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CAN'T JUDGE A BULL BY THE COVER

*Last spring, a Maryland court labeled pit bulls "inherently dangerous."
Owners and advocates are fighting back.*

BY JAMES HETTINGER

Many of Jonathan Mazzetta's friends and neighbors have met and played with his two pit bull mixes, Samantha and Sunny. His "girls," he says, are energetic, loving, perfect hiking buddies, and unlikely to show aggression toward any creature except the occasional squirrel.

But one day last April, Mazzetta's landlord in Baltimore County gave him a week to get rid of his dogs. Maryland's highest court had just declared pit bulls "inherently dangerous," stipulating that owners and landlords can, without a showing of fault, be held financially liable for damage done by the animals.

Mazzetta, who runs a small business from his home, was unable to persuade his landlord to let him keep Sunny and Samantha, so he placed them in foster homes. "I personally think the entire thing's ridiculous," Mazzetta says.

Animal advocates have blasted the ruling as an example of impractical, ill-advised breed-specific policy that unfairly targets a type of dog based on appearance and reputation rather than a proven tendency toward bad behavior. Before the state legislature got involved, they worried the Maryland Court of Appeals decision would force thousands of pets to be surrendered to already overcrowded animal shelters, where they'd face the possibility of euthanasia.

Indeed, news of the ruling spread "like wildfire" and sparked confusion among landlords and dog owners about how it would affect them, says Jennifer Brause, executive director of Baltimore Animal Rescue and Care Shelter. In the following months, her shelter took in about 40 dogs surrendered as a result of the decision. She fears a Baltimore housing complex's subsequent ban on pit bull-type dogs could prompt the surrender of another 500.

"It's punishing good people," says Brause, recalling one couple with a newborn baby who surrendered their dog because they couldn't risk losing their home by fighting their landlord. "I've seen grown adults come in, just really devastated. ... They get the whole lobby of guests and customers crying with them, along with our staff, because it's just so hard and they don't have any other options."

The Maryland SPCA in Baltimore has



Jonathan Mazzetta's female pit bull mixes, Samantha (left) and Sunny, help take the stress out of everyday life. When his landlord ordered him to remove the dogs following a Maryland court ruling last April, Mazzetta grew desperate to keep them, raising his renters insurance and even offering to put a lien on his business.

experienced a 20 percent increase in the number of pit bull-type dogs surrendered, says executive director Aileen Gabbey.

"We adopted out this big, beautiful, blue-gray pit bull named Geronimo," she recalls. "And the woman had talked to her landlord ahead of time and let him know, 'I'm getting a dog; this is the kind of dog.' She brought him home. The landlord took one look at him and said, 'Take him back.' So the same day, Geronimo had to come back, which was really sad for everybody."

MISGUIDED RULING

The court ruling wasn't the first breed-

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specific policy in the U.S.; Denver and Miami-Dade County have banned pit bull ownership, for example, and Maryland's own Prince George's County has banned pit bulls for years. While the ruling didn't expressly ban pit bulls, its de facto effect could be just as harmful. And the court was bucking a national trend that's seen about a dozen states prohibit local governments from passing breed-specific legislation.

The HSUS opposes breed-specific policies, noting they're ineffective at reducing bites, difficult to enforce, and often based on flawed statistics. Breed is only one factor that determines whether a dog poses a danger; others include training, socialization, whether the dog is spayed or neutered, and being chained in the backyard. Communities are safer when policy emphasizes responsible pet ownership, and people can also help avoid bites by practicing safety measures such as not leaving children unattended, being aware of canine body language, and never petting a dog without letting him see and sniff you first.

The Maryland ruling stemmed from a case in which a dog identified by the court as a pit bull bit and badly injured a child. The child's parents sued the dog owner's landlord, though Maryland law at the time said the landlord, to be held liable, would have needed a reason to suspect the dog was dangerous, such as a previous bite.

But the appeals court decided to declare pit bulls inherently dangerous because of their "vicious nature" and ability to inflict



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harm. The court also extended liability far beyond the owner to landlords and other third parties, such as veterinarians, boarders, and groomers.

Eric Bernthal, a lawyer and Maryland resident who chairs the HSUS board, says the decision reminds him of an old saying: Hard cases make bad law. He believes the ruling was “rooted in ignorance” and not based on sound fact-finding. “You had a couple of judges ... just casually pontificating about their views of pit bulls, gratuitously,” he says. “... They didn’t think about what the impact would be on thousands and thousands of innocent, law-abiding families and loving, sweet family dogs.” Adds Stacey Coleman, executive director of Animal Farm Foundation, a rescue and advocacy organization based in New York state, “Even if you’re not a dog owner, you should really be outraged and concerned by this particular ruling because it shows ... the court’s willingness to prejudge. It’s based on stereotype instead of fact.”

In August, the court modified its ruling to exempt “cross-bred pit bulls” (dogs who are “part pit bull and part some other breed of domestic dog”)—a change that advocates say would offer little relief. “The whole thing is bizarre,” notes Tami Santelli, HSUS Maryland state director, because “pit bulls” aren’t actually an official breed and the court didn’t define the term.

Owners who can document that their dogs are mixed breeds could be helped by the court’s reconsideration, but fears persist that landlords still might exclude pit bull-type dogs, or maybe even all dogs, because they don’t want to risk a lawsuit or get into the hassles of DNA testing. In any case, many owners don’t have the resources or know-how to prove their dogs’ genetic backgrounds, and Wisdom Panel Insights, a leading canine genetics test, doesn’t even have a pit bull DNA profile.

Visual identification can be just as problematic (see sidebar, p. 28). “I got what is a purebred boxer surrendered because the

landlord thought it looked like a pit bull,” Brause says. “So how do you fight that?” A recent study by the Maddie’s Shelter Medicine Program showed that even shelter workers and other dog experts frequently misidentify breeds based on appearance.

The confusion “is a particular problem for pit bulls because the stakes are so high,” says veterinarian Julie Levy, who directs the Maddie’s program; in Miami-Dade County, identification as a pit bull amounts to a “death sentence.”

In Maryland, it seems that cooler heads will eventually prevail. In January, members of the state General Assembly introduced a compromise bill that would reverse the breed-specific rule and remove the strict liability for third parties. The bill was expected to pass in early 2013.

BAD SCIENCE

The idea that breed-specific policies will lead to fewer dog bites “is absolutely a fallacy—it’s just not going to happen,”

Many visitors enter Baltimore Animal Rescue and Care Shelter convinced by negative media coverage that they don't want a "pit bull," says executive director Jennifer Brause. But they often fall in love with the muscular, shorthair dogs who make up about 90 percent of the shelter's population, and end up adopting one. The dogs, who burn off excess energy and develop social skills during play group (opposite page and opening image), deserve to be viewed as individuals, not lumped together and labeled dangerous, Brause adds.

Coleman says. There's no scientific evidence that one kind of dog is more likely than another to bite or injure people, and breed bans in several cities have not reduced reports of dog bites, according to the National Canine Research Council, which funded the Maddie's shelter study.

Breed-specific policies are similar to profiling people based on their color, height, or style of clothes, Brause says. "You're looking at an animal, and by its looks you're saying it's going to bite you, and that's not true. It's just not a fact."

One type of dog or another tends to be perceived as dangerous at any given time; Dobermans, rottweilers, and German shepherds have all gone through periods when they were seen as the ultimate "tough" dog, and that reputation heightened public fears. "Unfortunately, we're in the decade of the pit bull," Brause notes, "and it's going to be another dog after this."

Policymakers sometimes base their decisions on those perceptions rather than facts. Says Coleman: "The overwhelming majority of pit bull dogs—whatever it is you're calling a pit bull—live companionably and unremarkably in just regular homes. ... But yet we hear a story about a human-canine bond that has gone wrong, or somebody has been injured by the dog, and that becomes the loudest voice. That becomes the thing that we base law on, even though that is really an exception to what truly happens on an everyday basis."

In Maryland, a few dozen of an estimated 70,000 pit bull-type dogs have been responsible for reported bite cases, says Bernthal. "Breed-specific legislation dramatically impacts the 99.9 percent who have done absolutely nothing wrong."

After the court decision, Maryland shel-



Malnourished dogs had to be rescued from horrifying conditions at Spindletop.

The "Pit Problem" Is a Human Problem

In July 2012, HSUS staff helped remove 300 dogs from the filthy, crowded Spindletop rescue in Willis, Texas, a supposed refuge for pit bull-type dogs. In this edited excerpt from our sister magazine, *Animal Sheltering* editor Carrie Allan examines how perceptions about pit bulls contributed to this tragedy.

It was one of the most troubling elements of the Spindletop case: In many places, a pit bull-type dog who enters an animal shelter has little chance of adoption. Some adopters are afraid of them. Some shelters are leery of adopting them out, lest they end up with people who will exploit them. Some jurisdictions have laws preventing their ownership and placement. Some insurance companies won't cover them. For pit bulls, the world often looks like a stacked deck, and options can seem scant.

"Many people took dogs to Spindletop because they assumed there was a problem with the dog," says Stacey Coleman, executive director of Animal Farm Foundation. She recalls one man who'd found a female pit and been told it would be unwise to keep her since he had another female dog at home. "So he did the 'right' thing and found the dog placement at Spindletop."

But rescuers who went to the sanctuary expecting to find hard-to-adopt dogs were surprised by how many were "just lovely," says Coleman. It suggests an ongoing problem with people making assumptions about dogs who've been labeled pit bulls: "We need to look at the dogs in front of us and not the dogs we were warned about."

➔ **READ** the full story at animalsheltering.org/spindletop.

ters experienced a smaller influx of surrendered animals than feared, Santelli says, but that may be because the ruling was temporarily put on hold when the court was asked to reconsider, and some landlords may not have realized the ruling's implications for them. Brause says the number of calls and surrenders at her shelter slowed down as everyone waited to see what the legislature would do.

(Geronimo was adopted out to a new home, and Mazzetta's landlord allowed him to retrieve his dogs after the court decided to exclude pit bull mixes from its ruling.)

But the injustice of the decision isn't far from Brause's mind. "Most of what we deal with are mixed, shorthair, stocky dogs—call them pit bulls if you want—and most of them are extremely friendly and loving. And we've placed thousands of them—*thousands*

of them—into homes, wonderful homes, with children, with adults, with all different kinds of people," she says. "... To turn around and say, 'But they're vicious,' it makes me sad, and it shocks me. It's like, how can you say that when we know otherwise?" ■

↑ **TO READ** stories from pit bull owners and pledge to support Maryland families, go to humansociety.org/protectmddogs.

Test Your Breed IQ

When it comes to "pit bulls," looks can be deceiving

One of the more bizarre problems with policies that target "pit bulls" is that the breed doesn't technically exist.

There's no agreed-upon legal definition of a pit bull, nor is a dog called a pit bull recognized by any kennel club, says Stacey Coleman, executive director of Animal Farm Foundation.

People often casually apply the term to three breeds and their mixes: American pit bull terrier, American Staffordshire terrier, and Staffordshire bull terrier. Other dogs frequently lumped into the "pit bull" category include bulldogs, boxers, presa canarios,

cane corsos, mastiffs, and various mixes of all of these.

The advent of DNA testing to identify the various breeds that make up a particular dog's genes has helped demonstrate the difficulty of accurate visual identification. Genes are mysterious in the way they combine to create an animal's features; sometimes a dog who appears to be a pit bull may turn out to be a Labra-poodle-terri-hund. Check out some examples of what testing has revealed about the pooches shown here—it's proof that when it comes to "pit bulls," you can't believe your eyes.



50% American bulldog
25% American Staffordshire terrier
9.28% Pembroke Welsh corgi
7.97% Irish wolfhound



25% German shepherd
25% Staffordshire bull terrier
13.36% Weimaraner
7.29% German wirehaired pointer



25% rottweiler
12.5% boxer
12.5% German shorthaired pointer
11.09% Manchester terrier



25% American Staffordshire terrier
25% collie
21.41% black Russian terrier
19.86% Norwegian buhund



25% American Staffordshire terrier
25% Dogue de Bordeaux
3.66% Irish terrier
2.17% Dandie Dinmont terrier



25% American Staffordshire terrier
25% boxer
25% soft-coated wheaten terrier
18.66% Great Dane



50% Catahoula leopard dog
25% Siberian husky
9.94% briard
5.07 Airedale terrier



25% basset hound
25% American Staffordshire terrier
25% chow chow
25% English cocker spaniel



25% American Staffordshire terrier
25% Staffordshire bull terrier
8.83% flat-coated retriever
3.14% Irish wolfhound



25% boxer
25% Alaskan malamute
21.95% Sealyham terrier
19.67% pointer

PHOTOS BY: MICHAEL GRANDALL. SOURCE: MADDIE'S SHELTER MEDICINE PROGRAM. SOME PERCENTAGES MAY NOT ADD UP TO 100 PERCENT DUE TO TRACE AMOUNTS OF DNA NOT SHOWN