An Argument against Breed Specific Legislation

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Most dog owners would agree that pets are like family; each with their own personality, responses, and personal temperament, making them individuals. It nearly impossible to create broad generalizations based solely on breed. Breed specific legislation, or breed banning, is an ordinance passed by local government ultimately outlawing a specific breed or group of breeds of dogs that are considered dangerous. Breed specific legislation is not an effective method for keeping the public safe from dog bites. The ban does not account for differences in temperament, socialization, or behavior displayed by individual dogs, but groups all dogs of specific breeds as dangerous. Breed specific legislation does not control the problem of dangerous dogs because the laws are written to target specific breeds instead of targeting the unwanted behaviors, regardless of breed. Breed banning is a very controversial topic and in this paper I will present information as to why breed specific legislation does not necessarily protect the public from dangerous dogs, and why alternatives should be considered.

Dangerous dogs, as defined in breed bans are typically American pit bull terriers, Staffordshire terriers, Staffordshire bull terriers, and any other pit bull type dog. Though these dogs are stereotyped as being dangerous, bite statistics, when accurately reported, do not back up those claims. The first thing to find out is which dogs are doing the biting. Dundee Hospital in the UK conducted a study designed to analyze bite reports and medical attention required by bite victims over a three month period before and after the implementation of a breed ban specifically targeting pit bulls. The results indicated no change in the number of bites reported (Clarke, Ledger, Murphy, Orihel, and Sedlbauer. 2005). Banning pit bulls did nothing to change the amount of dog bites. Information regarding the severity of the bites was not included in the report.
Most breed laws are poorly written and do not take into account the individual temperaments of the dogs considered vicious. Mandatory leash laws are much more effective in controlling dog bites when the proper resources are available to enforce the laws. Mandatory leash laws do not stereotype dogs based on their breed and put the responsibility back in the hands of the owner. Some cities have bans so strict that if a specific breed, usually pit bulls, Staffordshire terriers, or pit bull mixes is within city limits that have the breed ban, the dogs are confiscated and euthanized. Other cities have enforced bans that outlaw breeds over a specific weight, no matter what the breed (Hanks, L 2010).

40% of dogs surrendered to shelters are surrendered due to behavior problems, and those behavior problems are usually aggression (Duffy, Hsu, and Serpell. 2008). The likelihood of owners tolerating aggression in smaller dogs is more common than owners willing to tolerate aggression with a larger dog which is why larger dogs seem to be surrendered due to aggression more often than smaller breeds ultimately giving larger breeds more of a negative reputation than smaller breeds. The dogs are not represented equally especially since the same problems occur within all breeds.

According to some temperament and reaction studies done on various dog breeds presented in the article Breed Differences in Canine Aggression, small dogs were among the top seven dog breeds displaying signs of owner directed aggression. This could account for owners’ intolerance for larger dogs showing aggression, but again, why are the larger dogs getting banned when studies show aggressive behavior in small dogs as well? Dog bite statistics can be skewed and ultimately misrepresenting the breeds of dogs doing the biting. “Most studies of aggressiveness across breeds have focused on dog bite reports that are collated by animal control departments and hospitals. Larger breeds are generally overrepresented in these studies, as
“minor bites”, inflicted by smaller breeds, are more likely to go untreated and unreported” (Clarke, N., Ledger, R., Murphy, S., Orihel, J., Sedlbauer, M. 2005). Yes, bites inflicted by larger dogs are generally more dangerous as they more frequently require medical attention, but when smaller dogs are biting people as well don’t they pose a threat? If breed bans determine dangerous breeds through bite statistics or the amount of bites per breed, small dogs may be subject to banning as well.

Clarke, N., Ledger, R., Murphy, S., Orihel, J., Sedlbauer, M. (2005) offered some effective alternatives to breed specific legislation which are: prevent aggressive dogs from breeding, socialize young puppies appropriately, and provide appropriate care for adult dogs. Dogs within specific bloodlines may be more aggressive, regardless of breed. Those specific dogs should not be bred in an effort to weed out the aggressive tendencies. Socializing puppies is very important because a lack of socialization can result in the dog being fearful of certain situations and that fear can translate into aggression. The third alternative to breed banning is to provide adult dogs with appropriate care, meaning always be in control of the dog, make sure dogs are properly trained, and react to and correct aggressive behavior should it arise.

The article *One City’s Experience* outlined the process of getting a breed ban passed in the city of Denver, CO. Pit bulls were not assessed individually, but as a group. Statistically the entire group, in comparison to other breeds, “has a higher propensity to exhibit unique behavioral traits during an attack” (Nelson, 2005). These behavioral traits were determined based on the history of the breed, the tenacity, pain tolerance, unpredictability of aggression, and manner of attack. These traits proved that pit bull behavior was enough to consider them, as a group, unsafe and worth of the ban.
Expert testimony by Dr. Peter Borchelt, certified animal behaviorist, was included in the case regarding breed specific legislation in Denver, Co. Dr. Borchelt explained that pit bulls were not originally bred to be aggressive towards humans and careful breeding was done to eliminate negative behavior; however, a recent spike in demand for pit bulls encouraged irresponsible breeders to ignore signs of human aggression and sell dogs to other irresponsible owners who would continue to breed human aggressive dogs. “The entire breed’s selective breeding created a reliable higher probability of dangerous behavior such as bite, hold, and shake creating greater levels of injury” (Nelson, K. 2005).

During Dr. Peter Borchelt’s testimony, it was also argued that certain animals are simply inappropriate for certain living conditions. There is no need to have a large, high energy dog in a small urban apartment, similar to it being inappropriate to have a pet goat in an apartment. Having said this, wouldn’t other breeds be under the same scrutiny simply for being too large for a specific dwelling?

While I completely understand the concern for public safety surrounding dog bites and attacks, trying to eliminate a specific breed will not solve the problem. Irresponsible breeding plays a major role in the temperament and aggression level of any dog. Not just pit bulls. Control over unnecessary and irresponsible breeding would be a step in the right direction, along with mandatory spay/neuter laws, and leash laws.

Pit bulls and pit bull type dogs may be the victim of a ban no matter what their personal temperament is. Under breed laws, dogs are not assessed individually, but are stereotyped as a whole as dangerous. Ontario, Canada passed a breed ban that banned pit bulls, even though statistics showed that German Shepherds held the top spot for bites (Clarke, N., Ledger, R.,
Murphy, S., Orihel, J., Sedlbauer, M., 2005). Also, as I mentioned above, studies done on a
number of household breeds revealed that small, toy sized dogs were among the top seven breeds
showing owner directed aggression. A blanket ban on one specific type of dog will not eliminate
a dog aggression problem. Informed, responsible and in control owners are the key to public
safety from dangerous dogs. Owners with their dogs always on leashes and contained in their
own fenced yards do not pose a problem.

Leash laws are a positive alternative to breed banning. Dogs are under the control of their
owner, yet are not discriminated against based on breed; however, the resources needed to
enforce leash laws are necessary in controlling the problem. A leash law won’t benefit anyone if
it isn’t being enforced appropriately.

Another thing to be considered is the owners that will not surrender their dogs. If a breed
ban is passed in a particular city, honest owners will come forward and surrender their dogs or
rehome their dogs outside of the city limits, but other owners may put their dogs into hiding,
refuse to surrender them.

Breed specific legislation is highly controversial as it deals with public safety. Breed
banning simply will not eliminate the problem of dog to person aggression because only one
specific breed of dog is being banned, while other breeds are also responsible for bites. Dogs
should be evaluated based on individual temperament, reaction, and personality rather than
clumped together under one title, dangerous. Responsible pet ownership also plays a major role
in keeping the public safe from dangerous dog bites.
References


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