

Attachment 3

Understanding Breed-Specific Legislation and its Role in Public Safety



PASADENA

Breed-Specific Legislation in Pasadena



Understanding Breed Specific Legislation and its Role in Public Safety





Breed-Specific Legislation (BSL)

- **Overview**
 - > Local and National Data
 - > Literature Analysis
 - > Legislative Precedence



United States

- Total number estimates vary:
 - > Separate studies in 1998 & 2000 estimated 334,000 & 365,846 ER visits due to dog bites in the U.S, respectively.^{1,2}
 - > Another estimated that in 2008 approximately 885,000 bites needed medical attention.³
- Total number of dog bite-related fatalities:
 - > Between 1979 and 1998 more than 300 deaths, with breed data available for 238.⁴

¹Gilchrist J, Sacks JJ, White D, et al. Dog bites: still a problem? *Inj Prev* 2008; 14:296-301

²VWeiss HB, Friedman DI, Coben JH. Incidence of dog bite injuries treated in emergency departments. *JAMA* 1998; 271(1):51-53

³Vyrostek SB, Annest JL, Ryan GW. Surveillance for fatal and non-fatal injuries-United States, 2001. *MMWR Surveillance Summ* 2004; 53:1-57.

⁴Sacks JJ, Sinclair L, Gilchrist J, et al. Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. *J Am Vet Med Assoc* 2000; 217:836-840



Dog Bites in Pasadena

- Total number of dog bites that generated reports in Pasadena in 2011 was 101.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
#	9	6	7	4	5	18	9	12	6	8	10	7

- Use of force against dogs in Pasadena by Police:

DATE OF INCIDENT	2007	2008	2009	2010	2011	2012
NUMBER OF INCIDENTS	1	0	2	0	3	0
DOG BREED	Belgian Malinois		Belgian Malinois/Czechoslovakian Shepherd		Belgian Tervuren/Belgian Malinois	



Why Breed-Specific Legislation?

- Many jurisdictions often cite these studies as evidence for need:
 - > Three studies conducted found amongst the 238 dog bite-related *human fatalities* nationwide in 1979-1998 pit bull-type dogs and Rottweiler's were responsible for >50% of the attacks.^{1,2,3}
 - > Important Note: Two of the three studies are based on the same report. One is a sub-study to a more recent and comprehensive study by the same author. The other cites the data from the other report for its conclusions.

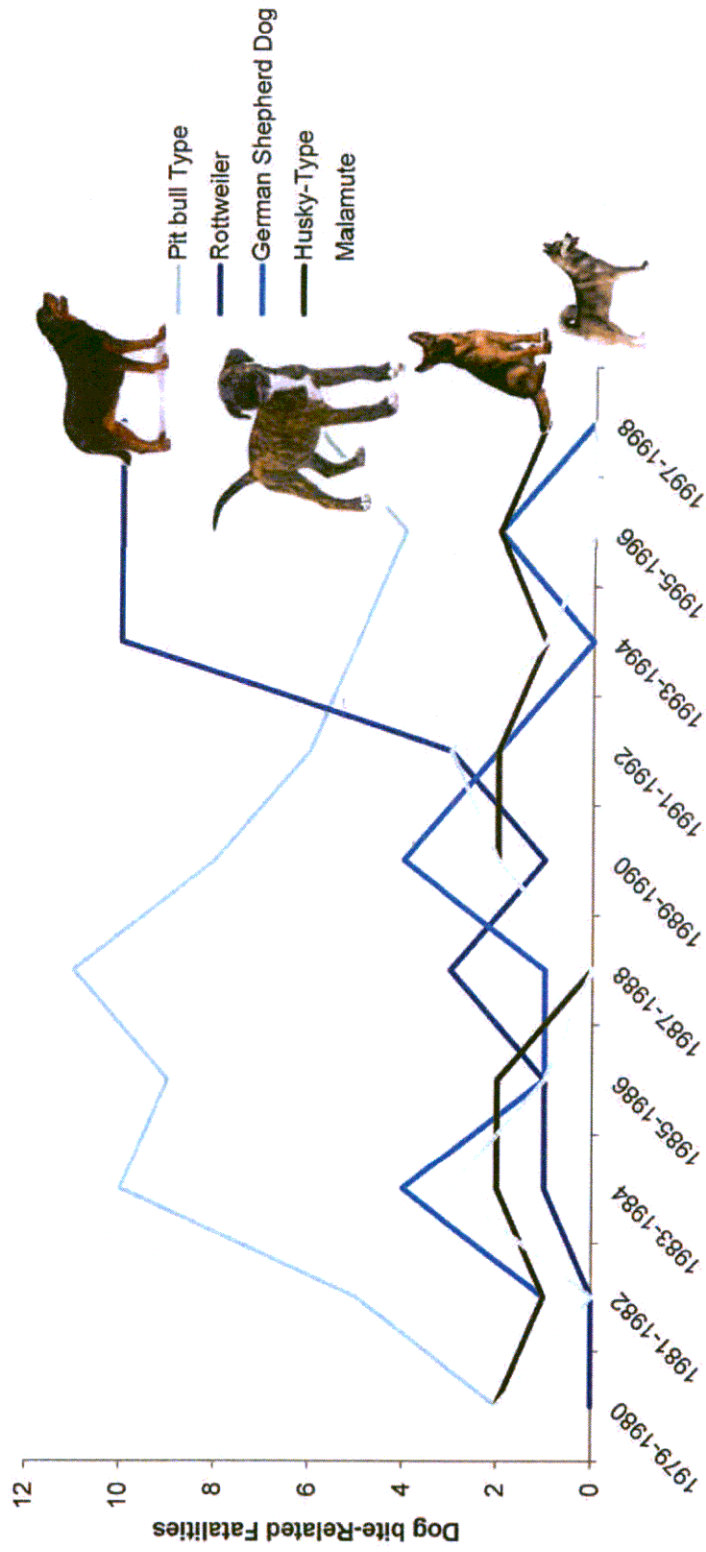
¹Sacks JJ, Sinclair L, Gilchrist J, et al. Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998. *J Am Vet Med Assoc* 2000; 217:836-840

²Sacks JJ, Lockwood R, Hornreich K, et al. Fatal dog attacks, 1989-1994. *Pediatrics* 1996; 97:891-895.

³CDC. Dog-bite-related fatalities-United States, 1995-1996. *MMWR Morb Mortality Wkly Rep* 1997;46:463-467



Dog Bite Fatalities in U.S.



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Limitations

- Those studies cite three large limitations:
 - > Breed of biting dog may not be accurately recorded.
 - > Mixed-breed dogs are often coded as purebred.
 - > Actual numbers are difficult to count, especially if serious injury did not occur.
 - > Actual prevalence of certain breeds is not known for many communities.
- Additionally, none advocate for BSL in their conclusions.



Risk Factors for Attacks

- For People:
 - > Children are most at risk, especially those 12 and under.¹
 - > Dogs in lower income neighborhoods were more likely to bite.²
- For Dogs:
 - > Intact males represented 70-76% of reported dog bite incidents.^{3,4}
 - > Females with pups.¹
 - > Some evidence to show biting dogs are more likely to be chained while in the yard.³

¹Golab GC. A community approach to dog bite prevention. AVMA. June 2001.

²Schuler CM, DeBess EE, Lapidus JA, Hedberg K. Canine and human factors related to dog bite injuries. *J Am Vet Med Assoc* 2008; 232(4):542-546

³Gershman KA, Sacks JJ, Wright JC. Which dogs bite? A case-control study of risk factors. *Pediatrics* 1994; 93: 913-917

⁴Wright JC. Canine aggression toward people: bite scenarios and prevention. *Vet Clin North Am Sm Ani Pract* 1991; 2711(2): 299-314.



Other Relevant Studies

- Gershman et al found that German Shepherd and Chow Chows were most likely to bite.¹
- Breed types do not confer temperament.²
- Visual determination of breed is not always accurate.³

³Gershman KA, Sacks JJ, Wright JC. Which dogs bite? A case-control study of risk factors. *Pediatrics* 1994; 93: 913-917

²Scott, J. P., & Fuller, J. L. (1965). *Genetics and the Social Behavior of the Dog*. Chicago: Univ. of Chicago Press.

³Simpson, R.J., Simpson, K.J., VanKavage, L. (November 2012). Rethinking Dog Breed Identification in Veterinary Practice. *Journal of the American Veterinary Medical Association*, 241(9).



Precedence in the U.S.

- Estimated that there are over 300 cities and towns that ban or restrict one or more breeds and breed mixes.¹
- 13 states prohibit breed-specific bans including California; however California does allow for BSL related spay/neuter programs.
- 9 states have state case law to allow municipalities to adopt breed-specific ordinances

¹Best Friends Animal Society. Breed negligent legislation is not a reasonable response to negligent owners.

²Sacks JJ, Lockwood R, Hornreich K, et al. Fatal dog attacks. 1989-1994. *Pediatrics* 1996; 97:891-895.

³CDC. Dog-bite-related fatalities-United States, 1995-1996. *MMWR Morb Mortality Wkly Rep* 1997;46:463-467



Precedence in CA

- **BSL in California:**
 - > Select cities have ordinances in place that require owners of identified breeds to spay/neuter or purchase a permit allowing the dog to maintain reproductive capabilities. Some also require the breed to be leashed and muzzled when in public.
 - > The following cities have restrictions in place for certain breeds:
 - Fontana, Highland, Hollister, Lake County, Lancaster, Manteca, Naval Base Ventura County, Point Mugu, Point Hueneme, Ripon, Santa Monica, & Yucaipa.



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Questions?

Next Steps?



Attachment 4

Section 31683 of California Food and Agricultural Code

FOOD AND AGRICULTURAL CODE

SECTION 31681-31683

31681. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

31682. The Judicial Council shall prepare all forms necessary to give effect to this chapter, including a summons or citation to be used by law enforcement agencies in the enforcement of this chapter. This chapter does not affect or change the existing civil liability or criminal laws regarding dogs.

31683. Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs. Except as provided in Section 122331 of the Health and Safety Code, no program regulating any dog shall be specific as to breed.

Attachment 5

California Senate Bill 861 codified as Sections 122330 - 12331 of California Health and Safety Code

HEALTH AND SAFETY CODE

SECTION 122330-122331

122330. The Legislature finds and declares all of the following:

(a) Uncontrolled and irresponsible breeding of animals contributes to pet overpopulation, inhumane treatment of animals, mass euthanasia at local shelters, and escalating costs for animal care and control; this irresponsible breeding also contributes to the production of defective animals that present a public safety risk.

(b) Though no specific breed of dog is inherently dangerous or vicious, the growing pet overpopulation and lack of regulation of animal breeding practices necessitates a repeal of the ban on breed-specific solutions and a more immediate alternative to existing laws.

(c) It is therefore the intent of the Legislature in enacting this chapter to permit cities and counties to take appropriate action aimed at eliminating uncontrolled and irresponsible breeding of animals

122331. (a) Cities and counties may enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.

(b) Jurisdictions that implement programs described in subdivision (a) shall measure the effect of those programs by compiling statistical information on dog bites. The information shall, at a minimum, identify dog bites by severity, the breed of the dog involved, whether the dog was altered, and whether the breed of dog was subject to a program established pursuant to subdivision (a). These statistics shall be submitted quarterly to the State Public Health Veterinarian.
