BREED SPECIFIC LEGISLATION

Discover Why Breed Specific Legislation Does More Harm than Good & Doesn’t Actually Reduce Dog Bites
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ANIMALFARMFOUNDATION.ORG
Breed specific legislation (BSL), also referred to as breed discriminatory legislation (BDL), is a law or ordinance that prohibits or restricts the keeping of dogs of specific breeds, dogs presumed to be specific breeds, mixes of specific breeds, and/or dogs presumed to be mixes of one or more of those breeds.

The most drastic form of BSL is a complete ban.

BSL also includes any laws or governmental regulations that impose separate requirements or limitations, including but not limited to:

- mandatory spay-neuter
- mandatory muzzling
- liability insurance requirements
- special licensing and additional fees
- mandatory microchipping or tattoos
- owner/walker age requirements
- property posting requirements
- confinement and leash requirements
- breed specific pet limits
- sale or transfer notification requirements
- restrictions on access to certain public spaces with the dog [e.g.: public parks, school grounds]
- required town-issued items [e.g.: fluorescent collar; vest]
- training requirements
- requirement that photos of the dog and/or owner be kept on town file

BSL, in all of its forms, results in the destruction of many pet dogs.
Breeds Discriminated against by Breed Specific Legislation

*note that breeds listed in quotes are not recognized by the AKC or the UKC, but appear in written legislation

- Akita inu
- “Alapaha blue blood bull dog”
- Alaskan malamute
- “American bandogge”
- American bulldog
- American staffordshire terrier
- American pit bull terrier
- “Aussie bull dog”
- Belgian malinois
- “Banter bull dog”
- Boerboel
- Bullmastiff
- Bull terrier
- “Ca de bou”
- “Canary dog”
- Cane corso
- “Catahoula bull dog”
- Chihuahua
- Chow chow
- Dalmation
- "Deerhound"
- Doberman pinscher
- Dogo argentino
- Dogue de Bordeaux
- “Dorset olde tyme bull dog”
- English bulldog
- “Fila Brasileiro”
- French bulldog
- German shepherd dog
- Great dane
- Kuvasz
- Miniature bull terrier
- Neapolitan mastiff
- “Olde Boston bull dog”
- "Old country bulldog"
- "Pit bull"
- “Pit bull terrier”
- Perro de presa canario
- "Presa mallorquin"
- Rottweiler
- Shar pei
- Siberian husky
- Staffordshire bull terrier
- “Tosa inu”
- “Victorian bull dog”
- “Valley bull dog”
- “Wolfhound”
ORGANIZATIONS THAT DO NOT ENDORSE BREED SPECIFIC LEGISLATION

This list is not intended to be comprehensive, as there are numerous other organizations that have publicly voiced that they do not endorse BSL.

“The American Bar Association urges all state, territorial, and local legislative bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both dog owners and dogs, and to repeal any breed discriminatory or breed specific provisions.”

“The American Kennel Club supports reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs. The AKC believes that dog owners should be responsible for their dogs. We support laws that: establish a fair process by which specific dogs are identified as “dangerous” based on stated, measurable actions; impose appropriate penalties on irresponsible owners; and establish a well-defined method for dealing with dogs proven to be dangerous.

We believe that, if necessary, dogs proven to be “dangerous” may need to be humanely destroyed. The AKC strongly opposes any legislation that determines a dog to be “dangerous” based on specific breeds or phenotypic classes of dogs."
ORGANIZATIONS THAT DO NOT ENDORSE BREED SPECIFIC LEGISLATION

According to Animal Farm Foundation: “Breed bans or restrictions do not contribute to improved public safety. Regulating breeds puts the focus on the dog, without addressing owner behavior and owner responsibility to the animal and the community.”

The American Society for the Prevention of Cruelty to Animals states: "Although multiple communities have been studied where breed-specific legislation has been enacted, no convincing data indicates this strategy has succeeded anywhere to date. Conversely, studies can be referenced that evidence clear, positive effects of carefully crafted, breed-neutral laws. It is, therefore, the ASPCA’s position to oppose any state or local law to regulate or ban dogs based on breed.

The ASPCA recognizes that dangerous dogs pose a community problem requiring serious attention. However, in light of the absence of scientific data indicating the efficacy of breed specific laws, and the unfair and inhumane targeting of responsible pet guardians and their dogs that inevitably results when these laws are enacted, the ASPCA instead favors effective enforcement of a combination of breed-neutral laws that hold reckless dog guardians accountable for their dogs' aggressive behavior."
ORGANIZATIONS THAT DO NOT ENDORSE BREED SPECIFIC LEGISLATION

“The American Veterinary Medical Association supports dangerous animal legislation by state, county, or municipal governments provided that legislation does not refer to specific breeds or classes of animals. This legislation should be directed at fostering safety and protection of the general public from animals classified as dangerous.”

“The American Veterinary Society of Animal Behavior’s position is that such legislation—often called breed specific legislation (BSL)—is ineffective, and can lead to a false sense of community safety as well as welfare concerns for dogs identified (often incorrectly) as belonging to specific breeds. The importance of the reduction of dog bites is critical; however, the AVSAB’s view is that matching pet dogs to appropriate households, adequate early socialization and appropriate training, and owner and community education are most effective in preventing dog bites. Therefore, the AVSAB does support appropriate legislation regarding dangerous dogs, provided that it is education based and not breed specific.”
ORGANIZATIONS THAT DO NOT ENDORSE BREED SPECIFIC LEGISLATION

"The Association of Professional Dog Trainers (APDT) supports the adoption or enforcement of a program for the control of potentially dangerous or vicious dogs that is fair, non-discriminatory and addresses dogs that are shown to be dangerous by their actions. The APDT opposes any law that deems a dog as dangerous or vicious based on appearance, breed or phenotype. Canine temperaments are widely varied, and behavior cannot be predicted by physical features such as head shape, coat length, muscle to bone ratio, etc. The only predictor of behavior is behavior."

Best Friends Animal Society states: "Though breed-discriminatory legislation (BDL) is often an attempt to improve public safety, studies show that it does not accomplish that objective. Besides being ineffective, these laws are expensive and difficult to enforce and also interfere with citizens’ property rights."

The British Veterinary Association says: "In principle, we are opposed to any proposal or legislation that singles out particular breeds of dogs rather than targeting individual aggressive dogs. The problems caused by dangerous dogs will never be solved until dog owners appreciate that they are responsible for the actions of their animals."
Organizations that do not endorse breed specific legislation

The Humane Society of the United States says: "Breed bans and restrictions force dogs out of homes and into shelters, taking up kennel space and resources that could be used for animals who are truly homeless. Underfunded animal control agencies bear the burden of enforcing the laws, and are often called on to decide, based on looks alone, whether a dog belongs to a certain breed. Battles erupt between dog owners and local agencies—and often continue to the courts—costing the community resources that could have been spent on effective, breed-neutral dog laws and enforcement.

Experts have found that no breed is more likely to bite than another. The AVMA, the National Animal Control Association and the U.S. Centers for Disease Control and Prevention oppose breed specific legislation (BSL), along with leading animal welfare organizations.

Complicating the issue of breed bans and restrictions is the fact that about half the estimated 80 million American pet dogs are mixed breeds. Through canine genetic testing, studies have found that even people in animal-related professions can't accurately identify the breeds in a mixed-breed dog's genealogy. Tragically, breed-biased laws and housing policies have caused the deaths of countless dogs whose only crime was to resemble a certain breed."
ORGANIZATIONS THAT DO NOT ENDORSE BREED SPECIFIC LEGISLATION

The National Animal Control Association (NACA) says: “Dangerous and/or vicious animals should be labeled as such as a result of their actions or behavior and not because of their breed. Any animal may exhibit aggressive behavior regardless of breed. Accurately identifying a specific animal’s lineage for prosecution purposes may be extremely difficult. Additionally, breed specific legislation may create an undue burden to owners who otherwise have demonstrated proper pet management and responsibility.

Agencies should encourage enactment and stringent enforcement of dangerous/vicious dog laws. When applicable, agencies should not hesitate to prosecute owners for murder, manslaughter, or similar violations resulting from their animal’s actions, and their owner lack of responsibility. Laws should clearly define “dangerous” or “vicious,” and provide for established penalties. Penalties may include fines, imprisonment, and/or the relinquishing of total privileges to pet ownership.

If a dangerous/vicious animal is allowed to be kept, laws should specify methods of secure confinement and control. A dangerous/vicious animal when kept outside should be confined in an escape-proof enclosure which is locked and secured on all six sides. Signs should be posted at property entrances and be visible from the nearest sidewalk or street. The licensing record could include a notation which will immediately identify an animal which has been deemed dangerous or vicious.”

The National Canine Research Council says: “The best ways to reduce dog bite-related incidents in a community are multifactorial approaches focusing on improved ownership and husbandry practices, better understanding of canine behavior, education of parents and children regarding safety around dogs, and consistent enforcement of dangerous dog/reckless owner ordinances in communities. Effective laws hold all dog owners responsible for the humane care, custody, and control of all dogs regardless of breed or type.”
ORGANIZATIONS THAT DO NOT ENDORSE BREED SPECIFIC LEGISLATION

"The Pet Professional Guild (PPG) holds that breed specific legislation (BSL) paints an unjust picture of certain breeds of dogs and punishes responsible dog guardians unnecessarily. PPG considers BSL to be ineffective in dog bite prevention and the safety of the public at large, and opposes any law or regulation that discriminates against dogs based purely on breed or appearance. Rather than approach the issues of dog bite prevention and public safety via such unsatisfactory means, PPG is of the opinion that educating pet industry professionals, pet dog guardians, and the general public in canine cognition, communication, and the use of science-based, force-free pet care and training methods are by far the most effective means of reducing dog bites and ensuring greater public safety."

The United Kennel Club states: "Attempting to attribute bites to a single breed and labeling that breed is fruitless, as there exists no real, factual data to show that any one breed is more responsible for bites and attacks than others. Singling out a breed to attach blame does not work to decrease dog attacks. More emphasis must be placed on owner responsibility, as the majority of attacks are due to owner neglect or mistreatment. Targeting the actions and non-action of owners will be more effective and sensible in realistically decreasing dog attacks."

"The Royal Society for the Prevention of Cruelty to Animals - UK (RSPCA) agrees that dog bites have significant physical and psychological consequences and we need a holistic approach to reducing incidents. The steady increase over recent years in the number of dog bites demonstrates clearly that the intended effect of [BSL] in enhancing public safety is failing and will continue to fail. Reduction and prevention of incidents requires education and effective, appropriate legislation and the report presents a number of case studies from other countries, where a reduction in dog bites has been achieved by a focus on education and prevention to improve responsible dog ownership, rather than on penalising owners."
ORGANIZATIONS THAT DO NOT ENDORSE BREED SPECIFIC LEGISLATION

**State Farm Insurance** states: "All dogs can be 'great dogs,' regardless of breed, if they are properly cared for, loved and trained.

State Farm determines risk based on a dog's bite history rather than breed. Thus, State Farm does not exclude insuring households solely based on breed."

"The **Department of Justice** does not believe that it is either appropriate or consistent with the Americans with Disabilities Act (ADA) to defer to local laws that prohibit certain breeds of dogs based on local concerns that these breeds may have a history of unprovoked aggression or attacks. Such deference would have the effect of limiting the rights of persons with disabilities under the ADA who use certain service animals based on where they live rather than on whether the use of a particular animal poses a direct threat to the health and safety of others [...].

State and local government entities have the ability to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animals actual behavior or history — not based on fears or generalizations about how an animal or breed might behave. This ability to exclude an animal whose behavior or history evidences a direct threat is sufficient to protect health and safety."

The stance of the **Obama Administration**: "We don't support breed specific legislation — research shows that bans on certain types of dogs are largely ineffective and often a waste of public resources."
In December, 2013, The Journal of the American Veterinary Medical Association (JAVMA) published the most comprehensive multifactorial study of dog bite-related fatalities (DBRFs) to be completed since the subject was first studied in the 1970’s. It is based on investigative techniques not previously employed in dog bite or DBRF studies and identified a significant co-occurrence of multiple potentially preventable factors.

Experts have for decades recommended a range of ownership and husbandry practices to reduce the number of dog bite injuries. The 2013 JAVMA paper confirms the multifaceted approach to dog bite prevention recommended by previous studies, as well as by organizations such as the Centers for Disease Control and Prevention and the American Veterinary Medical Association.

The five authors, two of whom are/were on the staff of the National Canine Research Council, and one of whom (Dr. Jeffrey Sacks) was lead author on earlier studies of DBRFs, analyzed all the DBRFs known to have occurred during the ten-year period 2000 – 2009. Rather than rely predominantly on information contained in news accounts, as had previous studies of DBRFs, detailed case histories were compiled using reports by homicide detectives and animal control agencies, and interviews with investigators.

The case histories were compiled over a sufficiently long period of time – months or years, depending on the individual case – for the entire range of available facts surrounding an incident to come to light. The researchers found that their more extensive sources usually provided first-hand information not reported in the media, and often identified errors of fact that had been reported in the media.
POTENTIALLY PREVENTABLE FACTORS

The researchers identified a striking co-occurrence of multiple, controllable factors: no able-bodied person being present to intervene (87.1%); the victim having no familiar relationship with the dog(s) (85.2%); the dog(s) owner failing to neuter/spay the dog(s) (84.4%); a victim’s compromised ability, whether based on age or physical condition, to manage their interactions with the dog(s) (77.4%); the owner keeping dog(s) as resident dog(s), rather than as family pet(s) (76.2%); the owner’s prior mismanagement of the dog(s) (37.5%); and the owner’s abuse or neglect of dog(s) (21.1%). Four or more of these factors were present in 80.5% of cases; breed was not one of those factors.

The distinction between a resident dog and a family dog was first proposed years ago by National Canine Research Council Founder Karen Delise. 6 76.2% of the DBRFs in this study involved dogs that were not kept as family pets; rather they were only resident on the property. Dogs are predisposed to form attachments with people, to become dependent on people, and to rely upon their guidance in unfamiliar situations. While it is extremely rare that dogs living as either resident dogs or as family pets ever inflict serious injuries on humans, dogs not afforded the opportunity for regular, positive interaction with people may be more likely, in situations they perceive as stressful or threatening, to behave in ways primarily to protect themselves.

THE STUDY’S FINDINGS ON BREED

The authors of the 2013 JAVMA paper reported that the breed(s) of the dog or dogs could not be reliably identified in more than 80% of cases. News accounts disagreed with each other and/or with animal control reports in a significant number of incidents, casting doubt on the reliability of breed attributions and more generally for using media reports as a primary source of data for scientific studies. In only 45 (18%) of the cases in this study could these researchers make a valid determination that the animal was a member of a distinct, recognized breed. Twenty different breeds, along with two known mixes, were identified in connection with those 45 incidents.

The most widely publicized previous DBRF study7 which was based primarily on media reports, qualified the breed identifications obtained in their dataset, pointing out that the identification of a dog’s breed may be subjective, and that even experts can disagree as to the breed(s) of a dog whose parentage they do not know. It has been known for decades that the cross-bred offspring of purebred dogs of different breeds often bear little or no resemblance to either their sires or dams.8 The previous DBRF study also did not conclude that one kind of dog was more likely to injure a human being than another kind of dog.

Lack of reliable breed identifications is consistent with the findings of Dr. Victoria Voith of Western University9,10 and of the Maddie’s Shelter Medicine Program at the University of Florida’s College of Veterinary Medicine.11,12 Both Dr. Voith and the Maddie’s Shelter Medicine Program conducted surveys13 showing that opinions ventured by those working in animal-related fields regarding the breed or breeds in a dog of unknown parentage agreed with breed as detected by DNA analysis less than one-third of the time.14 Participants in the surveys conducted at both universities frequently disagreed with each other when attempting to identify the breed(s) in the same dog.

90% of the dogs described in this DBRF study’s case files were characterized in at least one media report with a single breed descriptor, potentially implying that the dog was a purebred dog. A distribution heavily weighted
toward pure breed is in stark contrast to the findings of population-based studies indicating that ~46% of the dogs in the U.S. are mixed breed. Thus, either the designation of breed in the media reports for the cases under examination was done very loosely, and without regard to possible mixed breed status, or purebred dogs were heavily over-represented. The latter conclusion did not seem likely to these authors, particularly in light of the photographic evidence they were able to obtain. Finally, the news accounts erroneously reported the number of dogs involved in at least 6% of deaths.

The earlier, widely publicized study of DBRFs has been misunderstood, and misused to justify single-factor policy proposals such as breed-specific legislation (BSL), though the authors of that study did not endorse such policies. Failure to produce a reduction in dog bite-related injuries in jurisdictions where it has been imposed has caused the support for BSL to fade in recent years. The House of Delegates of the American Bar Association has passed a resolution urging all state, territorial and local legislative bodies and governmental agencies to repeal any breed discriminatory or breed specific provisions. In 2013, the White House, citing the views of the Centers for Disease Control and Prevention, published a statement with the headline, “Breed-specific legislation is a bad idea.” BSL is also opposed by major national organizations, including the American Veterinary Medical Association, the National Animal Control Association, the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, and Best Friends Animal Society.

UNDERSTANDING AND ADDRESSING HUSBANDRY FACTORS WILL LEAD TO BETTER PREVENTION

The trend in prevention of dog bites continues to shift in favor of multifactorial approaches focusing on improved ownership and husbandry practices, better understanding of dog behavior, education of parents and children regarding safety around dogs, and consistent enforcement of dangerous dog/reckless owner ordinances in communities. The findings reported in this study support this trend. The authors conclude that the potentially preventable factors co-occurring in more than 80% of the DBRFs in their ten-year case file are best addressed by multifactorial public and private strategies.

Further, they recommend their coding method to improve the quantity and quality of information compiled in future investigations of any dog bite-related injuries, not just DBRFs. This study and its methodology offer an excellent opportunity for policy makers, physicians, journalists, indeed, anyone concerned with the prevention of dog bite-related injuries, to develop an understanding of the multifactorial nature of both serious and fatal incidents.

UPDATED AUGUST 2015

SOURCES and NOTES:

5. Karen Delise is the Founder & Director of Research. Donald Cleary was the Director of Communications & Publications in 2013, as well as Treasurer of Animal Farm Foundation, parent organization of National Canine Research Council.
6. Resident dogs are dogs, whether confined within a dwelling or otherwise, whose owners maintain them in ways that isolate them from regular, positive human interactions. Family dogs are dogs whose owners keep them in or near the home and also integrate them into the family unit, so that the dogs learn appropriate behavior through interaction with humans on a regular basis in positive and humane ways. See “Resident Dog vs Family Dog: What is the difference?”
13. National Canine Research Council contributed funding to one of the surveys conducted by Western University and one conducted by the University of Florida’s College of Veterinary Medicine.
14. DNA analysis of mixed breed dogs is not 100% accurate, nor do the companies offering such tests claim that it is. See: Wisdom Panel™ FAQ’s. How accurate is Wisdom Panel™ Professional? Retrieved from: http://www.wisdompanel.com/why_test_your_dog/faqs/
18. For more information on the trends in breed-specific legislation see: www.NationalCanineResearchCouncil.com
For years, evidence has mounted that breed-specific legislation (BSL) fails to reduce dog bite incidents. The data supporting this conclusion has come from North America and European countries.¹

An insightful analysis, published in the *Journal of the American Veterinary Medical Association* in 2010, explains why BSL has consistently failed to reduce dog bites.² The authors, Gary Patronek, Amy Marder and Margaret Slater, applied one of the most valuable and well recognized tools of evidence-based medicine to this question.

Number needed to treat (called NNT) measures the effectiveness of new medicines or treatments. It asks the question: How many patients have to take the medicine or get the treatment in order for one patient to avoid a bad outcome? The fewer patients that have to be treated in order to avoid a bad outcome, the more effective scientists consider a medicine or treatment to be.

But what if we had to treat thousands of patients to avoid even one bad outcome? Would we bother with a new medicine if the number of people we needed to treat to prevent one bad outcome was 10,000? If we could only identify 9,900 people suffering from the disease, we could not treat enough people with the new medicine to be sure that even one of them would avoid the dreaded symptom.

This is precisely the result that Patronek and his colleagues obtained when they applied this evidence based method to estimating how many dogs a community would have to ban to prevent a single, serious dog bite. They called their mystery number the number needed to ban (NNB). Using dog bite injury data from the Centers for Disease Control, the State of Colorado, and other, smaller jurisdictions, along with estimates of the population of various breeds or kinds of dogs, the authors calculated the absurdly large numbers of dogs of targeted breeds who would have to be completely removed from a community, in order to prevent even one serious dog bite. For example, in order to prevent a single hospitalization resulting from a dog bite, the authors calculate that a city or town would have to ban more than 100,000 dogs of a targeted breed.

To prevent a second hospitalization, double that number.

While there is no scientific evidence that one kind of dog is more likely to injure a person than another kind of dog, and BSL’s documented record is one of ineffectiveness, BSL can still be a policy that some find attractive. Patronek, Marder, and Slater explained why.

“It is our belief,” they write in their conclusion, “that BSL is based largely on fear, and it has been emphasized
that appeals to fear have their greatest influence when coupled with messages about the high efficacy of the proposed fear-based solution.”

The documented failures of BSL combined with the NNB analysis can be marshaled to undermine such fear-based appeals. BSL proponents will be unable to show “high efficacy of the fear-based solution” or that BSL is rationally related to the public safety issues which communities are typically attempting to address when implementing BSL.

Updated February 25, 2016

SOURCES and NOTES

1. For more information see the National Canine Research Council Website: “Breed-Specific Legislation FAQ”
The term “pit bull characteristics” and “all three bully breeds” are used as descriptions of the dogs that the breed-specific laws would apply to. However, I’m not sure what a “pit bull characteristic” is because the term pit bull does not refer to any specific breed of dog. It is ironic that legislation containing the words “breed” and “specific” define “the specific breed” as a nebulous group of three or more distinct breeds along with any other dog that might be mixed with those breeds. It is my professional opinion that this group of dogs must be the most genetically diverse dog breed on the planet. I find it paradoxical that the consensus medical and genetic view is that even one single letter difference between two people’s DNA can result in dramatic differences in behavior, susceptibility to disease and risk of adverse drug reactions, but, when it comes to man’s best friend, the exact opposite argument is made. I think these attempts to “protect society” from dangerous dogs are flawed because the inherent assumption in these laws is that anatomical and morphological characteristics in dogs correlate with certain behaviors. The genetic program that results in a large thick skull, like that of a Labrador Retriever, is not the same genetic program that builds the brain. The former regulates genes that control the cellular differentiation and anatomical patterning of cartilage, muscle and bone. The latter regulates completely different processes including the highly ordered growth of millions of different neurons that migrate and interconnect to form neuronal circuits that communicate the biochemical language of the brain.

Breed-specific legislation targets nothing more than a small subset of morphological characteristics of dogs and does not address behavior at all.

–Dr. Kristopher Irizarry

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The “science” of inferring cognitive and behavioral traits from physical properties of the head and skull (called phrenology) had been discredited in the last century. Why we would allow laws based on phrenology to be enacted in the 21st century is a question worth investigating.
In the 1960’s, John Paul Scott and John L. Fuller showed that mixed-breed dogs may bear little or no resemblance to their purebred ancestors. In 2009, Dr. Victoria Voith and colleagues published a study indicating a low agreement between the breeds identified by adoption agencies and DNA identification of the same dogs.

The Maddie’s® Shelter Medicine Program at the University of Florida’s College of Veterinary Medicine has also been looking systematically into the problem of visual breed identification of dogs of unknown origin. A survey conducted at four Florida animal shelters confirmed the unreliability of visual breed identification, thus calling into question yet again its use for dog adoption, lost and found, and regulation.

The Maddie’s® Shelter Medicine Program conducted an expanded survey in 2012. An array of dog experts – breeders, trainers, groomers, veterinarians, shelter staff, rescuers, and others – visually assessed breeds in the dogs in a series of photographs. More than 5,000 completed the survey. Their visual assessments were then compared to DNA breed profiles of the dogs.

Each dog in the survey had at least 25% of a single breed in its DNA profile. A response was considered accurate if it named any of the breeds DNA analysis had detected in the dog, no matter how many other breeds had been detected, and whether or not the breed guessed was a predominant breed in the dog, or only had been detected in a trace amount. Since, in almost every dog multiple breeds had been detected, there were lots of opportunities to be correct. Given the findings of earlier studies, the results were unsurprising. The 5000+ responders were only correct – that is, named at least one of the breeds detected by DNA analysis – less than 1/3 of the time. And no profession did much better than any other. Every profession’s responses, in total, were correct less than 1/3 of the time.

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profession did significantly better than any other. Every profession’s responses, in total, were correct less than \(1/3\) of the time.

In addition, from the variety of visual identifications associated with almost all of the dogs, it is clear that these experts did not agree with each other when they looked at the same dog.* These results corroborate the work that Scott and Fuller published 50+ years ago, that the offspring of even purebred parents are dramatically different in appearance than either of the parent breeds. They are in turn supported by the reports of geneticists that a remarkably small amount of genetic material exerts a remarkably large effect on the size, shape, etc. of a dog.⁶

These reports argue that it is long past time for dog experts to accept the inescapable limitations of visual breed identification of mixed-breed dogs of unknown origin. One step in the right direction is describing mixed-breed dogs without assigning a breed. A 2012 report by two veterinarians and an attorney that appeared in the *Journal of the American Veterinary Medical Association* recommended that veterinarians will better serve their clients and their clients’ pets if they adopt a “single non-breed based term to describe all dogs of unknown parentage.”⁷

*One of the 100 dogs in the study, with corresponding DNA results and visual assessments of survey respondents.*
This sound advice for veterinarians is also applicable to animal sheltering, animal control, and public policy. We have placed an entirely unwarranted confidence in shelter intake data, adoption policy and practices, dog bite studies, bite reports, and news accounts that either relate incidents to breed, or presume to predict a dog’s future behavior based on breed. Visual breed identification did not only become inaccurate as a result of the surveys mentioned above, or even when *Genetics and the Social Behavior of the Dog* was published back in 1965. Rather, these findings call our attention to what has always been the case.

What Dr. Voith pointed out to the American Veterinary Medical Association in 2009 bears repeating:

"The discrepancy between breed identifications based on opinion and DNA analysis, as well as concerns about reliability of data collected based on media reports, draws into question the validity and enforcement of public and private policies pertaining to dog breeds."*8*

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Updated January 20, 2016

*For up to date research on visual breed-identification, including inter-observer reliability, please see the National Canine Research Council Website and Research Library.

**SOURCES and NOTES**

5. This project was funded in part by a grant from the National Canine Research Council.
Breed specific legislation can apply to a variety of dogs, including purebred and mixed-breed dogs. BSL enforcement is based primarily on visual identification, leaving officials, families, and communities confused about how and when to enforce the laws.

The following studies explain why visual breed identification is highly inaccurate - even when done by animal experts. These studies results challenge the reliability of visual breed identification and its role in public and private policies.

**Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs**

Research led by Dr. Voith in 2009 compared adoption agencies’ visual breed identifications of 20 mixed-breed dogs against DNA identification. There were discrepancies between the visual identification and DNA results 85.7% of the time.

**Comparison of Visual and DNA Breed Identification of Dogs and Inter-Observer Reliability**

Of the 923 people involved in dog related professions and activities who participated in this 2013 study, less than half correctly visually identified the predominant breed detected by DNA analysis for 14 of the 20 dogs.

The participants inter-observer agreement was also low, for only half of them agreed on a predominant breed for 7 of the 20 dogs could over half the participants agree on a predominant breed. DNA analysis was inconsistent with the visual identification for 3 of those 7 dogs.

**Rethinking dog breed identification in veterinary practice**

This policy paper by Simpson et al. argues that because modern dogs are primarily bred for looks vs behavior or tasks, veterinarians should refrain from making determinations about a dog’s behavior based on visual identification.

**Is that dog a pit bull? A cross-country comparison of perceptions of shelter workers regarding breed identification.**

This 2014 study shows how shelter staff perceptions of a “pit bull” dogs vary in the U.S. vs. the U.K.

The National Canine Research Council explains:

“Participants were given a list of 10 breed names that the authors considered to be “bull breeds.” U.S. participants were significantly more likely to classify 6 of the 10 breeds (American bulldog, American Staffordshire terrier, English bull terrier, miniature bull terrier, Presa Canario, and Staffordshire bull terrier) as “pit bulls” than were their U.K. counterparts.”

**Inconsistent identification of pit bull-type dogs by shelter staff**

This 2015 study compared a sample of shelter staff’s visual breed identifications of "pit bull-type dogs" to DNA analysis. The study also compared the breed determinations of those shelter workers.

More than 1/3 of the dogs without any "pit bull-type dog" DNA (as defined by the study) were labeled as a "pit bull-type dog" by at least one of the participants.

For an in-depth overview of these studies, visit the National Canine Research Council.
Dr. Victoria Voith's mind nearly every time she visited a shelter. She noticed a preponderance of dogs identified as German shepherds or as shepherd mixes. As someone with a great fondness for the breed and someone who once had a German shepherd, Voith was fairly certain that the shelters were, in many cases, misidentifying the dogs.

Voith is a professor of veterinary medicine at Western University in Pomona, California, and a specialist in the animal/human relationship, so she became curious: Just how often do people visually misidentify the breeds of dogs? She decided to conduct a study that might give her an answer.

In 2008, she randomly chose 20 different dogs who had been adopted from 17 different shelters, rescue groups, and other adoption agencies that had attempted to identify the dogs' breeds. All of the 20 dogs had been labeled as mixed breeds – either a mix of specific breeds (e.g., German shepherd and labrador) or breed types (e.g., shepherd mix), or a combination of both (e.g., chow/terrier mix). Voith had the dogs' DNA analyzed to see how the agencies' breed identifications matched up to the genetic tests.

The DNA tests, which report breed compositions in percentages, revealed multiple breeds in all but one of the dogs, whose only DNA-identified breed was 12.5 percent Alaskan malamute. The highest percentage of one breed found in any of the dogs was 50 percent, and that too occurred in only one dog. Otherwise, predominant breeds represented only 25 percent or 12.5 percent of the dogs' genetic makeup. (The DNA reports are in units of 12.5 percent to represent the approximate percentage that each great-grandparent contributed to the individual dog's DNA.)

So, how did the adoption agencies' identifications match up with the DNA results?
According to the DNA, the agencies correctly identified a specific breed in only 31 percent of the 20 dogs. Usually, the breeds correctly identified by the agencies represented only 25 percent or 12.5 percent of the dogs’ makeup.

“Even when there was an agreement between a specific adoption identification and DNA identification, the same dogs usually had additional breeds identified by DNA that were not suggested by the adoption agencies,” Voith says.

Voith has expanded her breed identification research to include more than 900 trainers, veterinarians, kennel workers, animal control staff, and other dog experts, all tasked with visually identifying a sample of mixed breed dogs. Voith has compared their answers with the DNA of these dogs. Though she can’t yet reveal what the results are, she does say,

“My ongoing studies indicate there is often little correlation between how people visually identify dogs and DNA reported results. You can even have agreement among professionals on what they think this dog is, may be as much as 70 percent of the people trying to identify the dog, and the DNA doesn’t come out to match that,” she says.

“It’s not that people in these professions aren’t good at identifying purebred dogs; it’s just that mixed breed dogs do not always look like their parents.”

Speaking or writing about her research, Voith often refers to the research that John Paul Scott and John L. Fuller conducted in the 1950s and 1960s on the behavior and development of dogs, including the mixed breed offspring of various purebred crosses.

Scott and Fuller photographed the offspring, and many of the dogs looked nothing like their parents or grandparents. Some, in fact, looked more like other breeds.

“It amazes me how dogs can look like a breed that doesn’t appear to be in their immediate ancestry,” Voith says.

Voith’s research triggers a slew of questions, among them: If professionals can’t even correctly identify the breeds of dogs by sight, how can law enforcement in cities where certain breeds are banned? Given how hard it is to correctly identify breeds of dogs by sight, do breed-discriminatory policies make sense — in whatever arena they exist? By claiming their dogs are the offspring of certain breeds, with the characteristics commonly associated with those breeds, are adoption agencies inadvertently creating false expectations among adopters of how those dogs might behave?

And is it time, finally, to stop viewing dogs through the prism of their supposed breeds?

**A CASE OF MISSTaken IDENTITY**

The propensity we have for wanting to know our dogs’ breeds and talk about it is perhaps as natural to us as wanting to know our own ancestry and tell others about it. It’s often a matter of pride that our dog has, say, Newfoundland in him, just as it’s a matter of pride that our grandparents or great grandparents...
emigrated from Italy, Russia, India or some other exotic location.

But one person’s pride can be another person’s, or a city’s, bias, as we well know from places that have banned pitbull-type dogs.

Ledy VanKavage, senior legislative attorney for Best Friends, has taken note of Voith’s breed identification research and cited it in support of an argument she presented last year in an article for the American Bar Association’s The Public Lawyer. VanKavage says that breed-discriminatory legislation is bad fiscal policy based largely on erroneous data that pegs pit bull terriers as the common culprit in dog bites. The data is gleaned largely from the media.

“SO WE HAVE TO GO FROM IDENTIFYING DOGS BY BREED TO IDENTIFYING DOGS AS INDIVIDUALS.”

“It’s sort of like an urban legend or a hoax promulgated by the media,” VanKavage says.

“You can’t just go by the headlines, because a lot of times they’re wrong. A lot of times it’s law enforcement who’s giving the media incorrect information. They’re wrongly identifying the breed, because they think that any shorthaired muscular dog is a pit bull.”

Voith suspects that as many as 75 percent of all mixed breed may be mislabeled.

“So the whole database on which these [breed] restrictions exist is in question,” Voith says.

A number of cases in cities and counties with breed bans have underscored the fallibility of animal control when it comes to identifying pit bull terriers. Last year in Toledo, Ohio, for instance, the Lucas County Dog Warden’s Office seized from a Toledo man’s house what animal control officials insisted were three pit bull terriers, two more than the city allows for one owner.

Police also charged him with violating an ordinance that mandates pit bull owners to keep a muzzle and leash on their dogs when in public. The owner fought the charges in court, proving that the dogs were, in fact, cane corsos, not pit bulls. The judge ruled that the dogs be released.

The judge also struck down the provisions in the dog ordinance limited the number of pit bulls an owner may have and mandated that pit bulls wear muzzles in public.)

Of course, even if the dogs had been pit bull terriers, that doesn’t mean they were dangerous dogs simply by virtue of their breed.

“Not all dogs of the same breed act the same,” Voith says. “Not even all dogs in the same litter of purebreds are identical. There’s tremendous variation in the behavior and the morphology within a breed, even among litter mates.”

“So the whole database on which these [breed] restrictions exist is in question,”
Voith’s research throws a monkey wrench into more than just breed discriminatory legislation. It also challenges the feasibility and fairness of breed discriminatory policy wherever it might be found, be it policy set by landlords, dog parks, dog rescues and shelters, even insurance companies. American Family Insurance, for instance, denies homeowner’s insurance to people with pitbull-terrier-type dogs.

It’s conceivable then, given Voith’s research, that a family may think they have adopted a pit bull terrier (because that’s what they were told when the family adopted the dog) and come to find that their insurance company won’t cover them anymore or that their landlord won’t allow them to remain on his property with the dog — when in truth, the family doesn’t have a pit bull terrier, but simply a dog who resembles one breed identification. She fears that the practice of identifying dogs by breed might be creating false expectations. As an example, she notes that shelters are often full of dogs identified, correctly or incorrectly, as labrador mixes, which could lead adopters of those dogs to expect a pet who likes to retrieve. She says that even if a dog was correctly identified as a labrador retriever, that doesn’t always mean retrieval is something they do.

“WE CANNOT RELIABLY PREDICT A DOG’S BEHAVIOR OR HIS SUITABILITY FOR A PARTICULAR ADOPTER BASED ON BREED.

SO WE HAVE TO GO FROM IDENTIFYING DOGS BY BREED TO IDENTIFYING DOGS AS INDIVIDUALS.”

“It’s impossible to breed-label dogs of unknown history and genetics solely on the basis of their appearance. We know that,” she says. “And we also know that there’s so much behavioral variability within each breed, even more between breed mixes, that we cannot reliably predict a dog’s behavior or his suitability for a particular adopter based on breed. So we have to go from identifying dogs by breed to identifying dogs as individuals.”

“We cannot reliably predict a dog’s behavior or his suitability for a particular adopter based on breed.

It's not fair to dogs to be misidentified and denied living spaces with their owners or forced out of their homes,” Voith says. “It’s also not fair to assume that all dogs of a specific breed are going to behave the same.”

Dr. Amy Marder, director of the Center for Shelter Dogs at the Animal Rescue League of Boston and one of the most renowned applied behaviorists in the country, believes that adoption agencies may be doing a disservice to certain dogs and the people who might adopt them by insisting on
FEAR: “Pit bull” dogs have “locking jaws.”

FACT: No dog, of any breed or mix, has an anatomical structure that could be a locking mechanism in their jaw.

“We found that the American pit bull terriers did not have any unique mechanism that would allow these dogs to lock their jaws. There were no mechanical or morphological differences...” Dr. I. Lehr Brisbin, University of Georgia

FEAR: “Pit bull” dogs have massive biting power measuring in 1,000s of pounds of pressure per square inch (PSI).

FACT: No dog is biologically equipped with a unique biting mechanism or style that would differentiate them from other breeds of dogs. No scientific research exists to substantiate the myth that “pit bull” dogs bite differently or more severely.

Scientists consistently use the unit Newtons to quantify force, not pounds per square inch. Dogs in general can range from 13 to 1394 Newtons.

via Lindner, DL, et.al. Journal of Veterinary Dentistry

FEAR: “Pit bull” dogs attack without warning.

FACT: All dogs, including dogs commonly labeled “pit bull” dogs, signal their intent. After doing temperament tests on over 1,000 dogs, the Institute of Animal Welfare and Behavior of the University of Veterinary Medicine in Hannover, Germany determined ”no significant difference in behavior between breeds was detected. The results show no indication of dangerousness in specific breeds.”

FEAR: While there are some “pit bull” dogs with good temperaments, they are the exception not the rule.

FACT: The American Temperament Test shows that the American pit bull terrier, American staffordshire terrier, and the staffordshire bull terrier (three purebred dog breeds, typically referred to as “pit bull” dogs), as well as the dogs labeled “mixed breed,” consistently score above the average for all breeds tested, year in and year out.

Every dog is an individual and should be evaluated as such.

FEAR: “Pit bull” dogs are more dangerous than other dogs.

FACT: There is no scientific evidence that one kind of dog is more likely than another to injure a human being.

“...Controlled studies have not identified this breed group [pit bull-type dogs] as disproportionately dangerous.” American Veterinary Medical Association (AVMA)
In May of 2015, Animal Farm Foundation (AFF) transported 6 “pit bull” dogs from Prince George's County (PGC) in Maryland to our shelter in New York. The dogs were well behaved, friendly, played well with other dogs, and were healthy. So why did we need to transport them 300+ miles, instead of their Maryland shelter adopting them out?

Because they live in a county that still has an archaic breed ban in place. These dogs, all of varying appearances, behaviors, and breed mixes, were perceived to be “pit bull” dogs and therefore are illegal in Prince George's County. This means they cannot be adopted out of shelters. There are only two outcomes for these dogs: death or transport to a safe jurisdiction.

The staff of PGC's animal services works hard to arrange the latter outcome. Each day numerous dogs subjectively identified as “pit bull” dogs are brought into their shelter. None of them are allowed on the adoption floor.

Many are dogs that were loved family pets were taken straight from their homes. They were seized not because they did anything wrong, but simply because of their appearance or breed label. Now these family pets are wards of the system.

The staff spends their time and resources making sure that these family dogs have a chance at a fair and humane outcome by arranging transports around the country. AFF recently sponsored Aimee Sadler’s Dogs Playing For Life! training for the staff to help them enrich the lives of the dogs in their care and to assist in identifying transport candidates.

During her recent training, Sadler wasn’t surprised to see that there were many “pit bull” dogs that were “rock stars” in the play groups. Calls went out to shelters around the region to help get these highly adoptable dogs out of danger and into adoption programs.
AFF and Fairfax County Animal Shelter were two of the organizations that pulled numerous dogs after seeing Sadler’s play group footage.

Rodney Taylor, the director of Prince George’s County’s animal services facility, publicly opposes the ban for many reasons.

*The Huffington Post* reports that the shelter has a “live release rate” of only 64 percent. This is not a reflection on the shelter’s policies or approach to adoptions. The high euthanasia rate is largely due to the law that bans them from adopting out any dog that is labeled a “pit bull.” The euthanasia rate would be even higher if the staff didn’t work so hard to make daily transports a reality.

But until the ban is removed by lawmakers or struck down in court, the shelter will be stuck with a live release rate that falls far short of what progressive adoption centers, in areas without breed bans, are attaining.

As Rodney told *Huffington Post*:

“Such beautiful dogs come in and we can’t adopt them to families that want to adopt them.”

There are no facts or experts that back up the retention of this ineffective, inhumane law. In 2003, Prince George’s County authorized a task force to examine the results of their ban, which has been in place since 1996. The Task Force reported that the ban was ineffective, has a negative impact on public safety, stretches animal control and sheltering resources thin, and costs approximately a half million dollars a year to enforce.

That's right, a half million a year.

The report also showed that in the 2001-2002 fiscal year, costs due to “pit bull” dog confiscations totaled $560,000. And that doesn’t even touch the amount of money needed to cover the expenses for utilities, manpower, and overtime spent caring for the dogs.

**Luke, Cindy, Leo (seen here) and the others from PGC enjoy playing with other dogs and people. Despite this, they are banned from the adoption floors in PGC because of their breed label.**
If lawmakers repealed the breed ban, that money could be used to enforce effective breed neutral dangerous dog laws. The very ones the 2003 Task Force recommended. Animal control would no longer need to waste their time seizing safe family pets and instead could focus on addressing problem dog owners (of any breed) thereby truly making the county safe for all of its citizens. Animal services wouldn’t have to make kennel space for loved dogs freshly torn away from their families. They could use their time and resources to do what shelters are meant to do: Helping the dogs that are truly homeless evaluating them as individuals, and finding them new families within their county.

In 2009, after the shelter spent 12 million dollars to build a new shelter, Taylor stated:

“There’s one goal: to become the number one shelter in the nation.”

Six years later, with a 64% live release rate and the breed ban still in effect, PGC animal services is lagging far behind other shelters nationwide. No matter how hard they work, the ban prevents them from ever being able to achieve their goal.

The breed ban in Prince George’s County is an ineffective and expensive mistake. It is time-consuming and nearly impossible to enforce. It is incompatible with progressive animal sheltering policies. It perpetuates myths, hysteria, and fear. It suggests we can accurately identify a dog’s breed based on their looks and that a dog’s breed is an accurate predictor of behavior. Because of all of this, the ban jeopardizes everyone’s safety by misdirecting money, resources, and time.

When will lawmakers listen to the task force recommendations, given more than a decade ago, and finally remove this failed legislation? When will they free up those wasted millions of dollars to fund breed neutral laws that are proven to keep communities safe? Change must happen now!

There’s no more time or money to waste for the families of Prince George’s County.

Of course, that was 14 years ago. If we do some simple math and assume that the numbers remain the same, that’s $560,000 a year multiplied by 14 years, which means the current total spent enforcing a ban that doesn’t work could potentially be estimated at: $7,840,000.

Taxpayers are footing this enormous bill for a law that does not increase public safety and tears innocent dogs away from loving families. Plus, they’re paying for a law that strains their shelter system and animal control services by misdirecting their time and resources to addressing a crisis that need not exist.

BREED SPECIFIC LEGISLATION DENIES EVERY RESIDENT OF PRINCE GEORGE’S COUNTY THE OPPORTUNITY TO LIVE IN A SAFE, HUMANE COMMUNITY.

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Imagine being locked in a dusty shed for months on end. You can't go outside because people might see that you look like a pit bull and turn you in. If you're turned in, you'll be killed. This is exactly how Otis lived after his hometown of Fayette, Missouri, passed a breed ban in Feb. 2009.

The ordinance banned acquiring pit bulls. Pit bulls already in the town could be grandfathered in if their owners met certain requirements, including showing proof of $100,000 of liability insurance, muzzling their pets when in public (on a leash no longer than four feet) and meeting specific confinement requirements for dogs kept outside.

However, with a median household income in Fayette of only $32,925 (in 2008), many residents couldn't afford to meet the requirements.

“These people can't afford $1,500 a year for a rider on their insurance policy,” said Melody Whitworth, the Columbia, Missouri area representative for Dogs Deserve Better, a non-profit organization dedicated to helping chained dogs.

“There are a lot of dogs in hiding [in Fayette], and Otis was one of those dogs in hiding,” said Kathryn Ward, the Fayette area representative for Dogs Deserve Better.

When the ordinance went into effect, Otis's guardian couldn't afford the insurance policy.

“Otis ended up being hidden in a shed in his backyard and chained,” Whitworth said. “This went on for months and months. His owner would go out and feed him when he felt like his neighbors weren't home and wouldn't see him.”

When Otis’s guardian had to call an ambulance for his mother-in-law one night, the authorities discovered the dog, and his guardian was cited.
The guardian contacted the local shelter, which luckily referred him to Ward, who had been working with the shelter, trying to save as many area pit bulls as possible.

"[He] was told to either get rid of the dog or the dog would be killed," Ward said.

"He worked directly with Dogs Deserve Better," Withworth said. "He signed a relinquishment form and allowed us to put Otis on Petfinder to try and rehome him in order to keep him out of a shelter situation."

After months of being tied in the dark, Otis would growl when approached by strangers, but Ward and Whitworth saw this as a consequence of his circumstances rather than a reflection on his true nature.

Prior to the ordinance, Otis had fathered several litters of puppies. One of the first things Dogs Deserve Better did was to arrange to have Otis neutered. While Whitworth worked to find a new home for Otis, Ward tried to educate his grandson about pet overpopulation and the problems associated with chaining (including increased aggression).

"He said that he could see it was wrong to chain him," she said. "My feeling is that education of the people is the only thing that's going to change the way pit bulls are treated. That is when people need to focus their efforts instead of these stupid bans that don't do anything but further harm the dogs."

She said that according to her research, dog bites in Fayette have actually increased since the ordinance. Through their collective efforts, a miracle was in the works for Otis. Unlike most victims of breed bans, he was about to get a second chance.

Jessica Murphy of Columbia was searching through the listings on Petfinder.

Murphy's husband agreed, and the couple went to meet the then 4-year old Otis.

"His allergies were horrible, I guess from living in his barn that was so dusty. His eyes looked like they popping out of his head," Murphy said. "He came right up to me, and I fell in love."

Jessica and Robert have two children, ages six and seven, and are expecting their third child.

"He's very patient with the kids," Murphy said. "He's the best dog we've ever had."

A year after his adoption, Otis now lives with three other dogs, including his son, whom the couple also rescued. Today, Otis has his own spot on the couch inside with the family.

His transformation from backyard dog in hiding to a beloved family pet illustrates both the tragedy of breed specific legislation, which will sentence dogs to death just for the way they look, as well as the fact that all dogs, regardless of breed, are a reflection of how they're kept and treated.
On Breed Specific Legislation

The National Canine Research Council Research Library
http://www.nationalcanineresearchcouncil.com/browse/research_library/

Repealing Breed-Specific Legislation HSUS Toolkit

BSL Fiscal Impact Calculator from Best Friends Animal Society
http://bestfriends.guerrillaeconomics.net/

Breed Specific Legislation Map
http://www.animalfarmfoundation.org/pages/BSL-Map

RSPCA 2016 report on failure of Dangerous Dog Act

Language and Labels Ebook
http://www.animalfarmfoundation.org/pages/Labels-Language

For more information, please visit our website:
www.animalfarmfoundation.org

or contact us at:
info@animalfarmfoundation.org

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