three percent of actual bites were reported. Of the children who had been
bitten in their lifetime, 38% had received medical attention — an indication of the perceived seriousness of the bites. However, there are relatively few bites that need sutures or hospitalization. According to two surveys in Baltimore, only 6-10% of reported bites required suturing (Berzon and DeHoff, 1974 and DeHoff and Ross, 1981) and very few reported bites (0.78%) are "severe" (Wright, 1985).

The relative importance of the "pit bull terrier" in the dog bite epidemic is a contentious matter. There are two basic issues to be addressed. First, is a pit bull terrier more likely to bite than other dogs? Second, is the severity of a "pit bull terrier" bite likely to be worse than that inflicted by other breeds?

a) Breed Specific Bite Rates

Determining the relative risk (RR = the number of observed bites divided by the number of expected bites) for different breeds with any level of confidence is virtually impossible given the state of the data available. Reported dog bites are not a reliable and representative index of actual dog bites (as shown by the report from Beck and Jones (1985) where bites by strays were more likely to be reported than bites by owned animals). However, data on reported dog bites is much better than the data on the number of animals of any specific breed in the canine population. Apart from the lack of good survey data, people also tend to be rather cavalier in their classification of dogs by breed and are likely for example, to call any large black and tan dog a German Shepherd. However, the poor quality of the data has not stopped people from attempting to draw conclusions about the Relative Risk posed by different breeds. Both Hoffard (1984) and Multani and Clifford (1985) point a finger at "pit bull terriers" as having higher bite rates than other breeds.

Hoffard (1984) cites a paper on human fatalities due to dog attacks by Pinckney and Kennedy (1982). The paper noted that of 73 fatalities, "the bull terrier (pit bull) was responsible for the highest number of deaths" in relation to the small number of dogs registered. In fact, pit bull terriers were responsible for 6 deaths compared to 8 by the Saint Bernard, 9 by the Husky and 16 by the German Shepherd. Using AKC statistics, Pinckney and Kennedy report that there were only 929 registered Bull Terriers compared to 17,537 Saint Bernards, 20,598 Huskies and 74,723 German Shepherds. Multani and Clifford (1985) also cite Pinckney and Kennedy (1982) as well as a study by Wright (1985) that reported that, of sixteen severe dog bites in five South Carolina counties in a three year period, 6 involved pit bull terriers. As a result, Multani and Clifford (1985) conclude that "the total number of dog bites, serious bites and deaths is unproportionately greater for adult, male pit bulls which has led to the conclusion that they are dangerous animals." It must be stressed that the above conclusions drawn from the studies by Pinckney and Kennedy (1982) and Wright (1985) are not necessarily supported by the data.
Brisbin's (1984) analysis of the Pinckney and Kennedy (1982) report points up the basic error. Pinckney and Kennedy used 1976 AKC registration figures (Table 2) but the main pit bull terrier registry has always been the UKC.

Table 2: Fatalities caused by dog attacks (from Pinckney and Kennedy, 1982).

<table>
<thead>
<tr>
<th>Breed</th>
<th>No. Registered AKC - 1976</th>
<th>No. of Fatalities</th>
<th>Fatalities/1000 registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>German Shepherd</td>
<td>74,723</td>
<td>16</td>
<td>0.240</td>
</tr>
<tr>
<td>Husky</td>
<td>20,598</td>
<td>9</td>
<td>0.437</td>
</tr>
<tr>
<td>St. Bernard</td>
<td>17,537</td>
<td>8</td>
<td>0.456</td>
</tr>
<tr>
<td>Bullterrier</td>
<td>929</td>
<td>6</td>
<td>6.458</td>
</tr>
<tr>
<td>Great Dane</td>
<td>19,869</td>
<td>6</td>
<td>0.302</td>
</tr>
<tr>
<td>Malamute</td>
<td>8,324</td>
<td>5</td>
<td>0.600</td>
</tr>
<tr>
<td>Gold. Retriever</td>
<td>27,612</td>
<td>3</td>
<td>0.109</td>
</tr>
</tbody>
</table>

(Note: One death was caused by a Rottweiler, of which there were 1400 registered, giving a fatalities per 1000 figure of 0.714.)

If one adds UKC statistics to Table 2, the number of bull terriers should be increased by approximately 23,500. Since the UKC does not register the other breeds, their numbers would not change. As a result, the relative fatality rate using breed registration as an index of total dog population (which is probably also inappropriate) should be as shown in Table 3. Therefore, using appropriate registration figures, one should conclude that Malamutes, Saint Bernards, Muskies and Great Danes are more dangerous than pit bull terriers. Even though these calculations are an improvement on Pinckney and Kennedy (1982), registration figures are a very poor index of actual dog numbers and are fraught with uncertainty.

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Table 3: Relative Human Fatality Rate from Dog Attack for a Few Selected Breeds

<table>
<thead>
<tr>
<th>Breed</th>
<th>Relative Fatality Rate (Fatalities/1000 dogs registered -AKC and UKC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malamute</td>
<td>0.600</td>
</tr>
<tr>
<td>St. Bernard</td>
<td>0.456</td>
</tr>
<tr>
<td>Husky</td>
<td>0.437</td>
</tr>
<tr>
<td>Great Dane</td>
<td>0.302</td>
</tr>
<tr>
<td>Bull terrier</td>
<td>0.236</td>
</tr>
<tr>
<td>German Shepherd</td>
<td>0.214</td>
</tr>
<tr>
<td>Golden Retriever</td>
<td>0.109</td>
</tr>
</tbody>
</table>

The study by Wright (1985) identified sixteen severe dog bites (all by male dogs) over a three year period (1979-1982) in five South Carolina counties. Of these 16, 6 were attributed to bull terriers or bulldogs, 4 to Saint Bernards or Saint Bernard mixed breeds, 3 to Cocker Spaniels or Cockapoos and one each to a Rottweiler, Husky and Irish Setter. There undoubtedly is a high proportion of bull terriers in this sample, even given the possibility that pit bull terriers are very popular dogs in South Carolina. However, there were signs that four of the six animals had been involved in dog fighting. There is no question that dogs bred for, trained for and used in dog fights are dangerous animals. It is also interesting to note the high proportion of Saint Bernards and Cocker Spaniels in the sample. The dangers associated with Saint Bernards do not appear to be fully appreciated and male Cocker Spaniels are well known (by veterinary personnel, at least) to have been prone to dominance aggression displays and behavior.

Neither Pinckney and Kennedy (1982) nor Wright (1985) provide much help in determining the breed-related Relative Risk of bites. However, two earlier studies attempted to determine these statistics. In 1959, Parrish et al reported a study of 947 bites in a two-month period in Pittsburgh. Working dogs (German Shepherds, Huskies, Great Danes, Saint Bernards, Dobermans, Boxers and Collies) were more likely to bite than any other group. Sporting dogs (setters, pointers, retrievers and spaniels) also had a higher bite rate than expected. Hounds and terriers had a lower bite rate than expected. In Baltimore, Berzon (1978) reported the bite rate statistic for various breeds between 1974 and 1976. Mixed breeds had higher bite rates than expected (32.1% of bites attributed to mixed breeds although they accounted for only 25% of the registered animals). However, German Shepherds had much higher bite rates (45% of total bites compared to 23% of registrations) than expected. Only the Collie, Doberman and Spitz of the...
other breeds accounted for more than 1% of the bites each. The Collie was involved in fewer bites (2.8%) than expected whereas the Doberman and Spitz produced the expected number of bites. Once again, it must be stressed that registration (licensing) figures are not necessarily an accurate reflection of the actual numbers of different breeds of dogs. For example, it is likely that mixed breeds will be under-represented in the licensed population.

A more recent report of dog bite incidence with breed statistics comes from Florida (Miller, 1986). The data includes license registration statistics, numbers of dogs impounded, and the reported bites associated with each breed. Miller does not attempt any sophisticated analysis but does conclude that large dogs roam and bite more than small dogs and that pit bulls are overrepresented in the biting population. Some of the data for the more popular breeds are presented in Table 4. From this table, it appears as though pit bull terriers are over-represented in the biting population. But this assumes that license statistics are an accurate representation of the total dog population. What if pit bull owners had a character trait (such as a dislike of bureaucracy or a frontier-type independence) that make them less likely to license their dogs? That would mean that the license statistics (and most animal control operations are doing well if they have 50-60% of the dogs licensed) would underestimate the total number of pit bull terriers.

If one considers impoundment figures to be a better indication of total number of dogs in the population (but large dogs are over-represented in the shelter population - Nassar et al, 1984), then the chows and pit bull terriers (and perhaps the German Shepherds) are associated with more bites than would be expected while Schnauzers, Poodles, Golden Retrievers, Irish Setters, Collies and Labradors (and perhaps Huskies) are associated with fewer bites than expected. However, impoundment figures may not correlate particularly well with dog bites since stray dogs account for only about 10% of all bites (Beck and Jones, 1985).

There are two other reports on breed-specific bite rates that I was able to find although I do not have details. In 1983, the Cincinnati Health Department reported that 7% of 478 dog bites recorded over a ten month period were attributed to pit bull terriers (Harmer, 1984). A 1980 study in Dade County (Miami, Florida) found that most veterinarians interviewed considered the German Shepherd the breed most prone to attack (Petty, 1980). Without further details of the study methods, however, these results must be regarded as very questionable.

The only thing one can say with certainty about breed specific data on dog bites is that the figures are subject to a number of different interpretations. There is some suggestive evidence that pit bull terriers may be somewhat over-represented but better data are
required to answer this question with any degree of confidence. It must also be noted that bite rate incidences are likely to change with time as the popularity of different breeds (and strains within breeds) changes.

### TABLE 4: Dog License Numbers, Impoundments and Bites by Breed, Pinellas County, Florida (from Miller, 1986)

<table>
<thead>
<tr>
<th>Breed</th>
<th>No. Licensed</th>
<th>% Total</th>
<th>Number Impounded</th>
<th>% Total</th>
<th>Number Bites</th>
<th>% Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boxer</td>
<td>503</td>
<td>1.4</td>
<td>17</td>
<td>1.5</td>
<td>3</td>
<td>1.4</td>
</tr>
<tr>
<td>Chihuahua</td>
<td>1,211</td>
<td>3.3</td>
<td>17</td>
<td>1.5</td>
<td>3</td>
<td>1.4</td>
</tr>
<tr>
<td>Chow &amp; Chow Mix</td>
<td>782</td>
<td>2.1</td>
<td>29</td>
<td>2.6</td>
<td>11</td>
<td>5.1</td>
</tr>
<tr>
<td>Cockerpoo</td>
<td>1,338</td>
<td>3.6</td>
<td>29</td>
<td>2.6</td>
<td>7</td>
<td>3.3</td>
</tr>
<tr>
<td>Cocker Spaniel</td>
<td>2,171</td>
<td>5.8</td>
<td>33</td>
<td>2.9</td>
<td>8</td>
<td>3.7</td>
</tr>
<tr>
<td>Collie &amp; Collie Mix</td>
<td>981</td>
<td>2.6</td>
<td>34</td>
<td>3.0</td>
<td>3</td>
<td>1.4</td>
</tr>
<tr>
<td>Dachshund</td>
<td>2,236</td>
<td>6.0</td>
<td>21</td>
<td>1.9</td>
<td>5</td>
<td>2.3</td>
</tr>
<tr>
<td>Doberman</td>
<td>2,518</td>
<td>6.8</td>
<td>114</td>
<td>10.1</td>
<td>20</td>
<td>9.3</td>
</tr>
<tr>
<td>Golden Retriever</td>
<td>1,392</td>
<td>3.7</td>
<td>36</td>
<td>3.2</td>
<td>3</td>
<td>1.4</td>
</tr>
<tr>
<td>Husky</td>
<td>632</td>
<td>1.7</td>
<td>40</td>
<td>3.5</td>
<td>4</td>
<td>1.9</td>
</tr>
<tr>
<td>Irish Setter</td>
<td>570</td>
<td>1.5</td>
<td>24</td>
<td>2.1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Labrador</td>
<td>1,683</td>
<td>4.5</td>
<td>92</td>
<td>8.1</td>
<td>10</td>
<td>4.7</td>
</tr>
<tr>
<td>Lhasa Apso</td>
<td>1,409</td>
<td>3.8</td>
<td>16</td>
<td>1.4</td>
<td>3</td>
<td>1.4</td>
</tr>
<tr>
<td>Pit Bull &amp; Mix</td>
<td>1,378</td>
<td>3.7</td>
<td>111</td>
<td>9.8</td>
<td>38</td>
<td>17.8</td>
</tr>
<tr>
<td>Poodle</td>
<td>6,138</td>
<td>16.5</td>
<td>78</td>
<td>6.9</td>
<td>5</td>
<td>2.3</td>
</tr>
<tr>
<td>Schnauzer</td>
<td>1,834</td>
<td>4.9</td>
<td>23</td>
<td>2.0</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>Sheltie</td>
<td>972</td>
<td>2.6</td>
<td>10</td>
<td>0.9</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>G. Shepherd &amp; Mix</td>
<td>6,825</td>
<td>18.3</td>
<td>346</td>
<td>30.6</td>
<td>79</td>
<td>36.9</td>
</tr>
<tr>
<td>Shih Tzu</td>
<td>976</td>
<td>2.6</td>
<td>10</td>
<td>4.9</td>
<td>1</td>
<td>0.5</td>
</tr>
<tr>
<td>Terrier</td>
<td>1,622</td>
<td>4.4</td>
<td>55</td>
<td>4.9</td>
<td>11</td>
<td>5.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>37,171</strong></td>
<td><strong>99.8</strong></td>
<td><strong>1,130</strong></td>
<td><strong>100.0</strong></td>
<td><strong>214</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
b) Severity of Bites

The Pinckney and Kennedy (1982) study reported data on 73 fatalities, 51 of which occurred during a five year period ending on April 30, 1980. They did not provide a breakdown of the breeds involved over this period so it is not possible to determine if there were years when some dogs were more prominent than other. However, pit bull terriers represented 7.5% of the dogs involved in the fatal attacks. By contrast, Wright's (1985) data on severe dog bite injuries spanned a three year period ending June 30, 1982 and pit bull terriers represented 37.5% of the total number of dogs involved. For a two-year period ending June 30, 1987, the Humane Society of the U.S. (HSUS) have reports of 22 fatalities attributed to dog attacks. Pit bull terriers were involved in 15 - or 68% - of the attacks (K. Rindy - personal communication, 1987).

While the pit bull terrier population appears to have been rising in recent years - for example the Michigan Humane Society took in 1200 pit bull terriers out of a total of 20,802 dogs in 1986 or 5.8% of the shelter population (E. Liska - personal communication, 1987) - the data reported by Wright (1985) and the HSUS indicate that pit bull terriers are grossly over-represented in the severe or fatal bite cases. As Lockwood and Rindy (1987) comment in these Proceedings, this can be expected from their attack behavior patterns. Human owners have selected for behavior that results in infliction of maximum damage in the shortest possible time. However, it should be noted that the data in Pinckney and Kennedy (1982), Wright (1985) and in the HSUS report also indicates that Saint Bernards, Huskies, any wolf crossbreeds and perhaps German Shepherds should be included in whatever breed-specific action towns and communities take to restrict dangerous dogs.

Thus, we conclude that pit bull terrier attacks are likely to result in more severe wounds than those caused by most other dogs. It also seems obvious that the problem of severe pit bull terrier wounds has worsened in the last ten years. However, the average number of fatalities every year has not changed. From 1975-1980, the average was 10.2 a year. From July, 1985 to June, 1987 the average was 11 per year. The only difference is that fatalities caused by pit bull terriers are now much more common. According to Randall Lockwood (personal communication, 1987), one possible explanation of this is that there are a group of owners from whose ranks most of the killer dogs come and that these irresponsible owners now favor pit bull terriers over whatever breed of dog they favored before.

Biting Strength

A number of newspaper and other articles have described the pit bull terrier as having a bite power of 1800 pounds per square inch or
of double the biting strength of other dogs. I have seen no empirical evidence to support such claims. Also, any figures of bite power given in pounds per square inch are likely to be figments of the imagination since the actual force will depend on the relative sharpness of a dog's teeth. (For example, stiletto heels cause much more damage than flat heels because the wearer's weight is concentrated on one tenth of a square inch as opposed to 3-4 square inches). Brisbin (1984) has examined pit bull anatomy and finds no unique structures that would support the notion that pit bulls can "lock" their jaws nor that their bite is that much stronger than that of other dogs. It is probable that most of the stories about pit bull terrier bite power stem from the dogs' tendency to maintain their grip even in the face of blows and other aversive stimuli.

Gameness and Pain Tolerance

Pit bull terriers have been selected for "gameness" - namely, the willingness to continue to attack despite exhaustion or grievous injuries. It is not clear what the molecular or neurochemical bases of "gameness" might be but it is certainly possible that an increased pain tolerance might be part of the phenomenon. Veterinarians report that certain dogs seem to show less pain and seem to be more stoic than others. Hounds and pit bull terriers are generally regarded as falling into the stoic category. Thus, the Clifford et al (1983) report of some pit bull terriers confiscated from a dog fight stated that "compared with other dogs, the fighting dogs appeared to react less to IV and IM injections and to be less sensitive to pain".

I have been unable to find any references to the comparative pain tolerance of different breeds of dogs, but a recent case study involving a pit bull terrier is interesting and suggestive (Brown et al, 1987). A 7-month old, male bull terrier was brought to the Veterinary Teaching Hospital at the University of Georgia for diagnosis and treatment of its compulsive tail chasing behavior. The dog could not be distracted by auditory, visual or tactile stimuli and seemed unaware of painful stimuli, repeatedly striking its head on the cage walls while tail chasing. A neurological examination including EEG and CSF analysis produced no abnormal signs. Barbiturates and benzodiazepines (anti-anxiety agents) had no apparent effect on the dog's behavior but the animal was very sensitive to morphine. A dose of 1mg/kg of morphine sulfate produced profound sedation that lasted twelve hours. By contrast, a 20 mg dose of naloxone - a substance that antagonizes the action of morphine and other narcotics - produced nearly complete cessation of circling behavior within 20 minutes and the effect lasted for 3 hours. A medication regimen was devised using a long lasting mixed narcotic agonist/antagonist and, 18 months later, the dog was reported to be doing well.

According to the authors, tail chasing behavior has a high prevalence in Bull Terriers. Such behavior also occurred in two close
relatives of the dog mentioned here. The exaggerated response to morphine and apparent lack of pain perception, together with the effectiveness of naloxone treatment, indicates that there might be an increased number, affinity or activity of endorphin (the endogenous opiate) receptor sites. Endorphin receptors are involved in the pain pathways and are responsible for increasing pain tolerance. This case suggests that there may be a hereditary basis for reduced pain sensitivity.

This is slim data on which to draw the conclusion that pit bull terriers are more tolerant of pain but such a conclusion is consistent with the general observation that it is very difficult to interrupt or stop a pit bull terrier during an attack, even with blows and stimuli that would cause pain in other animals.

**Aggression Behavior**

Lurid adjectives have been applied to pit bull terriers as the descendants of vicious Roman "war dogs" or as the descendants of 19th-century fighting and guard animals. However, our understanding of the factors leading to aggression is, to say the least, incomplete. There is evidence that there are genetic factors that control aggressive behavior but upbringing and environment can also play an important role. Most of the controlled studies on aggression have employed rats and mice rather than dogs but it is likely that the principles are the same or very similar in both rodents and canines.

Inbred mouse strains vary considerably in their level of aggressiveness. For example, the DBA strain is nearly always more aggressive than the C57 strain although environmental conditions such as low lighting or crowding modify the relative aggressiveness of the strains (Palmour, 1983). The genetic contribution to aggressive behavior has been particularly well documented by Ciarenello (1979) who found that fighting behavior in the mouse strains under study were controlled by a single gene that appeared to be linked in some way to catecholamine metabolism (catecholamines are an important class of neurotransmitter substances). Palmour (1983) also reports that studies have shown that aggressive behavior can be developed quickly - selective breeding of mice produces strain behavioral differences within only three generations. If this is also true of dogs, it has important implications for the speed with which the behavior of a particular breed can be changed.

The above reports represent only a fraction of the studies on aggressive behavior in animals but they are reported here to illustrate two points:

a) there are genetic controls on aggressive behavior, and
b) aggression can be bred into or out of a population very quickly.

Finally environment also has important effects on behavior. Isolation, lighting and other variables affect the level of aggression in mice and there is ample anecdotal evidence that environmental factors and training can change aggressive behavior in dogs.

Controlling the Problem

The problem of vicious dogs, as exemplified by pit bull terrier attacks, has grown steadily worse during this decade. Since 1980, when the city commission of Hollywood, Florida passed an ordinance requiring special registration for pit bull terriers, communities all across America have made various attempts to ban or restrict these animals. According to Marmer (1984), these ordinances represent a new development in municipal police power legislation because they attempt to classify a single breed (or a few breeds) of dog as inherently dangerous. Their constitutionality has been challenged because the ordinances raise questions about dog owners' fourteenth amendment rights of due process and equal protection. In addition, the ordinances have been challenged on the basis that it is impossible to identify reliably a dog as a pit bull terrier. Animals known as pit bull terriers (and hence classified as such in bite and dog attack reports) come in a variety of shapes and sizes. In 1982, the Everglades Pit Bull Dog Club challenged the Hollywood ordinance on the grounds that it was vague, arbitrary and unfair in violating due process rights. They won their case. In 1987, an ordinance in Lynn, Massachusetts, forbidding the acquisition of pit bull terriers was overturned by a Superior Court Judge but another feature of the ordinance that banned the dogs from roaming the streets was upheld. In other parts of America, specific pit bull terrier ordinances have been unopposed or have survived court challenges.

A less contentious and, I believe, a more effective approach to the problem is to take action against all dangerous or potentially dangerous dogs regardless of the breed. For example, the data available on dog bites and severe injuries from dog bites indicates that, if one is going to develop a breed-specific ordinance, the ordinance should include not only pit bull terriers but also Saint Bernards, Huskies, German Shepherds, Chows (and Akitas?) and perhaps even Cocker Spaniels and Cockerpoos. Ultimately, it does not matter what breed of dog one is talking about, if it is dangerous or potentially dangerous then the community should take appropriate action to minimize the danger.

Two states have passed laws regulating vicious or dangerous dogs - Rhode Island (1985, amended 1986) and Washington (1987). These Proceedings contain an account of the discussion surrounding the Rhode
Island law and its impact. The Washington statute defines:-

a) **a potentially dangerous dog;**

as any dog which, when unprovoked, bites a human or domestic animal on public or private property, which threatens in a menacing manner any human, or which has a known tendency or disposition to attack unprovoked

b) **a dangerous dog;**

as any dog which has been recorded by the authorities as, without provocation inflicting a severe injury on a human being, which has without provocation, killed a domestic animal, and which has previously been found to be potentially dangerous and the dog then attacks a human or domestic animal

c) **a severe injury;**

as any physical injury resulting in broken bones or lacerations requiring multiple sutures or cosmetic surgery

and d) **a proper enclosure for a dangerous dog;**

while on the owners' property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping.

In order to own a "dangerous" dog, the owner must obtain a certificate of registration (not applied to police dogs) from the relevant city or county animal control authority. Such a certificate will only be issued if the owner provides evidence that he or she has a 'proper enclosure' equipped with a suitable warning sign, that he or she has a surety bond of at least $50,000 and that he or she has liability insurance of at least $50,000. If the dangerous dog is outside the proper enclosure it must be muzzled and leashed and under the control of a responsible person. "Potentially dangerous" dogs are to be controlled by whatever local ordinances the community deems to be necessary. Finally, dogs are not to be declared dangerous if the threat or injury was sustained by a person who was committing a trespass, who was intent upon some crime, or who was tormenting or abusing the animal.

The penalties under the statute include confiscation of the dog if the dog is not validly registered or kept in the enclosure. The owner is liable to be guilty of a gross misdemeanor if the dog is outside the proper enclosure and not restrained by the owner. If a dangerous dog of an owner who has a prior conviction under the relevant statute bites any person or animal, the owner is guilty of a class C felony. The owner of any dog that causes severe injury or death to any human shall be guilty of a class C felony.
As can be seen, the Washington statute establishes severe penalties for people who do not adequately control dogs that are likely to bite and cause severe injury. It also provides for the possibility that local communities might wish to restrict dogs that have a proven or suspected tendency to bite. Given the current attitude of most people, it is likely that pit bull terriers of all types would be included in the "potentially dangerous" category.

Conclusion

Many pit bull terrier owners have been dismayed at the wave of public hysteria directed against their animals. One dog for example, was recently fire-bombed by an unknown assailant while it was in its enclosure. Owners respond that all breeds contain animals of varying nature and personality and that properly bred and raised pit bull terriers make sweet-tempered, loyal and protective pets (Lauer, 1984). However, there is no question that worries about the breed have escalated to an unprecedented extent. While Michigan Humane Society shelter took in 1200 pit bull terriers in 1986, their numbers are up 25% so far in 1987 (E. Liska - personal communication, 1987). On the other hand, people who see ownership of a pit bull terrier as conferring a macho status (and the meaner the dog, the higher the status) are actively seeking the dogs. When a rumor spread that an animal shelter run by the MSPCA was holding a pit bull terrier that had been involved in an attack leading to a human fatality, there were six calls to the shelter enquiring about adoption of the dog (C. Luke - personal communication, 1987). Thus, the irony is that one group of owners who are concerned about the issue are turning in their pit bull terriers to be euthanized, while another group of owners who want aggressive dogs are seeking out pit bull terriers. As a result, the problems with pit bull terrier attacks are likely to get worse unless communities become much more serious in their efforts to restrict the ownership of dangerous dogs whatever the breed.

Ultimately, it cannot be stressed enough that the problem is a human one. People must be urged or co-erced into taking appropriate steps to stop keeping aggressive and, hence, dangerous dogs. Loew and Fraser (1977) have argued that it is in the interests of responsible dog owners to impress upon irresponsible owners that they must prevent anti-social behavior by their dogs. In one flippant sense the ideal pet dog would be toothless, sterile, silent and constipated to be suited for life in an urban environment. However, one need not proceed to such an extreme. Selective breeding for more appropriate and docile behavior would go a long way toward addressing one real and pressing public health problem - dog bites. As Loew and Fraser (1984) comment:-

"Applied ethology has established that heredity affects behavior very considerably and that selective breeding in domesticated animals is capable of modulating their behaviour. This basic fact is the ethological long-term answer to many of the problems somewhat unfairly attributed to dogs, now subjected to city life for which man did not breed them, and to society's criticisms."

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References


Palmour, R M (1983) Genetic models for the study of aggressive
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ARE "PIT BULLS" DIFFERENT? AN ANALYSIS OF THE "PIT BULL TERRIER" CONTROVERSY

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One of the most controversial subjects in animal control legislation is the use of breed description automatically to characterize a dog as vicious or in some other way restrict ownership of a breed. Thus far, such breed-specific regulations have been specifically aimed only at "pit bulls", although breed clubs and other organizations of dog owners have expressed fears that such restrictions might be extended to other breeds in the future (Lockwood, 1986). This article will review some of the historical, ethological and epidemiological evidence relevant to the question of whether pit bulls present special animal control problems that would justify unusual legislative action.

From an epidemiological perspective, it is difficult to draw scientifically sound conclusions about the dangers posed by a specific breed. Although many listings of the breeds most likely to bite have appeared in the popular press, accurate breed-specific bite rates are very difficult to compute. Such statistics require good data for both the numerator (number of bites attributed to a particular breed) and the denominator (number of animals of the breed in the total dog population). This necessitates that one have a detailed and accurate reports of all bites, including reliable information about the breed(s) and registration of all animals involved and detailed demographics of the dog population of the community in question.

Several studies have suggested that the bite rate for pit bulls is significantly higher than for other breeds (Pickney and Kennedy, 1982; Multani and Clifford, 1985; Wright, 1985). However, many factors can bias information used to derive breed-specific bite rates. These include:

1. Over-reporting of bites attributed to a particular breed;

2. Difficulty in identifying a particular breed;

3. Under-reporting of the population of a particular breed, including aberrant registration or licensing rates;

4. A tendency to find a specific breed within a population of dog owners who are more likely to maintain their animals in an irresponsible way.

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All of these factors may apply to analyses of pit bull bite rates. First, dog fighting and bites attributed to fighting breeds have attracted considerable attention in the print and electronic media. If a community is having a problem with dangerous dogs, any bite or attempted bite involving pit bulls might be considered noteworthy, and thus may be more likely to be reported and recorded.

Second, the term "pit bull" is commonly used to describe a wide variety of registered and unregistered dogs including the American Pit Bull Terrier (registered by United Kennel Club (UKC) and American Dog Breeder Association-ADBA) and the American Staffordshire Terrier (American Kennel Club-AKC). The term is also frequently applied to a variety of other breeds including the AKC Staffordshire Bull Terrier, Bull Terrier and Bulldog, as well as many mixes of these breeds with one another and with other breeds.

There has been considerable controversy over the ability of animal control officers, law enforcement officials and veterinarians to identify positively, a specific individual as a "pit bull". In an earlier survey of over 2,000 bite reports (Beck et al. 1975), we found that any medium sized black and tan animal was likely to be recorded as a "German shepherd". A similar bias to identify any stocky, short-haired animal involved in an attack as a pit bull seems to exist today. It is not unusual to find newspaper accounts of "pit bull" attacks accompanied by a picture of an animal that is a boxer, pug or some other breed.

Third, bite rates will be inflated if the estimates of the total number of animals of a specific breed are too low. Several of the above studies made use of AKC registrations to estimate the relative frequency of various biting breeds in the total population of dogs. This approach is likely to produce erroneous results for pit bulls since major registries other than the AKC exist for pit bull type dogs (including UKC and ADBA) and very few dogs have dual registration. Also, it is probable that pit bull owners are less likely to register or license their animals than owners of other breeds, given past attempts to impose restrictions on the breed.

Finally, despite the existence of many well-bred pit bulls with responsible owners, the past and present association of the breed with illegal dog fighting has meant that a disproportionate number of owners might be found within a segment of the population likely to be less responsible in the care and supervision exercised for any type of dog. Thus bite rates might be more reflective of the characteristics of irresponsible owners who happen, at present, to show a disproportionate preference for pit bull type dogs.
Although a few communities claim to have documented higher bite rates for pit bulls, the confounding factors mentioned above have not been taken into consideration. Unfortunately, no statewide or nation-wide reporting systems exist that would allow any epidemiological generalizations. However, in the interest of addressing problems in the real world, it is important to separate the epidemiological and ethological issues from those of public safety and legislation. It may be unnecessary to demonstrate that pit bulls are overrepresented in the population of biting animals at the .05 significance level, only that there is some predictable increase in risks associated with the breed. Recent court actions suggest that law enforcement and animal control agencies have a broad mandate to give the protection of the public priority over the right to own property that might cause harm. It seems likely that, in the absence of conclusive data, legislators will choose to err in the direction of safety.

With the above problem in mind, we can attempt to address several questions. First, are there biological or ethological reasons to expect that pit bulls in general might represent special dangers? Second, can these risks be attributed to all pit bulls and, if not, are there other predictive factors associated with those dogs or their owners that are likely to cause harm?

Some insights into these issues can be obtained by reviewing the origin of these animals. This paper is not intended to provide a detailed history of the various pit bull type breeds. For in-depth information see the "Pit Bull Report" (Lockwood and Miller, 1986 - available from the HSUS) or other standard references on these breeds (e.g. Matz, 1984; Semenic, 1984). Briefly, all of these dogs trace their ancestry to the Bulldogs of the nineteenth century. These animals were originally used in bull-baiting in England. When that was made illegal in 1835, organized dog fighting became popular, with the resulting proliferation of small dogs bred for combat. These animals became popular in America about the time of the Civil War.

The United Kennel Club was organized in 1898 to register Pit Bull Terriers, which were not being registered by the American Kennel Club (founded in 1884) and to standardize the rules of dog fighting. The AKC began registering these animals as Staffordshire Terriers in 1935, renaming the breed the American Staffordshire Terrier in 1972. Today, both AKC and UKC have taken a stand against dog fighting, but animals of all registries are often still prided for their "gameness".

A long history of breeding for bull-baiting and fighting has had profound effects on the genetic predisposition of many of the fighting breeds. These effects have, in many cases, been counteracted by a

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shorter history of selection for qualities that might make these animals suitable as household companions. The extent to which the original temperaments of these breeds have been altered by breeding is often difficult to predict in a given individual.

The following characteristics of fighting dogs are relevant to consideration of the problems these animals may present.

1. Aggression against dogs and other animals

The primary quality for which these animals have been selected is "gameness". A game animal is one which is ready and willing for combat and unyielding in the battle with another creature. This is reflected in certain genetically based characteristics. One such characteristic is a low level of inhibition of fighting.

Most wild and domestic dogs fight one another only to drive a rival away from some disputed object, either food, mate or territory. The attack ends when the rival withdraws or displays signals of surrender. If this end can be achieved by bluff, such as growling or staring, that is usually the preferred tactic. Actual attacks are reserved for "last resort" confrontations. In fighting breeds this inhibition has been selected against. The animals will fight with no provocation and a game animal will fight until complete exhaustion or death. In this sense the animals are not "doing what comes naturally". This behavior is totally abnormal in an evolutionary or ecological sense, and is strictly the result of human intervention. This lowered inhibition of aggressiveness usually applies to other species as well, particularly smaller animals such as cats.

Predatory attacks in wild and domestic dogs are usually triggered by the flight of potential prey. Thus individuals of many breeds may pursue and attack moving animals and objects such as joggers, bicycles and cars. Animals selected for bull-baiting and pit fighting had to show their gameness against animals that were either restrained or confined. Thus these animals, and their descendants, are more likely to attack targets that do not flee or show other behaviors that could be construed as provocation for attack.

Gameness also seems to include a genetically based lowering of sensitivity to pain. Many fighting breeds show no outward sign of disturbances by severe injuries.
2. Communication

Dogs, like wolves, are highly social with a rich repertoire of signals that allow them to know the mood and intentions of their companions and allow them to communicate their own intentions to others. Animals selected for fighting gained an advantage by not revealing their intentions or weaknesses, and by not being inhibited by displays of submission or surrender in their opponents. This has had a profound effect on the behavior of today's pit bulls. These animals offer little or no indication that a charge or attack is imminent. They often fail to give warning with either a growl, aggressive facial expression or other sign. In fights with other dogs, they often appear to be insensitive to normal "cut-off" behaviors that usually stop aggression. For example, rolling over and exposing a light underside is usually an effective display of defeat in combat between normal dogs. On several occasions pit bulls have been reported to disembowel other dogs offering this signal of submission.

3. Attack Behaviors

Dogs use many different styles of attack against members of their own and other species. Many breeds have styles of biting that reflect the purpose for which they were bred. For example, guard dogs such as German Shepherds tend to restrain their enemies by grabbing and holding. The fighting breeds have been selected to inflict maximum damage on their opponents. This is usually accomplished by sustained grabbing, holding, shaking and tearing. It should be noted that, to our knowledge, there is no direct evidence of unusually great biting force in these dogs. In fact no bite force measures have ever been reported in the veterinary literature. Nor do these animals possess any unusual adaptations for "locking" their jaws. The increased destructiveness of pit bull bites seems to be attributable to behavioral factors of persistence and stamina, rather than biomechanical ones.

4. Aggression towards people

The fighting dogs of the nineteenth century generally posed little or no threat to people. These animals were disqualified in the pit if they exhibited aggression to their handlers or other people. Early in this century several former fighting breeds such as the Bull Terrier and English Bulldog were specifically selected for good dispositions around people.

As mentioned earlier, AKC, UKC and ADBA animals are all descended
from fighting stocks. Breed standards for the American Staffordshire Terrier and the American Pit Bull Terrier make little or no reference to temperament, although an animal that attacks either a person or a dog in the show ring may be disqualified. Many individual breeders have attempted to produce animals with stable dispositions towards people, and there are many examples of well-behaved dogs of these breeds, but there have been no uniform standards in this direction. Non-registered and pit bull mix dogs, which are becoming increasingly popular, have been subjected to even less selection for stable temperament than their registered counterparts.

The widespread practice of hybridizing American Staffordshire Terriers and American Pit Bull Terriers with other breeds can produce animals that are particularly dangerous. These dogs were historically bred to show little aggression to man, while other breeds with which they are commonly hybridized, such as the German Shepherd, Bullmastiff, Rottweiler and Rhodesian Ridgeback, have been selected for use as guards against human intruders. The result can easily be an animal with the fighting potential of the classic pit dog and the potential aggressiveness to man of these guard dogs.

In view of the lack of uniform standards of temperament, the lack of inhibition of aggression, the strength and tenacity of attacks and the failure to show appropriate warning signs of aggression one might expect to find risks associated with these animals. As mentioned above, little reliable evidence about breed-specific bite rates is available, and most of the existing studies are subject to many confounding factors. We will try to gain some additional insight using evidence from two other sources—reports of fatal attacks and a survey of press reports of dog bites.

Although many dog bites go unreported to either the press or health departments, we are fairly certain that virtually all dog-related fatalities are reported. When we learn of such an incident through local humane groups, veterinarians, health departments or the press, we contact the appropriate authorities to get a complete record of the incident and subsequent investigations. In several cases, one of us (RL) has been able to conduct on-site investigations.

During 1986 we received reports of 12 fatalities from dog attack (see Table 1). Of these, 7 involved at least one pit bull. Eleven of the 12 fatalities involved children age 7 or under. A less comprehensive survey of fatal attacks between October 1983 and December 1984 yielded reports of 9 additional fatalities, 7 of which involved at least one pit bull. Thus, two thirds of the fatalities we have learned of during the last three years have involved pit bulls of some sort.
Based on past and current AKC and UKC registrations and AKC estimates of the ratio of unregistered to registered dogs, we roughly estimate that there are between 500,000 and 1 million dogs that could be considered pit bulls in the U.S. This represents about 1-2% of the dog population. Thus it seems clear that these animals are over-represented in the small population of dogs involved in human fatalities.

Table 1: Fatal Dog Attacks (1986)

<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Victim's Age/Sex</th>
<th>Dog(s) Involved</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/29</td>
<td>Apison, TN</td>
<td>Female, 3 years</td>
<td>1 Malamute</td>
</tr>
<tr>
<td>11/21</td>
<td>Decatur, GA</td>
<td>Male, 4 years</td>
<td>3 pit bulls</td>
</tr>
<tr>
<td>10/26</td>
<td>Denver, CO</td>
<td>Male, 3 years</td>
<td>1 pit bull</td>
</tr>
<tr>
<td>9/18</td>
<td>Elizabethtown, PA</td>
<td>Male, 7 years</td>
<td>1 Coonhound</td>
</tr>
<tr>
<td>9/2</td>
<td>Forest City, NC</td>
<td>Male, 4 years</td>
<td>1 wolf x shepherd</td>
</tr>
<tr>
<td>9/2</td>
<td>DALLAS, TX</td>
<td>FEMALE, 14 MONTHS</td>
<td>1 PIT BULL MIX AND 1 mix breed pup</td>
</tr>
<tr>
<td>7/1</td>
<td>Kobuk, AK</td>
<td>Female, 2 years</td>
<td>1 &quot;husky type&quot; dog</td>
</tr>
<tr>
<td>6/10</td>
<td>Ramsey, MI</td>
<td>Male, 20 months</td>
<td>1 pit bull</td>
</tr>
<tr>
<td>5/5</td>
<td>Anchorage, AK</td>
<td>Female, 2 years</td>
<td>1 wolf x husky</td>
</tr>
<tr>
<td>4/24</td>
<td>Osteen, FL</td>
<td>Male, 79 years</td>
<td>1 pit bull, boxer and 1 mix breed</td>
</tr>
<tr>
<td>4/10</td>
<td>Gresham, OR</td>
<td>Male, 5 years</td>
<td>1 pit bull</td>
</tr>
<tr>
<td>1/26</td>
<td>Longview, TX</td>
<td>Male, 6 years</td>
<td>At least 4 pit bulls</td>
</tr>
</tbody>
</table>

The injuries inflicted by pit bulls in those cases for which we have details were noticeably different from those seen in fatal attacks by other breeds. Pit bull victims typically had large portions of tissue torn away, whereas victims of other breeds typically died from a smaller number of exsanguinating injuries or from a single crushing injury to the brain or spinal cord. A more detailed review is in preparation.

As mention above, there is no centralized reporting of dog attacks. In an attempt to gain insight into serious, non-fatal dog attack injuries, we reviewed press clippings of 278 dog attacks compiled by two clipping services from approximately 1,100 newspapers during the period from January 1, 1986 to October 1, 1986. We attemp-
ted to abstract as much information as possible from each report, fol-
lowing the format used by Beck et.al. (1975) in their survey of police
reports.

We recognize that this analysis cannot be used to draw breed-
specific conclusions about bite rates, since there may be a contem-
porary bias to report pit bull attacks more often than those of other
breeds. In fact, over half of the reports dealt with pit bull in-
cidents (see Table 2). Thus, in this analysis, we are not attempting
to address the question "are pit bulls different?", but instead are
asking "are pit bull attacks different?" Several relevant differences
are indicated by this review.

| Table 2: Breeds Named in Newspaper Bite Reports (N=278) |
|-----------------|--------|--------|
| Breed           | N      | %      |
| Pit bull, Pit bull mix | 143    | 51.4%  |
| German Shepherd, GS mix | 32     | 11.5%  |
| Doberman, Dob mix  | 20     | 7.2%   |
| Lab, Lab mix      | 13     | 4.7%   |
| Chow, Chow mix    | 8      | 2.9%   |
| Akita            | 4      | 1.4%   |
| Mix Breed (Unspecified) | 18    | 6.1%   |
| Other            | 17     | 6.5%   |
| Unknown          | 23     | 8.3%   |

Most serious dog bite cases involve children (Beck et.al., 1975)
and that was true in these reports (Table 3). However, a higher pro-
portion of pit bull victims (54.1%) is made up of adolescents (>15
years) and adults, than among victims of other breeds (38.1%). This
would suggest that greater size and maturity is less of a defense
against pit bulls than other attacking breeds. Likewise, familiarity
with the animal appears to provide less protection in the case of pit
bulls. Of the 143 pit bull attacks, 19 (13.3%) involved attacks on
the owner, compared with 3 of 135 (2.2%) attacks by other breeds.
Table 3: Age of Victim

<table>
<thead>
<tr>
<th>Victim's Age</th>
<th># Pit Bull Victims</th>
<th># Other Breed Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 5 years</td>
<td>22 (18.0%)</td>
<td>25 (21.2%)</td>
</tr>
<tr>
<td>5-9 years</td>
<td>24 (19.7%)</td>
<td>31 (26.3%)</td>
</tr>
<tr>
<td>10-14 years</td>
<td>10 (8.2%)</td>
<td>17 (14.4%)</td>
</tr>
<tr>
<td>15-19 years</td>
<td>5 (4.1%)</td>
<td>3 (2.5%)</td>
</tr>
<tr>
<td>20-29 years</td>
<td>8 (6.6%)</td>
<td>3 (2.5%)</td>
</tr>
<tr>
<td>30-39 years</td>
<td>7 (5.7%)</td>
<td>5 (4.2%)</td>
</tr>
<tr>
<td>40-49 years</td>
<td>4 (3.3%)</td>
<td>4 (3.4%)</td>
</tr>
<tr>
<td>Unspecified Adult</td>
<td>42 (34.4%)</td>
<td>30 (25.5%)</td>
</tr>
</tbody>
</table>

We characterized injuries as "serious" if the report indicated a need for suturing, hospitalization, or other medical intervention. Of the 143 reports of pit bull attacks, 55 were reported to be "serious" (38.5%). Of the 135 attacks by other breeds, 36 (26.7%) were characterized in this way. This suggests two things. First, it indicates that the press is not more likely to report non-serious bites from pit bulls just because they involve this breed, otherwise we would expect a higher proportion of records of non-serious pit bull bites. Second, of the 91 incidents reported involving a serious bite, 60.4% involved pit bulls. Thus, in these reports, pit bulls are more likely to be involved in serious bites and serious bites tend to involve pit bulls more than other breeds.

Two other measures of the severity of bites are the incidence of bites to the face and the number of bites involving multiple injuries to several body areas. Details of the part of the body injured (where known) are given in Table 4. Children under 9 tend to receive a high proportion of face bites from all breeds. There is no distinction between pit bulls and other breeds in the number of facial injuries to any group. However, pit bulls are more likely to have inflicted multiple injuries on older victims.

Previous studies of dog bite epidemiology (e.g., Beck et al., 1975) suggested that the majority of incidents involve free-roaming, owned animals. Virtually all of the dogs in these cases were owned, but a surprising number were restrained at the time of the attack. In the case of pit bull bites, 61 of 143 (43%) involved animals that were fenced, chained or inside prior to the incident. Twenty cases (14%) involved animals that escaped by jumping fences or breaking chains immediately before the attack. Of the 135 cases involving other breeds,
36 (26.7%) involved restrained animals, but only one (.7%) broke restraint to initiate the attack.

Table 4: Severity of Dog Bite Injuries

<table>
<thead>
<tr>
<th>Age of Victim</th>
<th>Type of Injury</th>
<th>Pit Bull Victims</th>
<th>Other Breed Victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;= 9 years</td>
<td>Face Bites</td>
<td>24/41 (58.5%)</td>
<td>34/56 (60.7%)</td>
</tr>
<tr>
<td></td>
<td>Multiple</td>
<td>9/41 (22.0%)</td>
<td>9/55 (16.1%)</td>
</tr>
<tr>
<td>&gt; 9 years</td>
<td>Face Bites</td>
<td>10/80 (12.5%)</td>
<td>7/65 (10.8%)</td>
</tr>
<tr>
<td></td>
<td>Multiple</td>
<td>28/80 (35.0%)</td>
<td>12/65 (18.5%)</td>
</tr>
</tbody>
</table>

Most dog bites are unprovoked, and that is supported by the events recorded in the press accounts. Table 5 describes the victims' interaction with the dog in the 163 instances in which details were provided. The most noteworthy distinction between attacks involving pit bulls and those of other breeds is that 24.8% of the former involve the victim coming to the aid of an animal or person already injured by the animal in question. This occurred in 8.1% of the attacks by other breeds.

Table 5: Victim Interaction with Dog (Where Known)

<table>
<thead>
<tr>
<th>Interaction</th>
<th>No Direct Interaction # of Pit Bull Cases</th>
<th># Other Breed Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>59/101 (58.4%)</td>
<td>30/62 (48.4%)</td>
</tr>
<tr>
<td>- inactive, walking</td>
<td>38/101 (37.6%)</td>
<td>15/62 (24.2%)</td>
</tr>
<tr>
<td>- run, bike, play</td>
<td>9/101 (8.9%)</td>
<td>7/62 (11.3%)</td>
</tr>
<tr>
<td>- other</td>
<td>12/101 (11.9%)</td>
<td>8/62 (12.9%)</td>
</tr>
<tr>
<td>Interacting with Animal</td>
<td>42/101 (41.6%)</td>
<td>32/62 (51.7%)</td>
</tr>
<tr>
<td>- feed, pet, play and misc. friendly</td>
<td>8/101 (7.9%)</td>
<td>17/62 (27.4%)</td>
</tr>
<tr>
<td>- aiding injured animal</td>
<td>5/101 (5.0%)</td>
<td>3/62 (4.8%)</td>
</tr>
<tr>
<td>- aiding injured person</td>
<td>20/101 (19.8%)</td>
<td>4/62 (6.5%)</td>
</tr>
<tr>
<td>- deliberate provocation</td>
<td>5/101 (5.0%)</td>
<td>1/62 (1.6%)</td>
</tr>
<tr>
<td>- other</td>
<td>4/101 (4.0%)</td>
<td>7/62 (11.3%)</td>
</tr>
</tbody>
</table>

This overview suggests that, to some extent, some pit bulls
present special problems. They account for a disproportionate number of fatal attacks, although these are few in number. When they do attack, they are more likely than other breeds to attack while restrained or break out of restraint, and to cause injuries to adults and their owners. However, it should be noted that many non-fatal dog bites that occur do not involve pit bulls.

Although these generalizations seem to be supportable, we feel that we cannot use them to make predictions about the behavior of an individual animal. A dog's tendency to bite is a product of at least five factors:

- the dog's genetic predisposition to be aggressive
- the early socialization of the animal to people
- its training for obedience or mistreating for fighting
- the quality of care and supervision provided by the owner
- the behavior of the victim

All of these factors interact. The first is the only one directly relevant to the issue of breed-specific restrictions. Are "pit bulls", as a group, sufficiently genetically uniform and predictable in their potential for aggression to warrant special restrictions? Responsible breeders argue that they are not. None of the 1986 fatalities involved AKC or UKC registered animals and no mention of registration was made in any of the press accounts of non-fatal bites. Although the nature and severity of pit bull attacks that do occur are consistent with the effects of selection for fighting that we discussed above, we must recognize the incredible variability in the animals that are called "pit bulls" and in their owners.

The genetics of canine aggression are still poorly understood, although the existence of many breeds selected for aggression under different circumstances clearly demonstrates a strong genetic component to some aspects of this behavior. It is quite possible that when discussing "pit bulls" we are dealing with a variety of genetically diverse animals. The long history of selection for gameness has produced the characteristic "fighting dog". The shorter history of breeding for pet qualities has clearly overcome many of the negative characteristics in responsibly bred animals. A more recent interest in overall "meanness" among less responsible owners and breeders seems to have existed for at least 10 to 20 generation of dogs, which may partially account for the recent upswing of problem animals.
The remaining features of dog attack are all human variables related to the level of owner responsibility and supervision. Many pit bull owners are responsible people well aware of the history of these breeds, who attempt to correct problems that might remain from the past. Others are ignorant of the breed, as are the owners of other breeds. Most troublesome are owners specifically seeking a "mean dog". In these hands, any dog is liable to become a menace and a pit bull may compound the problems. Finally, there continues to be an interest in dog fighting. The dogs that prove to be too aggressive to people to be useful for dog fighting still wind up in the hands of the third group.

The common theme in virtually all of the fatal and non-fatal attacks we reviewed was that the owner had not taken appropriate steps to prevent his or her animal from becoming a problem. It should be emphasized that simply placing an animal behind a fence or on a chain should not be considered sufficiently responsible behavior, particularly in the case of a breed or individual inclined to attempt to attack other animals.

Problems of irresponsible ownership are not unique to pit bulls, nor will they be in the future. For this reason we feel that effective animal control legislation must emphasize responsible and humane ownership of sound animals and responsible supervision of children and animals when there is a chance that they will interact. We believe that this can be accomplished in a number of ways:

- Strengthen and enforce laws against dog fighting to eliminate the "macho image" of this activity.
- Introduce and enforce strong animal control laws which can identify problem animals and owners before tragedy strikes. (Guidelines for such ordinances are available from the Humane Society of the U.S. 2100 L St. NW, Washington, DC 20037).
- Introduce programs that educate the public to the need for responsible ownership and to the problems of dog bites.

We feel that it is possible to protect the health and safety of the public, and, at the same time, preserve the rights of pet owners. By placing greater emphasis on responsible and humane animal care, communities can go a long way toward solving their current animal problems and preventing new ones.

-28-


Aggression to people among pet dogs is the most common behavior presented to animal behaviorists. Canine aggression may be defined as any type of behavior threat involves growling, threatening barks, snapping, biting or other threat displays. In nearly all cases, the aggressive displays exhibited are normal species typical signals. These behaviors serve adaptive functions when utilized for intra-specific communication among dogs. However, when used for inter-specific communication between dogs and people, they are unacceptable. In other words, while growling and biting are admirable substitutes for overt fighting and killing among members of a canine pack, a dog that growls at or bites a person is dangerous.

According to Borchelt, aggression may be classified into the following functional categories:

**Dominance aggression:** The dog, usually an adult male, directs the aggression toward family members. It assumes dominance postures, resists submissive postures, guards critical resources, such as food, resting area, or favorite person, and often escalates its aggression when punished. Dogs are often very friendly strangers.

**Possessive aggression:** Aggression is directed to animals or people which approach the dog when it possesses either food or objects. This type of aggression occurs in both males and females and is not age-related.

**Protective aggression:** Aggression exhibited by either male or female dog, when a person or animal approaches an area, the dog's owners, or other animals.

**Predatory aggression:** Aggression consisting of a chase or bite directed to animals or humans, exhibited by both males and females.

**Fear-induced aggression:** Aggression directed to animals or humans when dog is approached or reached for. Occurs equally in males and females and if often accompanied by facial and body postures indicative of fear.
Intermale aggression: Aggression between male dogs.

Interfemale aggression: Aggression between female dogs.

Pain-elicited aggression: Aggression in response to a person's attempt to groom, medicate, or manipulate a painful area.

Punishment-elicited aggression: Aggression which occurs when a dog is exposed to an aversive stimulus.

Maternal aggression: Aggression exhibited by bitch when individuals approach puppies, puppy surrogates, or nesting area.

Redirected aggression: Aggression which occurs when a person or animal interferes when the dog is threatened or fighting.

Contrary to belief, dogs rarely, if ever bite because they are hungry.

The final expression of any behavior, whether related to aggression or not, is the outcome of complex interaction of components. As physical characteristics, a certain behavioral genetic predisposition is inherited. Individuals within a population vary considerably due to a complex inheritance involving many genes. Natural selection chooses those individuals which are most fit, i.e. well adapted to the environment. Through artificial selection, man has chosen the traits which he considers desirable, even if they are not adaptive. For instance, Pit bulls have been artificially selected for gameness and fighting ability.

Early experience such as socialization during the so-called sensitive period of development and learning e.g. rewards and punishment administered by owners, interact with the genetic groundwork and have a powerful influence on the outcome of a behavior. This point is beautifully demonstrated by Kuo's 1930 experiment in which he divided kittens into 3 groups. Half of the kittens in each group where fed a vegetarian meal and half were fed meat. The first group was raised only with other kittens, while the second group was raised with a rat-killing mother and the third with rats. 85% of the kittens raised with rat-killing mothers became rat killers. 45% of the kittens raised with other kittens killed rats, while only 17% of the kittens raised with rats became rat killers. Although the kittens raised with other kittens could be easily trained to kill rats if hungry, those raised with rats could not be trained to become rat killers.
The fact the some of the kittens could be trained to kill rats, but only if they were hungry, demonstrated the importance of physiological state on the outcome of behavior. Most pet owners are all too familiar with the influence of hormonal status on an animal's behavior. For instance, a female cat is much more likely to spray when she is in estrus. Two male dogs are much more apt to fight if their hormones are stimulated by the presence of a bitch in heat.

Finally, specific environment stimuli are often necessary to evoke a certain behavior. For example, a dog which is very afraid of loud noises, may only be destructive on the Fourth of July in response to the fireworks.

It is extremely difficult to determine the degree to which genes or environment contribute to the manifestations of a certain behavior. An offspring of two dogs which are aggressive will not necessarily display aggression unless it receives the proper combination of genes, early experience, learning and opportunities (stimuli) to be aggressive. Physical appearance on the other hand is solely dependent on genes. It is practically impossible to predict a behavioral type based on physical appearance alone. To conclude the all Pit Bulls are aggressive based on the facts that they have been selected in the past for their gameness and fighting ability, and the some pit bulls are aggressive, does not take into account the genetic variability and the complex interaction of genes and environment on the outcome of a behavior.

Since we know that the manifestation of aggressive behavior is influenced by several factors, to prevent aggression in dogs, we must "attack" the problem from several angles. Genetics: We should not breed dogs which display aggression, to people or other dogs. We must also work to stop the dog fighting industry so these dogs are not bred. Discourage ignorant breeding. Early experience: Puppies should be knowledgeable about the importance of socialization. "Backyard breeding" should be discouraged. Learning: Friendly behavior needs to be reinforced, aggressive behavior discouraged from any early age. Protection training should be best be left to law enforcement agencies and unglorified. Physiologic stimuli: Dogs cannot be aggressive unless given the opportunity. Enforce leash laws!
The Connecticut Canine Control Division is comprised of Chief Frank Intino, Assistant Chief Paul Deneault, and twelve Canine Control Officers who are assigned to various areas of the State. Connecticut also has two Regional Canine Control Officers and three Assistant Regional Canine Control Officers. Within the two regional areas these officers perform the duties and enforcement of dog laws in place of local dog wardens.

The duties of the Canine Control Officers are many and varied. The most important duty is the enforcement of Connecticut State Statutes, Laws Relating to Dogs, Chapter 435 of Connecticut General Statutes. The Department of Agriculture licenses and regulates pet shops, commercial kennels, grooming facilities, dog trainers, veterinary hospitals that board for non-medical purposes, and local canine shelters or dog pounds. The Canine Control Officers inspect these facilities on a regular basis for disease, sanitation, and humane treatment compliance with regulations. The Canine Control Officers also investigate all damage claims against the State that involve the killing of domestic livestock by dogs. In addition the Canine Control Officers meet with town and city officials for the purpose of shelter improvements, setting up license surveys, assisting with interviews for dog warden and assistant dog warden positions, training new wardens, and requesting necessary equipment for the warden. They also supervise and assist local dog wardens in their assigned areas and require, by statute, that wardens submit a report of their activities on a monthly basis on a form supplied by the State. This form indicates the number of impounded dogs and disposition of same, number of complaints handled by the dog warden and number of arrests.

A record is also kept of all dog bites that are reported to the dog warden and a quarantine form is filled out by the dog warden as to name of dog owner, victim, description of the dog, license number, and addresses of all parties concerned. If the dog bite takes place on the property of the dog owner, the dog is quarantined by the dog warden on the property. If the dog bite takes place off the property of the dog owner, the dog must be quarantined off the premises at a veterinary hospital, commercial kennel, or the dog pound. Connecticut has a fourteen-day quarantine period for rabies observation.
Approximately 3200 dog bites are reported each year in Connecticut in which dogs were placed in quarantine and bites were recorded. As of this time, Connecticut does not have a large number of dog bites that can be attributed to pit bull terrier type animals. However, there have been several severe bites recorded as a result of attacks by pit bulls and Staffordshire terrier type dogs.

1. Milford 1978 - bites involved two women trying to break up a dog fight between two pit bull terriers and a cocker spaniel. Injuries included multiple bites inflicted and arm broken by one of the pit bulls.


3. Monroe 1986 - man received bites on arm and leg as a result of pit bull type dog attempting to attack puppy.

4. Shelton 1986 - Staffordshire terrier with litter of puppies was approached by a three year old girl who wanted to play with a puppy. Dog became aggressive and child received multiple bites on thighs and buttocks. Connecticut owner but incident occurred in West Virginia.

Connecticut does not plan to ban the Bull Terrier, American Pit Bull, or the Staffordshire Bull Terrier. The state would, however, like to see all Bull Terriers, American Pit Bulls and Staffordshire Bull Terriers registered by their owners under a special registration that would guarantee confinement, and provide an extra measure of public safety. The Commissioner of Agriculture would make such regulations as were deemed necessary to maintain proper confinement of the dogs and to establish procedures for inspections of premises. Because of the severity of the bites and their history as fighting dogs, pit bull breeds draw more attention than other biting dogs. When any vicious dog becomes a threat to society, the threat should be eliminated through due process of law.

Unfortunately, there will always be breeders who breed for profit rather than temperament or quality. This is seen in such popular breeds as the Doberman, German Shepherd, and the Boxer. These are only a few of the breeds that have been ruined in the name of profit. There are many more and the list continues to grow. Many dogs end up in the local pounds, victims themselves of an oversupply. Some of these dogs become aggressive and vicious, and threaten public safety. Others become frightened and defend themselves out of fear and distrust. There are also those dogs that have been abandoned by their owners and are just trying to survive. Society continues to face the problem of the roaming dog. Approximately 30,000 dogs per year are impounded by the local dog wardens throughout the 169 towns and cities.
There is no easy answer to the problem of the roaming dog. In Connecticut there are excellent laws pertaining to dog control. Certainly strict enforcement of those laws that apply to the stray and roaming dog, and licensing and responsible pet ownership are favorable solutions. At this time there are sufficient Connecticut State Statutes pertaining to incidents involving vicious and aggressive dogs. Emphasis should be placed on public education and awareness of the potential problem regarding these types of animals.
"THE CITY PUTS THE BITE ON THE MACHO DOG" -
LOCAL GOVERNMENT CONTROL OF VICIOUS DOGS

BY
JOSEPH H. WEIL
CITY ATTORNEY
SWEETWATER, FL

The July 14 issue of Newsweek Magazine, in an article entitled "The Macho Dog to Have", describes the Pit Bull as: "a dog bred for both viciousness and courage and a member of a fast-expanding pack nationwide." The article speculates that there are about 200,000 Pit Bull dogs in this country and quotes Dr. Randall Lockwood, the Director of Higher Education of the Humane Society of the U.S., as stating that "the pit bull has replaced the German Shepherd and the Doberman as the macho dog to have."

The Newsweek article also addresses the question of what is a Pit Bull. It is "a term used to describe American Staffordshire terriers, bull terriers and any number of crossbreeds with similar physiques."

"Descended from old English lines used to attack bulls for sport, these dogs are now often bred to compete in illegal, fight-to-the death gambling events. And they are powerful, ranging in weight from 40 to 70 pounds. A champion has jaws that clamp down with 1,500 pounds of pressure - twice the bite of a German shepherd. "Gameness," an eagerness to take on opponents no matter how injured, runs deep in the genes, as does the tendency not to snarl or crouch before an attack, as most dogs do."

Dr. Lockwood, writing in the Winter 1986 edition of the Humane Society News, comments on legislative attempts to address the Vicious Dog problem. An earlier article by William H. Hoffard, published in March/April 1984 Community Award Control also discusses the problems raised by the initial attempts to regulate pit bull dogs.

EARLY PIT BULL LEGISLATION

The first attempts to deal with the problem of Pit Bull dogs, were made by local government and involved the passage of ordinances which dealt with the Pit Bull as a special breed. The authority of local government to regulate dogs under the police power has been upheld by the courts of this country since colonial times (53 Univ. of Cincinnati Law Review, 1067, 1069). Under the police power, most local government jurisdictions have enacted ordinances which require
registration of dogs, payment of license fees, and the required wearing of dog tags by such animals to show compliance. Many jurisdictions have also enacted leash laws and ordinances to prohibit dogs from running at large (53 U. of Cin. L. Rev. 1067, 1070, footnote #17).

The police power of local government is limited by the application of the fourteenth amendment to the United States constitution which guarantees both substantive and procedural due process of law. However, in the case of Sentell v. New Orleans & Carrollton Ry. Rd., 166 U. S. 698 (1897) the United State Supreme Court upheld, against allegations of constitutional invalidity, both state laws and local ordinances which required a dog owner to register his animal and to purchase a license tag.

Recently, in a number of jurisdictions that have adopted ordinances that purported to regulate selectively or to prohibit Pit Bulls altogether, dog owners have challenged these ordinances on such constitutional grounds. The principle thrust of this litigation was to challenge the arbitrary classification of one breed of dog as being more dangerous than another breed. These suits also raised a second question as to the definition of a Pit Bull dog and asked if an ordinance could define the breed in clear, concise and unambiguous language. Both Florida and Federal trial courts have struck down local government Pit Bull ordinances on both of these grounds during the past two years but there have been no appellate decisions to date.

In the case of the Broward County Ordinance, United States District Court Judge Lenore Nesbitt entered a preliminary order striking down the ordinance and then withdrew that Order by substituting an order of abstention. The parties went back to the state court which struck down the ordinance. Ordinances in the City of Hollywood and the City of South Miami have been invalidated by state trial Courts as a result of actions brought by dog owner groups under the federal Civil Rights Act (Title 42, Section 1983 et seq.). In the case of South Miami, the Ordinance singled out Pit Bulls and defined them as "any American Staffordshire or Staffordshire Bull Terrier or American Pit Bull Terrier. Pit Bulls shall also include all mixed breeds except any mixed breed having less than one-eighth (1/8) of its breed of the breed of American Staffordshire Terrier or Staffordshire Bull Terrier or American Pit Bull Terrier". This definition raised the same problems as the miscegenation statutes which were invalidated by the federal courts many years ago.

A penal ordinance of the City of North Miami was determined by a Dade County Court Judge of the criminal division to be facially uncon-
perty if it were not kept in the manner required by the ordinance.

(b) Any dog for which a notice is sent to the owner pursuant to the procedures of Section ___ of this ordinance upon the completion of the procedures that are contained in this ordinance.

(c) Any dog for which a special annual permit has been applied for, or issued upon application, under this ordinance.

(d) Any dog which has previously attacked or bitten a human being other than under the type of circumstances that would be justifiable under Section ___ of this ordinance.

(e) Any dog which has behaved in such a manner that the owner thereof knows or should reasonably know that the dog is possessed of tendencies to attack or to bite human beings other than the type which would be justifiable under section ___ of this ordinance.

(f) Any dog certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this ordinance upon the basis of reasonable medical probability.

(g) Any dog which has been trained as an attack dog except such dogs which are employed by the Police Department of the City.

There is a problem with the insurance requirements of any ordinance which is intensified by the present nationwide crisis in liability insurance. Before drafting an insurance provision and in legislative discussion while considering the ordinance, it is recommended that expert opinions be presented as to the availability of such coverage within the jurisdiction which seeks to enact a vicious dog ordinance.

The principle objections to vicious dog ordinances when they have been presented to local government legislative bodies for approval appear to be the fact that they are both long and complex. It is much easier for a council member to enact a one page ordinance which outlaws Pit Bulls than to understand or explain a ten page ordinance
dealing with dangerous dogs. There was also some negative reaction from council members regarding the fact that they are dealing with specific disputes between neighbors who are their constituents as to whether a particular animal is a vicious or dangerous dog.

CONCLUSION

In view of the substantial threat of liability to local government under the Federal Civil Rights Act for both damages and attorneys fees and the difficulty in defining a Pit Bull, it is our belief that a city wishing to deal with the problem of Pit Bull Dogs, should enact vicious dog legislation rather than an ordinance purporting to control Pit Bull Dogs.
THE CONTROL AND REGULATION OF VICIOUS DOGS:
THE RHODE ISLAND EXPERIENCE

By Hon. David H. Sholes
State Senator, Dist. 11, Rhode Island

THE PROBLEM

In recent years, there have been increasing reports of vicious attacks by dogs commonly known as Pitbulls in the State of Rhode Island. The public was awakened to the rising threat to their safety posed by such dogs. Media attention focused initially on the problem of pitbulls within the capital city of Providence. News coverage expanded to reveal reports of pitbull attacks in several suburban communities. Often many such attacks went unreported by the media. Even though the problem of pitbulls was statewide in scope, it was acute in our state's largest city. Dog officers in Providence estimated that in the winter of 1985 there were approximately 2,000 unregistered pitbulls roaming the city streets. This was in contrast to the 30 pitbulls registered by the city Licensing Bureau.

The City of Providence attempted to resolve the problem by passing an ordinance to control pitbulls; but it was not effective. Because the problem was statewide in scope, statewide legislation was necessary. It was felt that the General Assembly should become involved for three main reasons.

First, pitbulls roam throughout all cities and towns and do not respect political boundaries. Second, passage of a strict ordinance by one city would cause pitbull owners to bring their dogs into a city or town which lacked a strict ordinance. And, third, since attacks occurred in many of the cities and towns, a uniform and coordinated solution, which could only be provided by the General Assembly through the exercise of its police powers, was necessary. Among the brutal assaults by pitbulls which were reported by the newspapers, the following are accounts of some of the more vicious and traumatic attacks.

"A Providence policeman in responding to a family altercation was savagely attacked by a pitbull. His knee was broken and his arms and legs were mauled. His injuries were so severe that he was forced to take a medical retirement." (April 6, 1981)

"A pitbull, in attacking a 12 year old girl, bit off a part of her nose." (May 1, 1985)

"A pitbull bites three children at entrance to their school."
"5 year old girl attacked by 50 lb. pitbull in Providence. Her injuries required dozens of stitches in each of her legs." (May, 1982)

"A year old infant bitten on the chin, lip and eyelid by pitbull in owners' apartment." (December 27, 1984)

"A pitbull attacks 77 year old woman as she was walking to church. She required 25 stitches to close the wounds on her leg and arm." (March 12, 1985)

"A 50 lb. pitbull attacked first grader in the playground of his elementary school; the attack left the 7 year old boy with puncture wounds the size of a half dollar all over his face and neck. It took an estimated 400 stitches to close his wound." (March 9, 1983)

"A 5 year old girl was attacked by pitbull which caused massive leg wound." (December 28, 1984)

"A 5 year old girl is attacked by 50 lb. pitbull in Providence. Her injuries required dozens of stitches in each of her legs." (December 27, 1984)

The frequency and severity of pitbull attacks increased. Although such attacks varied in location, these attacks had some common features. First, the attacks were unprovoked. Second, the attacks were characterized by swiftness and surprise which allowed the victims no opportunity to escape. Third, most of the attacks occurred on public property or away from the property of the dog owner. Fourth, the attacks featured a viciousness and tenacity that resulted in devastating and traumatic injuries to the victim. Fifth, the attacks not only resulted in a severe physical injury, but also in serious long-term psychological injury to the victim and to the victim's family.

It was clear that the "Pitbull" was a menace and statewide action was required.

**LEGISLATION TO CONTROL THE PROBLEM**

Legislation was drafted and introduced by Senator David Sholes to control and regulate pitbulls. At hearings before the Senate and House Committees, witnesses argued that pitbulls were no more inherently dangerous and vicious than other dogs and that pitbulls were only dangerous when irresponsible owners train them to be aggressive. However, an authority on animal aggression contradicted this theory. Dr. Victoria Voith who is on the staff of the University of Pennsylvania School of Veterinary Medicine and who conducted research in the area of aggression of dogs toward humans indicated that pitbulls pose a special threat to citizens in our country. In a letter to Attorney John Boehnert who researched the subject and presented extensive testimony before the Committees, Dr. Voith said:
On June 28, 1985, Chapter 400 regulating the ownership of vicious
dogs became law. The legislation defined a vicious dog to be 1) "any
dog which when unprovoked inflicts, bites or attacks a person or
another animal on public or private property; 2) in a vicious or ter-
rorizing manner approaches any person in apparent attitude of attack,
on the streets, sidewalks or any public grounds or places; 3) or any
dog with a known propensity, tendency of disposition to attack un-
provoked, to cause injury or otherwise endanger the safety of person
or domestic animals, or 4) any dog owned or harbored or trained for
dog fighting." As long as the dog met one of the requirements, the
dog could be determined to be vicious. There was one additional unique
feature of the definition of a vicious dog which was designed to compel
dog owners to license their dogs. If a dog is not licensed according
to city or town law, it is deemed to be vicious until so licensed.

Once a dog is declared to be vicious the law provided that the
owner or keeper of the vicious dog is required to procure and maintain
a liability policy in the amount of at least $100,000 covering any
damage or injury which may be caused by the vicious dog. The city or
town is to be named as an additional insured. The purpose of this is
to allow the municipality to monitor the compliance of the insurance
requirement. If the policy is cancelled or lapses, the insurance com-
pany will notify the municipality to the effect and the city or town
would then notify the dog owner or keeper to comply with the require-
ment. The owner or keeper was also required to have the license num-
ber which is assigned to the dog tattooed on the upper inner lip of
the dog. A sign is required to be displayed on the premises warning
of a vicious dog. The owners or keepers are mandated to sign a state-
ment that he or she will maintain and not cancel the liability insur-
ance on the dog, that the dog will be maintained in a fenced en-
closure on the property and that the licensing authority will be
notified within 24 hours if the dog is on the loose, is unconfined,
has attacked a person or other animal, or has died, been sold or been
given away.

The animal control officer is given the power to make whatever
inquiry is deemed necessary to insure compliance with the provisions
of the Chapter and to seize and impound any vicious dog whose owner or
keeper fails to comply with the provisions.

It was deemed unlawful for the owner or keeper to maintain a
vicious dog upon any premises which does not have a locked enclosure
and for any owner or keeper to allow any vicious dog to be outside the
dwelling or the enclosure unless it is necessary to obtain veterinary
care for the dog or to sell or give the dog away or to comply with the
commands or directions of the dog officer. In the event that the dog
is taken out of the enclosure, it must be securely muzzled and re-
trained with a chain having a minimum tensile strength of 300 lbs. and
not exceeding 3 feet in length and shall be kept under the direct control and supervision of the owner or keeper.

The law prohibited any dogs kept for the purpose of dog fighting, training, tormenting or encouraging to make unprovoked attacks upon person or other animals. No person shall possess with intent to sell or offer for sale, breed or buy or attempt to buy within the State any vicious dog.

The owner or keeper of the dog is absolutely liable for any attacks caused by the dog, whether or not the attack occurred on the property of the owner or outside the property, or whether or not the dog was on a leash or securely muzzled or whether or not the dog escaped without fault. The legislation abolished scienter, which was a key element under prior law, to prove liability on the part of the owner or keeper of the dog when the attack occurred on the owner's property. Scienter means that the owner knew or should have known of the vicious propensity of the dog to attack when the attack occurred on the owner's premises. Under this law, the owner or keeper of the dog is absolutely liable for any attacks with occurred either inside or outside the enclosure, or whether it occurred on or off the owner's property.

The penalties for violation of the Act are strict. If the dog kills or wounds an animal or person, the dog can be destroyed and the owner subject to a fine of up to $500.

In order to encourage municipalities to fund the budget for animal control, the law provides that all dogs are to be licensed upon payment of a fee not to exceed $10.00 with a $2.00 surcharge to be used exclusively by the cities and towns for the enforcement of animal control laws.

If a person is charged with having an unlicensed dog, the owner is required at the first offense to pay a $25.00 fine and have the dog tattooed. Upon the second violation the fine was increased to $200 and with a third violation the fine was increased to $500 and the owner was required to comply with the requirements of owning and maintaining a vicious dog.

To underscore the seriousness of the legislation, the statute provided that no fine or tattooing requirement shall be suspended by
any court. To provide an incentive for the municipality to insure compliance, one-half of all fines paid shall be paid to the city or town in which the violation occurred for the purpose of defraying the cost of implementation.

No dog was to be destroyed within 5 days of being impounded. This was to ensure compliance with the constitutional requirements of due process in order to permit the owner to request a court hearing to contest the decision to destroy the dog.

The legislation gave the owner of the dog the constitutional right of due process in contesting any decision which the dog officer may make with respect to the determination that the dog is vicious. A hearing was to be held within 7 days of the impoundment if requested.

To promote public awareness of the legislation, all cities and towns are required, within 60 days of passage of the legislation, to conduct a licensing drive. This was necessary to inform all owners and keepers of dogs that there was a new, comprehensive and strict statute regulating and controlling vicious dogs.

**CHECKING ON THE PERFORMANCE OF THE STATUTE**

The implementation of the legislation was closely monitored by Senator Sholes. Meetings were held monthly by the sponsoring Senator with animal control officers, prosecutors and animal groups to learn any problems and concerns relating to this landmark legislation.

While the law worked very well throughout Rhode Island in drastically reducing the population of pitbulls and other vicious dogs on the city streets, meetings with animal control officers and prosecutors on the law's implementation demonstrated that some sections of the law had to be clarified. The conditions under which a dog can be declared to be vicious required more precision. The ownership and use of K-9 dogs by police departments or law enforcement officers used in police work needed to be exempted from the law. Before a person could be charged with an act caused by a vicious dog, the dog had first to be declared vicious. The hearing process under which the dog could be declared vicious needed delineation.

**REFINEMENT**

Legislation to accomplish this was introduced in the 1986 General
Assembly by Senator Sholes, was passed and became effective June 27, 1987.

The major features of the amended law are as follows:

The definition of a vicious dog was clarified, but is basically the same as in the 1985 legislation.

A new feature was added to the definition which would allow animal control officers to consider certain factors in deciding whether or not a dog should be declared to be vicious. A dog may not be declared vicious if any injury or damage is sustained by a person who at the time such injury or damage was sustained: (1) was committing a willful trespass or other tort on premises occupied by the owner, or, (2) was teasing, tormenting, abusing or assaulting the dog or, (3) was committing or attempting to commit a crime. A dog which was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault may avoid being declared vicious. No dog may be declared vicious if any injury of damage was sustained by a domestic animal which at the time of such injury was teasing, tormenting or abusing the dog.

The unique feature of the original Act regarding an unlicensed dog remains. The automatic vicious dog ruling for an unlicensed dog is repealed upon compliance of licensing the dog. The tattooing requirement on the first offense of having an unlicensed dog under the original Act was repealed.

The requirement pertaining to the tattoo on the dog was amended to mandate the owner or keeper at his expense to tattoo the licensing number or other identification number either on the upper lip or upper left thigh of vicious dogs, whichever place the dog officer, in his or her discretion, may designate. The tattoo may be placed on the dog either by a veterinarian or a tattooist who is authorized by the city or town police department. Each city or town shall affix a two-letter prefix to the identification number in order to identify the particular city or town where the dog was initially licensed. This was to make it easier to identify the owner of the dog.

In order to strengthen the power of the dog officer to seize a dog when the owner refused to surrender the animal, the dog officer may request the police officer to obtain a search warrant from a justice of the District Court and to seize the dog upon execution of the warrant. This will permit the dog officer in conjunction with the police officer to enter private property to seize the offending animal.
owners and the rights of all other citizens. The dog owners are afforded due process by way of notification and hearing before the dog is declared to be vicious and before the owner can be charged with violations under the Act. This is balanced with the position that citizens of all ages have the right to walk on public and private land without the constant fear that a dog may attack them.

The current legislation is deemed to be the strictest and most comprehensive law for the control and regulation of vicious dogs. The animal control officers in the State of Rhode Island now have the power to address the problem on a per occurrence basis.

When the law was first passed in 1985, the frequency and severity of attacks by vicious dogs were drastically reduced. The amendments to the Act in 1986 give the animal control officers the tools to ensure that the citizens of our state no longer face the menace of attacks by pitbulls and other vicious dogs.
RHODE ISLAND LAW ON VENIOUS DOGS
PASSED IN 1985 AND AMENDED IN 1986

It is enacted by the General Assembly as follows:

Section I. Sections 4-13.1-2, 4-13.1-3, 4-13.1-7, 4-13.1-8, 4-13.1-9 and 413.1-10 of the General Laws in Chapter 4-13.1 entitled "Regulation of Vicious Dogs" are hereby amended to read as follow:

4-13.1-2. Definitions -- As used in section 4-13.1-1 through 4-13.1-10, inclusive, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) "Vicious Dog" means (1) any dog which, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or (2) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or (3) Any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or (5) Any dog not licensed according to state, city or town law.

Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if any injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulted by the dog or was committing or attempting a crime.

No dog may be declared vicious if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(b) "Enclosure" means a fence or structure of at least six feet (6') in height, forming or causing an enclosure to confine a vicious
keeper of such dog shall be liable to the person aggrieved as aforesaid, for all damage sustained, to be recovered in a civil action, with costs of suit. It is rebuttably presumed as a matter of law that the owning or keeping or harboring of a vicious dog in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner or keeper of such vicious dog knew that such vicious dog possessed the propensity to cause such damage or that the vicious dog had a vicious nature. Upon such attack or assault occurred, the dog officer in the city or town where the assault is hereby empowered to confiscate and destroy such vicious dog, if the conduct of such vicious dog or its owner or keeper constituted a violation of the provisions of this chapter, punishable by the confiscation and destruction of the animal.

4-13.1-8. Exemptions -- (a) Sections 4-13.1-3 to 4-13.1-7 conclusive of this chapter shall not apply to kennels licensed in accordance with the provision of this chapter or chapter 19 of title 4. (b) If a dog is ruled to be vicious for violations of general law 4-13.1-2(a)(5) solely, said vicious dog ruling shall be repealed upon compliance with the penalty clause contained in section 4-13.1-9(d) dealing with fines for unlicensed dogs. All other provisions of this chapter dealing with vicious dogs shall not apply to said animal. (c) The provisions of this chapter shall not apply to K-9 or other dogs owned by any police department or any law enforcement officer which are used in the performance of police work.

4-13.1-9. Penalties for violation -- (a)(i) Any vicious dog, except those ruled vicious for violation of section 4-13.1-2(a)(5) solely, which does not have a valid license in accordance with the provisions of this chapter, or (ii) whose owner or keeper does not secure the liability insurance coverage required in accordance with section 3 of this chapter, or (iii) which is maintained on property with an enclosure, or (iv) which shall be outside of the dwelling of the owner or keeper, or outside of an enclosure except as provided in section 4, or (v) which is not tattooed shall be confiscated by a dog officer and destroyed in an expeditious and humane manner after the expiration of a five (5) day waiting period exclusive of Sundays and holidays. In addition, the owner or keeper shall pay a two hundred fifty dollar ($250) fine. (b) If any vicious dog shall, when unprovoked, kill, wound or worry or assist in killing or wounding any animal described in section 7 of this chapter, the owner or keeper of said dog shall pay a two hundred fifty dollar ($250) fine and the dog officer is empowered to confiscate and after the expiration of a five (5) day waiting period exclusive of Sundays and holidays, shall destroy said vicious dog. For each subsequent violation the owner or keeper of said dog shall pay a fine of five hundred dollars ($500). (c) If any vicious dog shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner or keeper shall pay a five hundred dollar ($500) fine. For each subsequent violation said owner or keeper shall pay a fine of one thousand dol-
lars ($1,000), for owning or keeping a vicious dog which attacks, assaults, wounds, bites or otherwise injures or kills a human being.

No person shall be charged under subsections (a), (b) or (c) above, unless the dog, prior to the offense alleged, shall have been declared vicious pursuant to the provision of this act.

(d)(1) Every city or town shall enact an ordinance requiring the licensing of dogs within their jurisdiction at a fee not to exceed ten dollars ($10). In addition, each city or town shall charge an additional fee of two dollars ($2) for each license, said fee to be used exclusively by the cities and towns for enforcement of laws pertaining to animals. (2) Every owner or keeper of any dog found to be in violation of any city or town ordinance governing the licensing of dogs shall for the first offense be fined twenty-five dollars ($25) and for a second violation of any said ordinance shall be fined two hundred dollars ($200) and shall be required by his own expense, to have said dog tattooed in a manner prescribed by the provisions of this chapter, and for a third or subsequent offense shall be fined five hundred dollars ($500), and shall be required at his own expense, to have said dog tattooed in a manner prescribed by the provisions of this chapter.

In addition, any owner or keeper convicted of a third or subsequent violation shall present to the city or town clerk or other licensing authority, proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (100,000), covering any damage or injury which may be caused by such vicious dog, which policy shall contain a provision requiring the city or town to be named as additional insured for the sole purpose of the city or town clerk or other licensing authority where such dog is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy and the owner or keeper shall comply with the provisions of section 4-13.1-3(a)(4).

No fine and/or tattooing requirement shall be suspended by any court of competent jurisdiction.

(e) One-half of all fines paid pursuant to this section shall be paid to the city or town in which the violation occurred for the purpose of defraying the cost of the implementation of the provisions of this chapter.

(f) No dog shall be destroyed within 5 days of being impounded.
exclusive of Sundays and holidays.

(g) If the owner or keeper of a dog impounded for an alleged violation of sections 4-13.1-3 to 4-13.1-9, inclusive, of this chapter, shall believe that there shall not have been a violation of such sections hereof, such owner or keeper may petition the district court which has jurisdiction in the city or town where the dog is impounded praying that the impounded dog not be destroyed. The impounded dog shall not be destroyed pending resolution of such owner's or keeper's petition if the petition shall have been filed within five (5) days of impoundment of such dog and notice shall have been served within five (5) days of the impoundment of such dog upon the dog officer or keeper of the dog pound. The hearing shall be conducted within seven (7) days from serving of the notice. The decision of the district court may be appealed to the superior court by any aggrieved party within forty-eight (48) hours of the decision. The dog shall remain impounded pending the appeal. A hearing de novo, without a jury, shall be conducted within seven (7) days of the appeal. The decision of the superior court shall be final and conclusive upon all the parties thereto. However, the dog officer or any law enforcement officer shall have the right to declare a dog to be vicious for any actions of the dog subsequent to the date of the violation. If the court shall find that there shall not have been a violation of sections 4-13.1-3 to 4-13.1-9, inclusive, of this chapter, such dog may be released to the custody of the owner or keeper upon payment to the poundkeeper or dog officer of the expense of keeping such dog. The city or town councils may establish by ordinance a schedule of such costs.

(h) If the owner or keeper of the dog violates any of the terms and conditions of section 4-13.1-3(a)(4), said owner or keeper shall be fined one hundred dollars ($100) for the first such violation and two hundred fifty dollars ($250) for each subsequent violation.

4-13.1-10. Legal registration drives -- It shall be the duty of each city or town to conduct a licensing drive annually after the passage of this act in order to ensure compliance with the provisions of this chapter.

Section 2. Section 4-13.1-6 of the general laws in chapter 4-13.1 entitled "Regulation of Vicious Dogs" is hereby replaced in its entirety.

Section 3. Chapter 4-13.1 of the general laws entitled "Regulations of Vicious Dogs" is hereby amended by adding thereto the following sections:
4-13.1-12. Determination of a vicious dog.-- In the event that the dog officer or law enforcement officer has probable cause to believe that a dog is vicious, the chief dog officer or his or her immediate supervisor or the chief of police, or his designee, shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The dog officer or chief of police shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public.

After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the provisions of this chapter in accordance with a time schedule established by the dog officer or chief of police, but in no case more than thirty (30) subsequent to the date of the determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, bring a petition in the district court within the judicial district wherein the dog is owned or kept, praying that the court conduct its own hearing on whether or not the dog should be declared vicious. After service of notice upon the dog officer the court shall conduct a hearing de novo and make its own determination as to viciousness. Said hearing shall be conducted within seven (7) days of the service of the notice upon the dog officer or law enforcement officer involved. The issue shall be decided upon the preponderance of the evidence. If the court rules the dog to be vicious, the court may establish a time schedule to insure compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of the court's determination.

The court may decide all issues for or against the owner or keeper of the dog regardless of the fact that said owner or keeper fails to appear at said hearing.

The determination of the district court shall be final and conclusive upon all parties thereto. However, the dog officer or any law enforcement officer shall have the right to declare a dog to be vicious for any subsequent actions of the dog.

In the event that the dog officer or law enforcement officer has probable cause to believe that the dog in question is vicious and may
pose a threat of serious harm to human beings or other domestic animals, the dog officer or law enforcement officer may seize and impound the dog pending the aforesaid hearings. The owner or keeper of the dog shall be liable to the city or town where the dog is impounded for the costs and expenses of keeping such dog. The city or town council may establish by ordinance a schedule of such costs and expenses.

4-13.1-13. Uniform summons -- Mail-in fines prosecution -- The attorney general shall establish a uniform summons or citation to be used by state and municipal law enforcement agencies in the enforcement of this chapter. Fines of one hundred dollars ($100) or less may be paid by mail. All other fines or penalties shall require a court appearance. Any offense hereunder may be prosecuted by complaint.

4-13.1-14. Liability of parents for damages caused by dog owned by minor -- In the event that the owner or keeper of the vicious dog is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by said vicious dog.

Section 4. Section 4-13-33 of the General Laws in Chapter 4-13 entitled "Dogs" is hereby amended to read as follows:

4-13-33. Agent of Society for Prevention of Cruelty as special constable -- The board of police commissioners of any city, and the city council and town council of any city or town where there is no board of police commissioners, may appoint an agent of the Rhode Island Society for the Prevention of Cruelty to Animals as special constable or officer to enforce the provisions of this chapter, and when so appointed such agent shall have all the authority and power and be subject to all the duties and liabilities imposed upon special officers by said chapter; provided, however, that the general agent or any special agent of The Rhode Island Society for the Prevention of Cruelty to Animals shall have the authority to enforce provisions of this chapter whenever any violations of this chapter shall come to the attention of said general agent or special agent.
WASHINGTON STATE
SUBSTITUTE SENATE BILL NO. 5301
BY
COMMITTEE ON JUDICIARY
(ORIGINALLY SPONSORED BY SENATORS HALSAN, TALMADGE AND KREIDLER)

Read first time 2/24/87.

An ACT relating to dangerous dogs: adding new sections to chapter 16.08 RCW; repealing RCW 9.08.010; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATION OF THE STATE OF WASHINGTON:

NEW SECTION. New Sec. 1. A new section is added to chapter 16.08 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 4 of this act.

(1) "Potentially dangerous dog" means any dog that when unprovoked: (a) Inflicts bites on a human or a domestic animal either on public or private property, or (b) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

(2) "Dangerous dog" means any dog that according to the records of the appropriate authority, (a) Has inflicted severe injury on a human being without provocation on public or private property, (b) Has killed a domestic animal without provocation while off the owner's property, or (c) Has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(3) "Severe Injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(4) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors
or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

(5) "Animal control authority" means an entity acting alone or in concert with other legal governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

(6) "Animal control officer" means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensure of animals, control of animals, or seize and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

(7) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

NEW SECTION. Sec 2. A new section is added to chapter 16.08 RCW to read as follows:

(1) It is unlawful for an owner to have a dangerous dog in the state without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

(2) The animal control authority of the city or county in which an owner has a dangerous dog shall issue a certificate of registration to the owner of such animal if the owner presents to the animal control unit sufficient evidence of:

(a) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

(b) A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a form acceptable to the animal control authority in the sum of at least fifty thousand dollars, payable to any person
injured by the vicious dog; or

(c) A policy of liability insurance, such as homeowner's in-
surance, issued by an insurer qualified under Title 48 RCW in the
amount of at least fifty thousand dollars, insuring the owner for any
personal injuries inflicted by the dangerous dog.

(3)(a) If an owner has the dangerous dog in an incorporated area
that is serviced by both the city and a county animal control
authority, the owner shall obtain a certificate of registration from
the city authority.

(b) If an owner has the dangerous dog in an incorporated or un-
incorporated area served only by a county animal control authority,
the owner shall obtain a certificate of registration from the county
authority;

(c) If an owner has the dangerous dog in an incorporated or un-
incorporated area that is not served by an animal control authority,
the owner shall obtain a certificate of registration from the office
of the local sheriff.

(4) Cities and counties may charge an annual fee, in addition to
regular dog licensing fees, to register dangerous dogs.

NEW SECTION. Section 3. A new section is added to chapter 16.08
RCW to read as follows:

(1) It is unlawful for an owner of a dangerous dog to permit the
dog to be outside the proper enclosure unless the dog is muzzled and
restrained by a substantial chain or leash and under control of a res-
ponsible person. The muzzle shall be made in a manner that will not
cause injury to the dog or interfere with its vision or respiration
but shall prevent it from biting any person or animal.

(2) Potentially dangerous dogs shall be regulated only by local,
municipal, and county ordinances. Nothing in this section limits
restrictions local jurisdictions may place on owners of potentially
dangerous dogs.

(3) Dogs shall not be declared dangerous if the threat, injury,
or damage was sustained by a person, who, at the time, was committing
a willful trespass or other tort upon the premises occupied by the
owner of the dog, or was tormenting, abusing, or assaulting the dog or
has, in the past, been observed or reported to have tormented, abused,
or assaulted the dog or was committing or attempting to commit a crime.

NEW SECTION. Sec. 4. A new section is added to chapter 16.08 RCW to read as follows:

(1) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered under section 2 of this act; (b) owner does not secure the liability insurance coverage required under section 2 of this act; (c) dog is not maintained in the proper enclosure; (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the owner. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021.

(2) If a dangerous dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony, punishable in accordance with RCW 9A.20.021. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(3) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a class C felony punishable in accordance with RCW 9A.20.021. In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(4) Any person entering a dog in a dog fight is guilty of a class C felony punishable in accordance with RCW 9A.20.021.

NEW SECTION. Sec. 5. Section 286, chapter 249, Laws of 1909 and RCW 9.08.010 are each repealed.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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GUIDELINES FOR REGULATING VICIOUS OR DANGEROUS DOGS

Introduction

Many communities around the country are reassessing their laws relating to vicious or dangerous dogs. In some instances this has been the result of serious dog bite incidents that have focused attention on the inadequacies of existing regulations. In other cases legislators have attempted to address the problem before such an incident takes place. The Humane Society of the United States (HSUS) has been asked to assist many communities in improving their vicious dog laws. We have not produced a "model ordinance" relating to this problem since, in reviewing a variety of existing laws, we have concluded that different areas can have very different types of problems. We feel that each community should carefully assess its problems and the reasons why existing laws may have been ineffective and then take appropriate action to correct these shortcomings.

Why are New Laws Necessary?

Most existing laws relating to the control of dangerous animals are derived from centuries-old English Common Law. This approach has failed to recognize the complex role of dogs in our culture and changing social trends that have resulted in widespread keeping of potentially dangerous animals. Also, most laws fail to take into consideration modern knowledge about animal behavior, animal welfare and the epidemiology of animal bites. Finally, many existing laws place the burden of punishment on the offending animal, when in fact it is an irresponsible owner who is usually the direct or indirect cause of dangerous incidents.

What Changes Are Generally Needed?

Most laws limit dog owners' liability for their dogs' actions to situations in which they have knowledge of the animal's "vicious propensity". Although this is generally intended to mean any knowledge that the animal was likely to commit an injury, this has often been interpreted to mean that the owner must be aware of some prior bite incident. This has popularly been referred to as a "free bite" or "one bite" rule. The existence of a prior attack is often seen as the major indicator that an animal is vicious. This approach has several problems:
First, the growing popularity of large and/or aggressive dogs makes it a reality that an animal’s first bite is likely to be severe or even fatal. Thus many communities want to be able to identify problem situations before they result in injury.

Second, the concept of "vicious propensity" implies that all dog bites are the result of a behavior problem of the animal. However, we now know that this is only part of the problem. A dog’s tendency to bite is a product of at least five factors:

- the dog’s genetic predisposition to be aggressive
- the early socialization of the animal to people
- its training for obedience or mistraining for fighting
- the quality of care and supervision provided by the owner
- the behavior of the victim.

All of these factors interact, thus an inherently aggressive dog which is well trained and responsibly supervised may present little or no danger, whereas an affectionate animal with little genetic tendency to bite may become dangerous if poorly socialized, unsupervised, mistreated or provoked.

Good regulations should recognize all of these possibilities and provide for appropriate actions. They should be written with the understanding that any dog may become "dangerous" under the wrong circumstances.

Another common problem with existing vicious dog statutes is that the animal suffers the consequences of its owner’s irresponsibility. The animal may face destruction or lengthy impoundment, while the owner may receive little or no punishment. In addition, many irresponsible owners are chronic offenders of animal control laws. Thus ordinances should be constructed that impose serious, escalating fines on owners who are clearly unwilling or unable to adequately control their animals.

Assessing Your Needs

The first step in refining dangerous dog laws is to thoroughly evaluate the special problems and needs of your community. A surprising number of animal control ordinances are introduced without ever consulting with the people most affected by these laws. We suggest that information should be gathered from animal control agencies, local humane societies, veterinarians and/or local veterinary associations, health departments, police, the mayor’s office or community boards, kennel or breed clubs, the general dog-owning public, and fish and game or wildlife authorities.

Such information can be obtained from records of previous hearings. If no such hearings have been held, then the public hearing process should be a part of your legislative effort.
Be sure to request information from the appropriate experts as well as from the general public. The information that should be gathered when assessing problems related to dangerous dogs should include:

- Estimates of the number of dogs in the area and, if possible, some idea of the types of dogs owned and the reasons for ownership (companion, guard, working, etc.)
- Estimates of the percentage of dogs that are presently licensed (this ranges from less than 10% to about 80%)
- Reports on the incidence of dog attacks and, if known, a breakdown of the breeds, license status and other information about these incidents
- Reports from law enforcement and/or animal control officers on difficulties they have encountered in enforcing existing ordinances
- Reports on the number of citations, impoundments and quarantines
- Police reports on incidence of animal cruelty, organized dog fighting and "street" dog fighting in the area
- Testimony from public hearings on the nature of common animal problems in the area, including comments on the responsiveness of law enforcement and/or animal control to these complaints
- Reports from agriculture or fish and wildlife authorities on problems related to dog attacks on livestock or wildlife
- Testimony from kennel clubs, breed clubs, veterinarians and local humane organizations on the nature of dog ownership in the community and their perceptions of existing problems
- Reports from postal authorities, utilities and other public services that might be having a problem with dangerous dogs

**Reviewing Existing Laws**

The evaluation process described above should enable a community to characterize the major dog problems. In some areas the problem may be a large number of animals at large. Other areas may have a high number of "bad" dogs kept for protection. Possession of trained fighting dogs may be a common problem in other regions. Once the problems have been identified more clearly, the community should evaluate existing laws. The following questions should be asked:

- Do current laws address each of the problem areas?
- Are they being enforced?
- Is there a problem with repeat offenders?

If existing laws do not seem to be working, the community should look for the source of the problems. Common shortcomings of animal control laws include:

- Inadequate budget or manpower to enforce the laws
- Inadequate training to effectively deal with problem animals in a humane way
- Low priority given to animal control issues

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- Poor community education about existing animal laws and the importance of compliance with these laws
- Community opposition to some provision(s) of existing laws
- Lack of judicial support in upholding effective penalties

**Designing or Modifying a Basic Dangerous Dog Law**

Once you have identified the problems posed by dangerous dogs and the shortcomings of existing codes, it may be necessary to create new ordinances or rewrite existing ones. A workable dangerous dog law should address the problem in the following way:

1. Define what is meant by a "vicious" or "dangerous" dog
2. Establish the procedures by which a dog comes to be considered vicious or dangerous
3. Establish the actions that may be taken if an owner contests the designation of his or her dog as dangerous
4. Establish the actions that must be taken by the owner of a dog considered to be dangerous
5. Describe the penalties that will be assessed if the dog owner does not comply with the above requirements

**Defining a "Vicious" or "Dangerous" Dog**

As we noted above, one of the most common problems with existing laws is that they do not identify a potentially dangerous animal until after someone has been injured, rather than attempting to prevent injuries. In reality, most bite instances have been preceded by circumstances that should have given warning that a potentially dangerous situation existed. In some cases there is no question that a problem exists. For example, the traditional criterion of a prior unprovoked bite is sufficient for considering an animal dangerous. Other circumstances might be subject to dispute. For example, witnesses may disagree on whether or not a particular incident might have been provoked. For this reason, some judgements should be made following a hearing.

Effective dangerous dog ordinances require a good reporting and recording system for keeping track of injuries caused by animals. If your laws do not already provide for mandatory reporting of dog bites to the health department, animal control or some other agency, then such a provision should be instituted. The revision of dangerous dog laws also provides a good opportunity to update licensing and rabies vaccination regulations.

The procedures outlined below should enable a community to identify animals and their owners who are causing problems, while still protecting the rights of responsible dog owners.
Indications of a Dangerous Animal

The following characteristics should automatically characterize an animal as dangerous. That is, no hearing should be required. However, a provision must be included that would enable an owner to request a hearing if he or she disagrees with the facts used to designate the animal as dangerous.

"Dangerous Dog" means:

1. Any dog which, according to the records of the appropriate authority, has inflicted severe injury on a human being without provocation on public or private property or
2. Any dog which, according to the records of the appropriate authority, has killed a domestic animal without provocation while off the owner's property or
3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting

(Optional)

4. Any dog not owned by a governmental or law enforcement unit used primarily to guard public or private property

Note that in the above definitions, one prior serious bite is considered sufficient to define a dog as dangerous. Several existing laws allow a dog two or even three prior bites. We feel that this is inconsistent with basic principles of responsible pet ownership. The owner of any dog that has caused injury should be prepared to take immediate action to prevent further problems. If the circumstances surrounding this single instance are in dispute, then the owner has the option of a hearing and possible appeal, as described below.

Indications of a Dangerous Animal Following a Hearing

Many circumstances could be used to identify a potentially dangerous animal. A hearing could then be held to make a final determination. The format of the hearing, the composition of the panel, and the appeal process will vary depending on whether this law is enacted at the city, county or state level. One possible format for this provision follows:

"A Determination Hearing shall be conducted by <insert appropriate authority> whenever there is cause to believe that a dog may be a "dangerous animal" as defined in <insert section>. Said hearing shall be conducted within five (5) days of serving notice to the owner by certified letter."

"Pending the outcome of such a hearing, the dog must be securely confined in a humane manner either on the premises of the owner or with a licensed veterinarian."
The *appropriate authority* shall determine whether to declare the animal to be a "dangerous animal" based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such a determination, Health Department personnel, Animal Control personnel, police or any other person possessing information pertinent to such determination. "

The *appropriate authority* shall issue written findings within five (5) days after the Determination Hearing. The owner or possessor of the animal found to be dangerous by this hearing has the right to appeal the decision within three (3) days of receiving such decision to the *appropriate agency for appeal*. 

The following criteria are among those that could be used to define an animal as "potentially dangerous" and thus prompt a hearing according to the procedures described above:

1. Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack

This provision would cover animals that have threatened people, but which have not caused injuries. Our analysis of dog bite cases suggests that many serious incidents are preceded by a history of such "close calls".

2. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals

This is the general wording used by many existing ordinances. It is a "catch all" category that could be used to institute a hearing if neighbors, postal workers, utility workers or others feel that there is cause. Since pets are often the focus of neighborhood disputes, this provision should be made formal enough to avoid "nuisance" complaints against a pet owner, but at the same time it should provide citizens with legitimate complaints an opportunity to initiate appropriate action against an irresponsible owner of an animal that is likely to cause harm.

One approach to achieving this balance is to require an investigation if a sworn complaint is received from one or more residents of the community. This could be worded as follows:

"Upon receipt of an "Affidavit of Complaint" signed by one or more residents of <community> made under oath before an individual authorized by law to take sworn statements, setting forth the nature and the date of the act, the owner of the animal, the address of the owner and the description of the animal doing such act, the <appropriate authority> shall investigate the complaint to determine if in fact the animal is dangerous. "

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Any dog which, on three separate occasions within a twelve month period has been observed being unrestrained or uncontrolled off its owner's premises by an appropriate animal control or wildlife authority or has been impounded by an appropriate authority for being unrestrained or uncontrolled off its owner's premises

Animals that are repeatedly loose, even if not vicious, constitute a public nuisance and a potential threat to public health. In addition, many animals that later do cause injury have a history of running at large. Even well-behaved animals can become a serious threat in a pack situation. This provision addresses all of these problems. It is recognized that any dog might slip out on one or two occasions. The actual number to be used can be modified in accordance with the particular problems that exist in the community.

Exemptions for Animals that are Provoked

A sound dangerous dog ordinance should recognize that some bite situations are not precipitated by the dangerous nature of the animal but are brought on by the actions of the victim. Some allowance should be made to deal with situations in which the attack was provoked. Such provisions could be worded as follows:

"No dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime."

Other Exemptions

Existing ordinances often make specific exemptions for dogs used in law enforcement. Some additional exemptions may need to be spelled out relating to dogs used in hunting, since these might be used to chase wild animals.

Breed-Specific Definitions of "Dangerous"

One of the most controversial subjects in animal control legislation is the use of breed descriptions to automatically characterize a dog as vicious or dangerous or in some other way restrict or regulate ownership of the breed. Thus far, such breed-specific regulations have been specifically aimed at "pit bulls", although breed clubs and other groups have expressed fears that such restrictions might be extended to other breeds in the future.
There are many problems associated with breed-specific ordinances (See "Vicious Dogs", Humane Society News, Winter 1986). Briefly, such laws fail to address the fact that most problems with dangerous dogs are due to irresponsible ownership, which can be compounded by the popularity of owning aggressive animals. In addition, many local humane organizations have reported that the media attention given to controversies over breed-specific legislation has actually increased the demand for pit-bulls.

Most breed-specific laws have faced court challenges from local or national breed organizations. These laws have generally been challenged on the basis of overinclusiveness, underinclusiveness, vagueness and violation of fourteenth amendment protection. Although several pit-bull specific laws have been struck down, others have been unopposed or have survived court challenges in areas where unique circumstances seem to warrant them.

- An ordinance banning American Pit Bull Terriers in Tijeras, New Mexico was upheld at the trial level in March of 1986.

- A 1985 Shawnee, Kansas ordinance requiring pit bull owners to confine their animals and carry liability insurance and banning any new acquisitions of pit bulls was upheld, citing "dangerous conditions in the city."

- In May of 1986 Cincinnati, Ohio enacted an ordinance prohibiting the sale or purchase of pit bulls within the city limits which was amended to provide for confinement of these animals. An attempt to receive an injunction to prohibit enforcement of the law was thrown out on procedural grounds. Recently new court actions have been filed.

- Since April of 1984 Cambridge, Massachusetts has required the muzzling of pit bulls when off the owner’s property. That law has not been challenged.

- In 1986 Chester, Pennsylvania required that owners of pit bulls must purchase special permits at $500 per year per dog for the first three dogs and $3,000 per year for each additional dog. Owners must post a $20,000 bond and confine animals in a secure place. A request for an injunction against enforcement was not granted at the District Court level.

The defense of breed-specific laws may be costly to a municipality in both time and money. The question remains whether such a law is any more effective in protecting the public than a general, comprehensive dangerous dog law such as that outlined here. Several new non-breed-specific laws, on which we have based many of our suggestions, have been effective in controlling problems related to all types of dangerous dogs, including pit bulls.
In the communities where it can be documented that specific breeds (and their owners) create special problems, breed-specific regulations that impose the least possible infringements on responsible owners of the breed seem to have a better chance of receiving public and/or judicial support. In any case, hastily constructed rules that concentrate on only one issue should not be seen as a complete solution to problems posed by dangerous dogs and irresponsible owners.

Actions to be Taken By Owners of Dangerous Dogs

Dogs Involved in Unprovoked Fatal or Severe Attacks

Although there is often an outpouring of public sentiment in support of animals that have inflicted fatal or severe injuries, The HSUS believes that it is usually in the best interest of the public and responsible dog owners that a dog responsible for an unprovoked severe or fatal attack be humanely euthanized following a hearing to clarify the circumstances of the incident. The definition of "serious" or "severe" attack may vary. It is suggested that this be based on the extent of injuries as indicated by the type of medical intervention necessary, duration of hospitalization and projected length of recovery of the victim. The 1987 vicious dog law for the state of Washington offers the following definition:

" 'Severe injury' means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery. "

Dogs Involved in Provoked Fatal or Severe Attacks

A dog that has inflicted fatal or severe injuries under circumstances which indicate that the animal was provoked is still a potential hazard. The owner of such an animal should be required to take the actions outlined below for dangerous dogs.

Dogs Defined as Dangerous as a Result of a Hearing or Automatic Definitions Outlined Above

Dogs involved in non-fatal or non-severe bites should be quarantined and/or impounded for observation in accordance with existing rabies control ordinances for the area. This period of quarantine must meet the requirements of applicable rabies control laws, but should not exceed 14 days.

The following actions should be required of owners of animals that have been designated as "dangerous" by the procedures described above:
1. Licensing, Registration and Rabies Inoculation

The ordinance should note that all requirements for keeping any dog must be met by the owner of a "dangerous" dog. The community may wish to add a designation of "dangerous" to the registration records of such an animal, or may elect to require a special registration.

2. Positive Identification of the Animal

It is essential to be able to positively identify any dog that has been designated as dangerous. Presently, the most effective way of permanently and positively identifying dogs is by tattooing. Rhode Island state law words this as follows:

"The owner or keeper shall, at his own expense, have the licensing number assigned to such dog, or other such number as the city or town clerk or other licensing authority shall determine, tattooed upon such vicious dog by a licensed veterinarian or person trained as a tattooist and authorized as such by any state, city or town police department... The dog officer may, in his discretion, designate the particular location of said tattoo."

In addition, the law should specify that the animal wear a conspicuously colored collar that would identify it as a dangerous dog.

3. Notification of Change of Status

It is also essential that the appropriate authorities be informed of any change in the status of a dangerous dog that might affect public health and safety. This provision may be worded as follows:

"The owner or keeper shall notify the <appropriate authority> within twenty-four (24) hours if a dangerous dog is loose, unconfined, has attacked another animal or has attacked a human being or has died or has been sold or given away. If the dog has been sold or given away the owner or keeper shall provide the <authority> with the name, address and telephone number of the new owner, who must comply with the requirements of this ordinance."

4. Proper Confinement of the Dog

Animals that have been declared dangerous should immediately be kept in a humane way that also protects the public. It is not enough to simply attach the dog to a heavy chain. Many severe attacks have been attributed to animals that either were chained, or who broke their restraints. This provision could be worded:
While on the owners' property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.

In addition, owners of dogs that have been designated as dangerous should be required to post signs notifying the public of the presence of such an animal:

The owner or keeper shall display a sign on his or her premises warning that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.

5. Control and/or Muzzling while Off Owner's Property

A good ordinance must recognize that humane care may require that the animal be taken off the owners' property for exercise, veterinary care or other needs. The law should insure that the dangerous dog will be under close supervision and control at these times. This may be worded as follows:

A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

Optional Provisions

Municipalities around the country have added other provisions to their dangerous dog ordinances designed to further reduce the problems caused by irresponsible ownership of aggressive dogs. These provisions may or may not be appropriate for your community and some need not be applied to animals that are considered potentially dangerous, but which have not caused injuries.

6. Spay/Neuter Requirement for Animals Designated "Dangerous"

Although spaying or neutering may not reduce the probability that an animal will act aggressively, such a requirement may help reduce the number of animals with a genetic tendency to bite and will also prevent owners of dangerous dogs from profiting from the sale of offspring of these animals, a major factor in the rapid growth of this problem.
7. Insurance Requirements or Bond

Many victims of dog attack are unable to recover medical expenses because the dog owner is uninsured or underinsured. Some municipalities require that the owners of dangerous dogs show proof of liability insurance or post bond. The amount specified should be reasonable and obtainable. Suggested wording for such a provision is:

"The owner or keeper of a dangerous dog shall present to the appropriate authority proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars ($100,000), covering the 12 month period during which licensing is sought. This policy shall contain a provision requiring the community to be named as an additional insured for the sole purpose of the community to be notified by the insurance company of any cancellation, termination or expiration of the policy."

8. Owner Education/ Community Service

Since many of the problems posed by dangerous dogs are directly related to irresponsible pet ownership, some communities are beginning to require that violators of animal control laws attend mandatory classes on responsible care. These classes are modelled after those required for violators of traffic regulations. Such a provision will depend upon the resources available from animal control agencies and local humane societies.

9. Provisions for Inspection

To be effective, a dangerous dog ordinance should empower the appropriate authorities to make whatever inquiry is deemed necessary to ensure compliance with the provisions. These measures will be more effective if such inspections occur on a regular basis (at least twice a year).

10. Euthanasia Option

If the owner or keeper of a dog that has been designated dangerous is unwilling or unable to comply with the above regulations for keeping such an animal then he or she should have the animal humanely euthanized by an animal shelter, animal control agency or licensed veterinarian, after a 14 day holding period. Any dog that has been designated as dangerous under these laws may not be offered for adoption.

11. Banishment of Dangerous Dogs

Some communities have passed ordinances that simply require that the animal be removed from the community's boundaries. Obviously this does not address the cause of these problems and only serves to move them into another jurisdiction.

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12. Authorization of Funding for A Licensing Drive

Several communities have used the occasion of the passage of more stringent animal control laws to enact legislation that specifically provides for funding for a campaign to educate the public about the requirements for licensing animals and about the new provisions relating to dangerous dogs.

13. Injuries to Seeing-Eye Dogs or Blind Persons

Some communities have instituted special regulations requiring that the owner of any dog that, while off the owner's property, assaults, bites or otherwise injures a blind person or guide dog, shall be liable to the blind person for double all damages sustained. Such damages are to be recovered in a civil action.

14. Liability of Parents for Damages Caused by Dog Owned by Minor

Recent reports have indicated that a significant number of potentially dangerous dogs are owned by adolescents or other minors. Regulations should stipulate that if the owner or keeper of a dangerous dog is a minor, the parent or guardian of that minor shall be responsible for compliance with the specifications of the ordinance for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog.

Actions to be Taken Against Owners of Dangerous Dogs

Many existing animal control ordinances consider aggressive dogs to be a trivial problem and apply correspondingly small penalties, yet the many injuries and deaths attributed to such dogs demonstrate the urgency of this issue and the need for more effective penalties.

The HSUS recommends that this issue is best addressed by passing strong state laws, since such laws can specify heavier penalties for offenders. This does not preclude working for local ordinances as well. Local level governments tend to meet more frequently and can respond more quickly to emergency situations. In some cases state legislatures meet only at the beginning of the year, or even every other year. It is never too early to begin to work with your state legislators to draft more effective dangerous dog legislation.

Specific penalties will depend on the level at which vicious dog ordinances are drafted (i.e. city, county, state). Check your local ordinances and state laws to determine how penalties should be structured to conform to applicable criminal codes.
The HSUS strongly recommends that felony level penalties be applied in cases of fatal or severe attacks or non-compliance with requirements for actions to be taken by the owners of animals that have been designated vicious or dangerous. Failure to comply with rules relating to the keeping of dangerous dogs should result in a fine of no less than $500, with a second failure resulting in felony penalties and possible confiscation of the animal(s) in question.

Washington state's 1987 law provides for some of the strongest penalties for the owners of vicious dogs:

"(1) Any dangerous dog shall be immediately confiscated by an animal control authority if the: (a) Dog is not validly registered...; (b) owner does not secure the liability insurance coverage required...; (c) dog is not maintained in the proper enclosure; (d) dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under the physical restraint of the owner. In addition, the owner shall be guilty of a gross misdemeanor punishable in accordance with RCW 9A.20.021."

"(2) If a dangerous dog of an owner with a prior conviction... attacks or bites a person or another domestic animal, the dog owner is guilty of a class C felony... In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner."

"(3) The owner of any dog that aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of a class C felony... In addition, the dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner."

Appending Animal Fighting Felony Provisions to Laws Dealing with Vicious or Dangerous Dogs

Many of the problems related to dangerous dogs are directly and indirectly linked to the continuing practice of dog fighting. Several states have appended felony level dog fighting or animal fighting laws to legislation aimed at controlling vicious or dangerous dogs. The HSUS endorses this strategy in dealing with this serious issue. A model state animal fighting law is available on request.
Assessing and Refining Changes to Dangerous Dog Laws

It is likely that any law or ordinance relating to dangerous dogs will need to undergo some "fine-tuning". Some provisions may prove difficult to enforce with the resources that are available. Others might generate an unexpected amount of local controversy. Some communities have recognized this and have instituted new provisions on a temporary basis. For example, it may be stipulated that the new regulations will expire after a period of three years unless retained by appropriate vote. This is called a "sunset provision."

In any case, the impact of any new ordinances should be thoroughly assessed on a regular basis; at least yearly. The information to be gathered should be the same as that recommended for the original evaluation of the problem, including information on bites, animal complaints, citations and licensing trends.

We hope that with careful attention to the issues outlined in these guidelines, communities will be able to establish laws that protect the public and, at the same time, do not place unnecessary burdens on responsible owners of well-behaved animal or cause undue hardship for a dog who is the innocent victim of an irresponsible owner.