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12 Reasons to Oppose Breed-Discriminatory Legislation

A comprehensive look at why discriminatory dog laws are not the answer

Photo by Melissa Lipani

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Breed-discriminatory legislation (BDL) refers to laws that target dogs based on how they look rather than their actions. Hundreds of U.S. cities have already enacted BDL, and more cities adopt it every year. Many cities and counties—plus Marine Corps and Army bases—have banned select breeds altogether. Other cities enact BDL that automatically labels dogs of certain breeds as “vicious” or “dangerous” regardless of their behavior. These laws may require owners of the targeted breeds to follow strict guidelines, such as sterilization, proof of liability insurance, housing of the dog in a cage with a roof and floor, and muzzling the dog when on a leash. Currently, BDL most often focuses on pit bull types (dogs that have “pit bull characteristics”), but some cities also target Rottweilers, German Shepherds, Doberman Pinchers, American Bull Dogs, Bull Terriers, Mastiffs, Dalmatians, Chow Chows, other large breeds and mixes of the targeted breeds. Here, we outline the inherent flaws of BDL, why it doesn’t work and why it concerns every dog lover.

1. Doesn’t Make Communities Safer

Lawmakers in favor of BDL claim it will improve public safety, but there are no studies showing this is the case. In fact, the Netherlands banned pit bulls in 1993 but lifted the ban in 2008 because it had not led to a reduction in dog bites. Since enacting the Dangerous Dog Act of 1991 that targeted pit bulls and several other breeds, England has actually experienced a dramatic rise in serious attacks. The American Society for the Prevention of Cruelty to Animals notes several other examples in their Position Statement on Breed-Specific Legislation, including a spike in dog bites after the 2005 Council Bluffs, Iowa, pit bull ban; and a study based on Prince George’s County, Md., pit bull ban showing public safety has not improved as a result of the ban.

2. Fails to Address the Real Issues

BDL fails to address the real issues behind dog bites. Dogs involved in severe attacks tend to have factors in common regardless of breed, such as being unrestrained and unaltered. In addition, these dogs are usually not indoor members of the family (and may be kept or trained as guard dogs). Chaining, lack of proper training or socialization, abuse and neglect can also lead to aggression. Children are often the victims of dog bites, and experts advise always supervising children with pets. All of the above are issues of owner responsibility.

3. Based on Flawed Data

Lawmakers in favor of BDL usually cite the Center for Disease Control (CDC) report on dog bite fatalities. However, they fail to take into account the CDC’s own warnings about the data or the CDC’s conclusion that BDL is not the answer. The CDC acknowledges that many factors contribute to a dog’s tendency to bite, that dog breeds responsible for fatalities vary over time, that visual identification of a dog’s breed is problematic, that there are no statistics on how many dogs of each breed are currently living in the United States, that any breed can be trained to be aggressive, and that irresponsible owners can simply move on to another breed if one is banned.

4. Impossible to Accurately Enforce

Approximately half the dogs in the United States are mixed breeds, and recent studies have shown that visual identification of a dog’s breed is highly inaccurate. In addition, the term “pit bull” applies to a type of dog rather than a breed. American Pit Bull Terriers, American Staffordshire Terriers and Staffordshire Bull Terriers, mixes of these breeds, or dogs with physical characteristics resembling one of these breeds are lumped into the “pit bull” category. Because of the costs associated with DNA testing, it is not standard practice. This means that untold numbers of misidentified dogs are seized and euthanized under BDL. Faulty visual identification by bystanders, owners, the media or animal control personnel is also a major reason why current dog bite statistics, which categorize dogs by breed, are inaccurate.

5. Taxes Limited Resources

BDL takes limited resources away from enforcing important leash and license laws, educating the public, promoting spay/neuter and cracking down on dog fighting and abuse. Instead, limited personnel must track down dogs resembling pit bulls (or other targeted breeds) and house them during what can be lengthy legal proceedings, which can lead to adoptable dogs of all breeds being euthanized due to overcrowding.



6. Creates Financial Burden

BDL places an incredible financial burden on cities and counties. Best Friends has created a fiscal calculator to show the costs of breed-discriminatory legislation. In addition to costs related to enforcement, housing and euthanasia, BDL opens cities up to lawsuits from owners who claim it violates their constitutional rights, who claim their dogs were misidentified, or who have service animals that fall under the breed restrictions (although the ADA allows all breeds, Denver has been sued for not allowing pit bull service dogs).

7. Negatively Impacts Law-Abiding Families

In cities with BDL, law-abiding owners of targeted breeds must either move or comply. Those without the financial means to move often have to surrender their beloved family pets to be euthanized. An untold number of pit bulls and other dogs have been euthanized as the result of BDL (thousands under Denver's ban alone), based not on their behavior but simply how they look. In addition to tearing families apart, BDL forces some underground, hiding targeted dogs and not giving them proper veterinary care or exercise in an attempt to avoid detection by authorities (read one such story here). This is especially true in the case of dog fighters, who are already breaking the law; rather than solving the problem, BDL most likely only pushes them further underground.

8. Engenders Further Prejudice

Regulation and labeling of certain breeds as "vicious" or "dangerous" makes it all the more difficult for responsible guardians of these breeds to find landlords who will rent to them and homeowners or rental insurance companies who will insure them, regardless of how well trained or even tempered their pet is. Even those not living in cities with BDL are impacted by this widespread prejudice. The fact that more than 500 cities and counties already have enacted BDL also makes it difficult for families with these breeds to travel with their pets or consider moving for work or family obligations.

9. Short Sighted

Breeds popular as guard dogs and for image enhancement change over time, creating rises in popularity of certain breeds and often corresponding rises in bites from those breeds. As an example, Great Danes caused the most reported human deaths from dog attacks in 1979/80. With more than 200 breeds to choose from, many experts agree that when one breed is banned, irresponsible owners will simply move on to another large breed. Those who think their breed of choice won't be impacted by BDL should think again: Dozens of breeds and mixes of those breeds have already been restricted by various laws across our country. The list of breeds singled out by homeowners' insurance policies, homeowners' associations and apartment complexes is far lengthier.

10. Based on Myths

Rather than based on any proof that it's effective, BDL is often enacted as an emotional reaction to one or two incidences within a community. Inaccurate data and breed myths are often brought up as "facts" to support breed bans. This misinformation includes statements about the percentage of pit bull type dogs in the U.S. (which is unknown) and the numbers of attacks caused by pit bull types (which is also unknown given breed misidentification and lack of accurate data). Other misinformation includes the myth that pit bulls have locking jaws, bite differently than other dogs or suddenly "snap." There is no credible evidence to support any of these erroneous theories. Pit bulls' jaw mechanism/anatomy is no different than any other dog of equal size, and locking the jaw is physically impossible for any breed of dog. Experts examining the body of a bite victim may be able to tell if it was a large or small dog, but cannot identify the specific breed that caused the wounds. And regarding the "suddenly snapping" theory: Pit bull's brains are no different than any other dog.

11. Illegal

The American Veterinary Medical Association's community dog bite prevention report states: "Breed-specific ordinances, however, raise constitutional questions concerning dog owners' fourteenth amendment rights of due process and equal protection." In addition to lawsuits over constitutional rights, multiple lawsuits have been filed by owners in various cities who claim their dogs were wrongly labeled as one of the targeted breeds.

12. Unsupported

For these reasons and more, the Centers for Disease Control, the American Kennel Club, National Animal Control Association, American Society for the Prevention of Cruelty to Animals, Humane Society of the United States, and American Veterinary Medical Association all oppose BDL and suggest more effective breed-neutral solutions to reducing dog bites and making communities safer, such as the AVMA's community approach to dog bite prevention. Calgary's Responsible Pet Ownership law is also frequently cited as an example of a successful breed-neutral law.