

The Ineffectiveness of Breed Specific Legislation and the Truth About Pit Bulls

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Fifty-seven dogs were confiscated when their owners were believed to have been involved with dog fighting. They were immediately killed. Each and every one of them, including nineteen that were under a year old. They were friendly. They were healthy. But due to some having injuries that appeared to be from fighting, they all had to be euthanized because the label of a “fighting dog” meant that they “were assumed inherently dangerous, too aggressive to live.” A few years later the charges were absolved and the owners had committed no crime, but their dogs were long gone.

In another case, one hundred and forty-six dogs, including sixty puppies, were killed even after rescues offered to take them, such as Best Friends Animal Sanctuary, who took many of the “Victory Dogs.” Dan Shelton of People for the Ethical Treatment of Animals (PETA) argued for the destruction of Michael Vick’s fighting dogs (Victory Dogs), but forty-seven of the fifty-one were successfully adopted, with only one being euthanized due to severe aggression.

All two hundred and fifty-four of those dogs were pit bulls. All of them lost their lives because of their breed and their appearance, not their behavior. This doesn’t even include all of the pit bulls that were rounded up in Denver and killed in May 2005, or the dogs that a shelter in Loudon County, Virginia refused to adopt out because of a policy that they put in place.¹ Examples like this have occurred over the past few decades all over the world, with many innocent dogs losing their lives and their chance at being someone’s happiness, all because of their looks.

¹ Dayan, Colin. "Dead Dogs: Breed Bans, Euthanasia, and Preemptive Justice." *Boston Review*. Vol. 35. N.p.: n.p., 2010. 26. *Edo*. Web. 27 Oct. 2017.

People refer to dogs as “man’s best friend,” so why are certain breed discriminated against in terms of the law? Some cities, states and even entire countries have banned the ownership of certain breeds of dogs like pit bulls because they are aggressive in the eyes of the legislators. Dogs of any size or breed can bite, not just pit bulls and other bully breeds. To decrease the amount of dog bites in various areas, cities implement breed specific legislation, but with varying success. Breed specific legislation that targets pit bulls is not an effective method to reduce dog bite injuries. Instead, owners need to take responsibility for their dogs, learn dog behavior and train them to behave properly around people. Breed specific legislation is not effective in decreasing the number of dog bites in an area because it targets dogs based on their breed, not on their individual aggressive behaviors.

Breed specific legislation (BSL), also known as a breed ban, is the “blanket term for laws that either regulate or ban certain dog breeds in an effort to decrease dog attacks on humans and other animals.”² In other words, it is just an excuse to kill people's pets based solely on breed or looks without any behavioral basis. Officials confiscate and kill people’s beloved pets without any true reason, other than their dogs’ looks. These dogs are typically pit bulls, but it can also include the other “bully breeds” and large dog breeds such as mastiffs, Rottweilers and Doberman Pinschers. Breed specific legislation tends to be either over inclusive or under inclusive, but fighting against it could lead to the banning of more breeds.³ Not all pit bulls are aggressive, but they, along with similar breeds, are all targets of breed specific legislation. Meanwhile in Germany, German Shepherd Dogs bite about ten times as many people as pit

² The American Society for the Prevention of Cruelty to Animals® (ASPCA®)

³ Campbell, Dana M. "Pit Bull Bans: The State of Breed-Specific Legislation." GPSolo 5 (2009): 36. Edsjr. Web. 27 Oct. 2017.

bulls, but the legislation does not apply to them.⁴ People do not necessarily want German Shepherds added to the list, but because of the difference in the number of bites, people wonder why they are not. In a study by Megan Favignano, she determined that there is no major difference in the frequency of bites between legislated and non-legislated breeds, but the legislated breeds are often capable of doing more damage.⁵ A media bias documented by Dana Campbell, noted that in four days there were four bite incidents in a town. The one with a pit bull as the perpetrator had much more media coverage than the other mixed breed dogs.⁶ Other dogs bite, other dogs attack, but a chihuahua or lab biting someone is not going to get the publicity that a pit bull does. This raises the following question: what is a pit bull?

There is no breed of dog that is officially called a pit bull. The term “pit bull” can refer to many different breeds and mixes because “people sometimes misuse the name to mean any short-haired, medium-sized dog with a square head.”⁷ This means that many medium to large dogs may be called pit bulls if they have any combination of bulldog and terrier with breeds like boxers, labradors, mastiffs, etc. The American Staffordshire Terrier, Staffordshire Bull Terrier, and the American Pit Bull Terrier are the officially recognized breeds that are called pit bulls, but most of the “pit bulls” seen in shelters are not those purebred breeds.

⁴ Simpson, Elizabeth Crosby. "The Ongoing Battle Against Germany's Breed Bans." *Dog World* 86.8 (2001): 40. MAS Ultra - School Edition. Web. 27 Oct. 2017.

⁵ Favignano, Megan. "Measure Would Prohibit Dog Breed Bans." *St. Joseph News-Press* (MO), 10 May 2016. EBSCOhost, proxy-ship.klnpa.org/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=nfh&AN=2W62690729469&site=eds-live&scope=site.

⁶ Campbell, Dana M. "Pit Bull Bans: The State of Breed-Specific Legislation." *GPSolo* 5 (2009): 36. Edsjr. Web. 27 Oct. 2017.

⁷ "Pit Bull." *Funk & Wagnalls New World Encyclopedia*. N.p.: World Book, 2016. 1p. 1. Funk & Wagnalls New World Encyclopedia. Web. 27 Oct. 2017.

Even though many people would lump pit bulls and staffies into the same group, in the United Kingdom “pit bull-type dogs are distinct from Staffordshire Bull Terriers (which are not banned).” In a study by Hoffman and her colleagues, US participants were more likely to label dogs as pit bulls, while the UK labeled those same dogs as Staffordshire Bull Terriers (to which legislation does not apply).⁸ The main difference between pit bulls and Staffordshire-type dogs according to Colin Dayan is that, “the pit bull is leaner, slightly higher up on the legs, while the [American Staffordshire Terrier] is stockier, with a squarer—more robust—wedge-head and the body lower to the ground,” but it is surprising that two dogs from Hoffman’s study look almost identical and were identified as two different breeds (Figure 1, images 9 and 15).⁹ The first dog was identified as a Staffordshire Bull Terrier by the United Kingdom participants, while the second was identified as a pit bull. Both were identified as pit bulls by American participants, whereas the British participants only labeled dog nine as a pit bull. Americans labeled seven dogs as pit bulls in total. When identifying the breed(s) of a dog, physical traits such as “the dog’s size, estimated weight, stance, body conformation, musculature, legs, paws, chest, and tail” are the ones used to figure out the makeup. The skull shape, tail and ears are especially

⁸ Hoffman, Christy L., Natalie Harrison, London Wolff, and Carri Westgarth. "Is That Dog a Pit Bull? A Cross-Country Comparison of Perceptions of Shelter Workers Regarding Breed Identification." *Journal of Applied Animal Welfare Science* 17.4 (2014_b 10_d OCT-DEC 2014): 322-39. Biological Abstracts. Web. 27 Oct. 2017.

⁹Hoffman, Christy L., Natalie Harrison, London Wolff, and Carri Westgarth. "Is That Dog a Pit Bull? A Cross-Country Comparison of Perceptions of Shelter Workers Regarding Breed Identification." *Journal of Applied Animal Welfare Science* 17.4 (2014_b 10_d OCT-DEC 2014): 322-39. Biological Abstracts. Web. 27 Oct. 2017.

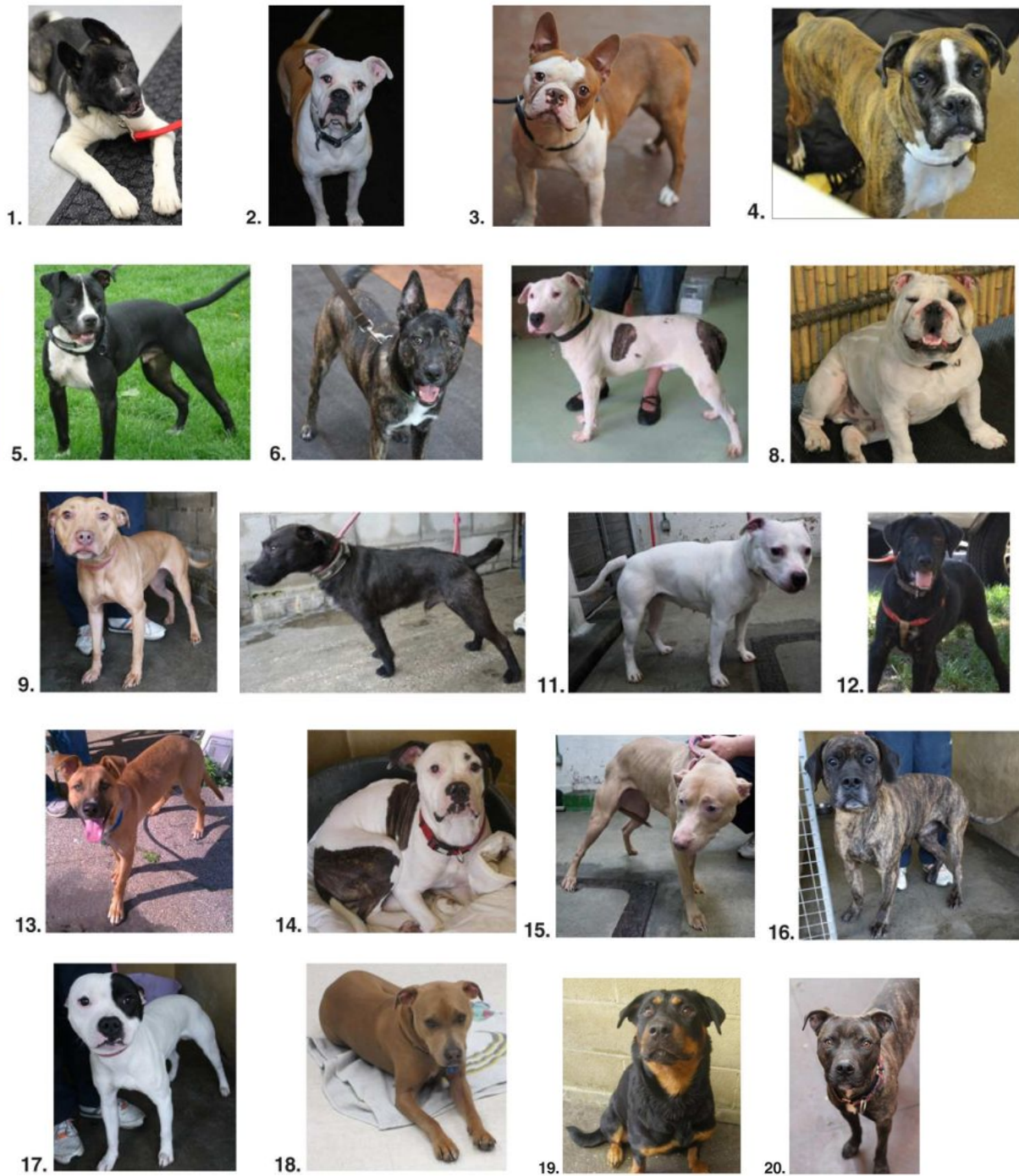


Figure 1; The twenty dogs that shelter workers in the United Kingdom and United States identified as various breeds. Dogs 9 and 15 look like they could be the same dog, with a photo taken at two different angles.

important, as is the coat.¹⁰ Information from the owner and/or physical traits are most commonly used to name the breeds of a dog; “however, discrepancies have been found between breed identification as typically assessed by welfare agencies and the outcome of DNA analysis.”¹¹

Hoffman points out that genetic tests do not confirm the American Pit Bull Terrier as a breed in the genetic makeup of a dog, so physical features are the most common way to identify a pit bull.

¹² It may be surprising then, that half of the dogs labeled as pit bulls are lacking DNA breed signatures of “pit bull” breeds.¹³ German veterinarians Dr. Schoening and Vogel state that dog breed can be guessed phenotypically, but genetics can not prove that a dog belongs to any specific breed.¹⁴

If these breed signatures often do not exist in pit bulls, what makes people hate them? Throughout most of the twentieth century pit bulls were “America’s Breed,” which included many popular dogs such as Sergeant Stubby from World War I, Tige from the Buster Brown comic strip, and Pete the Pup from the Little Rascals. Later in the century pit bulls became hated. Pit bulls are extremely loyal dogs, but Dayan indicates that “the most loyal dogs are the

¹⁰ Hoffman, Christy L., Natalie Harrison, London Wolff, and Carri Westgarth. "Is That Dog a Pit Bull? A Cross-Country Comparison of Perceptions of Shelter Workers Regarding Breed Identification." *Journal of Applied Animal Welfare Science* 17.4 (2014_b 10_d OCT-DEC 2014): 322-39. Biological Abstracts. Web. 27 Oct. 2017.

¹¹ Gunter, Lisa M., Rebecca T. Barber, and Clive D. L. Wynne. "What's in a Name? Effect of Breed Perceptions & Labeling on Attractiveness, Adoptions & Length of Stay for Pit-Bull-Type Dogs." *PLoS ONE* 11.3 (2016): 1-19. Academic Search Complete. Web. 27 Oct. 2017.

¹² Hoffman, Christy L., Natalie Harrison, London Wolff, and Carri Westgarth. "Is That Dog a Pit Bull? A Cross-Country Comparison of Perceptions of Shelter Workers Regarding Breed Identification." *Journal of Applied Animal Welfare Science* 17.4 (2014_b 10_d OCT-DEC 2014): 322-39. Biological Abstracts. Web. 27 Oct. 2017.

¹³ Gunter, Lisa M., Rebecca T. Barber, and Clive D. L. Wynne. "What's in a Name? Effect of Breed Perceptions & Labeling on Attractiveness, Adoptions & Length of Stay for Pit-Bull-Type Dogs." *PLoS ONE* 11.3 (2016): 1-19. Academic Search Complete. Web. 27 Oct. 2017.

¹⁴ Simpson, Elizabeth Crosby. "The Ongoing Battle Against Germany's Breed Bans." *Dog World* 86.8 (2001): 40. MAS Ultra - School Edition. Web. 27 Oct. 2017.

most abused.” They do not know that what they are doing is wrong, they are just following what they learned growing up.¹⁵ Veterinarians Dr. Schoening and Dr. Vogel of the Hamburg Veterinary Association stated, “there is no scientific evidence, neither statistical or biological, which justifies singling out some dog breeds as ‘dangerous’ and others as ‘harmless.’”¹⁶

Some people may only know what the media portrays pit bulls as: growling, chained, lunging, aggressive dogs, but if any of those people met a pit bull in person they would immediately think differently. It makes no sense, however, when someone walks up to the dog saying how cute it is, and runs away the moment they hear it is a pit bull. In the minds of many people, “pit bull” automatically equals “aggressive” or less desirable. When choosing a dog, appearance is the key factor for many, but the label of a breed can have a greater impact. The label of a breed being the first thing that a potential adopter sees can greatly skew their opinion of the dogs’ behavior. In a study with pit bulls and look-alikes, pit bulls were preferred over their look-alike counterparts when there were no labels, but the pit bull label immediately made those surveyed assume the worse and they then preferred the look-alikes. When the Arizona Animal Welfare League removed the breed labels from their kennels, they saw a 12 percent increase in pit bull adoptions (from 52 percent to 64 percent having live exit). All other adoptions also increased, potentially because it kept people from going to breeders to look for a particular breed of dog since they were looking based mainly on appearance. The length of stay was reduced for all dogs, but pit bulls benefited the most. This is a low cost way to save more

¹⁵ Dayan, Colin. "Dead Dogs: Breed Bans, Euthanasia, and Preemptive Justice." *Boston Review*. Vol. 35. N.p.: n.p., 2010. 26. *Edo*. Web. 27 Oct. 2017.

¹⁶ Simpson, Elizabeth Crosby. "The Ongoing Battle Against Germany's Breed Bans." *Dog World* 86.8 (2001): 40. *MAS Ultra - School Edition*. Web. 27 Oct. 2017.

dogs because the breed does not have to be completely hidden, it would just not be the first thing that potential adopters see.¹⁷

Pit bull type dogs are banned in many places all over the world, including over half of the states in the United States as well as the United Kingdom, Germany, Canada and Australia. However, breed specific legislation is also prohibited in many states, including Pennsylvania and almost two dozen others.¹⁸ For example, Pennsylvania does not allow a “local ordinance otherwise dealing with dogs to prohibit or otherwise limit a specific breed of dog.”¹⁹ Germany regulates over forty breeds of dogs that have the potential to be dangerous. They are divided into three categories due to their potential to cause injuries or be aggressive. Dogs over forty-four pounds are automatically placed into a category because their size alone makes them a threat. Only purebred dogs are regulated, so pit bull-type dogs are permitted. The legislation was put in place for multiple reasons, with one of them being to discourage thugs from using dogs as weapons, but it greatly affected dog culture because cafes and other public places had previously allowed dogs inside, unlike in America. “Dangerous dogs” must be muzzled and owners must carry liability insurance. Companion dogs are not the only ones affected, so are working dogs, which must meet certain criteria (which means they would not be aggressive), but people sometimes turned physically violent towards working dogs of the restricted breeds. Germany does not allow the importing of “dangerous dogs” and civil rights are restricted for owners of the

¹⁷ Gunter, Lisa M., Rebecca T. Barber, and Clive D. L. Wynne. "What's in a Name? Effect of Breed Perceptions & Labeling on Attractiveness, Adoptions & Length of Stay for Pit-Bull-Type Dogs." PLoS ONE 11.3 (2016): 1-19. Academic Search Complete. Web. 27 Oct. 2017.

¹⁸ BSL Census, August 29, 2017, accessed December 10, 2017, <http://bslcensus.com/>.

¹⁹ 3 P.S. § 459-507-A

“dangerous dogs.” The minister has the power to identify dogs as certain breeds without any experience.

Any “dangerous dogs” must pass a temperament test that even the best dog would have trouble passing, but why do other dogs not have to pass the test as well? And do working dogs such as guard dogs and police dogs have to match the same standards? The temperament test that the dogs must pass is abusive. Police unmuzzle the dog and force it to interact with barking police dogs before it is hit on the rear and head with a nightstick. Virtually no dog would react well in that situation no matter how it normally behaves around people. These laws were enacted around the turn of the century, so they may not exist anymore, but the point is that they still existed fairly recently.²⁰

There are many reasons that a dog may bite, such as being angry, afraid and guarding an object or home, but in general, and in many of the samples from a study by Nanci Creedon and Páraic S. Ó Súilleabháin in Ireland, the reason is unknown. Of the large breeds that were sampled, Border Collies, German Shepherds and Labs were the ones most likely to bite; however, Dr. Plaul, a veterinarian, believes that breed and size do not go hand in hand with aggression, and 80% of the bites he received were from dogs smaller than the ones restricted in Germany.²¹ Within non-legislated dogs, they were most likely to bite if they were afraid or guarding their home or an object. Legislated breeds, however, bit because they were angry,

²⁰ Simpson, Elizabeth Crosby. "The Ongoing Battle Against Germany's Breed Bans." *Dog World* 86.8 (2001): 40. MAS Ultra - School Edition. Web. 27 Oct. 2017.

²¹ Creedon, Nanci, and Páraic S. Ó Súilleabháin. "Dog Bite Injuries to Humans and the Use of Breed-specific Legislation: A Comparison of Bites from Legislated and Non-legislated Dog Breeds." *Irish Veterinary Journal* 70 (2017): 23. MEDLINE with Full Text. Web. 27 Oct. 2017.

Simpson, Elizabeth Crosby. "The Ongoing Battle Against Germany's Breed Bans." *Dog World* 86.8 (2001): 40. MAS Ultra - School Edition. Web. 27 Oct. 2017.

guarding their home, were a security dog doing their job, or were guarding their puppies.

Legislated dogs were more likely to bite an unfamiliar person, while non-legislated breeds were slightly more likely to bite a familiar person. In a smaller percent of the samples, the dog did actually belong to the person that it bit, and in those cases a larger percentage were non-legislated. Non-legislated dogs were equally likely to bite when the owner was absent, whether they were on their own property or public property, but in most cases the dog either bit the owner, or bit someone on their own property when the owner was present. Legislated breeds were more likely to bite on public property when the owner was present with a smaller number biting on or off of their property with the owner absent. Legislated dogs were likely to bite at a higher level of medical treatment required, but surprisingly, none of them required surgery or repeat visits, while four percent of the non-legislated dogs did. Legislated breeds are more often believed to be aggressive when they bite, while non-legislated breeds are believed to be scared. Non-legislated breeds are more often guarding an object when compared to legislated breeds.²²

Breed specific legislation is not the answer to decreasing dog bites in an area. Behavioral assessments, rather than breed identification assessments, should be performed in shelters in order to match dogs with the best family for them as individuals. Once their behavior around cats, children and other dogs is understood, many aggressive behaviors, or accidental bites, could be avoided. Dogs with a high prey drive should not be in a home with small animals and young, rambunctious dogs should not be in a home with young children, regardless of how the parents think the children will act around the dog. It is critical that owners understand dog behavior and realize the triggers and warning signs of when a dog is getting stressed out to the point where it

²² Creedon, Nanci, and Páraic S. Ó'Súilleabháin. "Dog Bite Injuries to Humans and the Use of Breed-specific Legislation: A Comparison of Bites from Legislated and Non-legislated Dog Breeds." *Irish Veterinary Journal* 70 (2017): 23. *MEDLINE with Full Text*. Web. 27 Oct. 2017.

may feel the need to bite. Supervision around kids, regardless of their understanding of dog behavior, and the relationship with the dog, is necessary. Training, using positive reinforcement, is also a good way to reduce the number of dog bites.

There are many laws that could also contribute to a decrease of dog bites in an area. Stronger licensing laws will make sure that all dogs are legal and would encourage more responsible ownership. Better enforced dog-at-large laws would prevent loose dogs from attacking, while outlawing tethering and chaining would decrease the number of yard dogs. Being in either of those situations often cause dogs to bite, so eliminating that would greatly decrease the number of bites. Requiring dogs to be neutered would also minimize bites because hormones and aggression are greatly reduced in males after they are neutered, and requiring dogs to be microchipped would also increase owner responsibility. Higher fines should also be charged due to ignorance of any of those laws.²³

Breed specific legislation is not an effective way to decrease the number of injuries due to dog bites because it targets dogs based on their breed, not their behavior. Instead of putting breed specific legislation in place, people should be trying to reduce the number of dog bites, not the number of pit bulls. The most important way is to educate owners about dog behavior and the warning signs of when a dog may bite.²⁴ Other laws can be strengthened instead of just putting breed specific laws in place. Additionally, the stigma surrounding pit bulls needs to be annihilated, and breed labels should be removed from the kennels at shelters in order to get more pit bulls, and other dogs, adopted. Pit bulls are a variety of dog, but not an individual, officially

²³ Campbell, Dana M. "Pit Bull Bans: The State of Breed-Specific Legislation." GPSolo 5 (2009): 36. Edsjr. Web. 27 Oct. 2017.

²⁴ Simpson, Elizabeth Crosby. "The Ongoing Battle Against Germany's Breed Bans." Dog World 86.8 (2001): 40. MAS Ultra - School Edition. Web. 27 Oct. 2017.

recognized breed. Pit bulls, like any dog, are not inherently aggressive. It is all in how the individual dog is raised. There are many pit bulls that are great in a home setting, ones that get along with kids, cats and dogs, even ones that were previously fighting dogs. We need to work together to eliminate discrimination and to make pit bulls America's dogs once again.