



## **The Massachusetts Veterinary Medical Association Position Regarding Dangerous Animal/Dog Legislation.**

The MVMA is opposed to breed specific legislation regarding dangerous animals. The MVMA fully understands that there are vicious and uncontrollable dogs that are truly dangerous to humans. The MVMA also understands and fully appreciates that some dog breeds are capable of inflicting significant damage on human beings and other animal in a relatively short period of attack. However, it is our professional position that adopting a breed specific policy is the wrong way to approach the problem (Please see Addendum 1.)

The reported top 10 dogs breeds responsible for all bites are Pit Bulls, Rottweilers, German Shepherds, Huskies, Doberman Pinschers, Chow Chows, Alaskan Malamutes, Presa Canarios, Boxers, and Dalmatians.

The dog whose attack resulted in the world's first face transplant was a Labrador Retriever! All dogs under the right circumstances are capable of attacking and inflicting serious injury. (Please see Addendum 2.)

The MVMA is aware of the challenges cities and towns face when enforcing animal control laws and of the serious nature of high profile dog attacks.

The issue of dog aggression and public safety is not a simple one. When drafting any effective legislation or ordinance consideration must be given to the facts surrounding the nature of dog attacks as revealed by statistics of both canine and human behavior, and interaction of the two.

### **THE MVMA's recommendations for an effective ordinance are as follows:**

It is important that any proposed legislation or ordinance differentiate between categories of dog aggression, allowing individual incidences of dog attacks to be addressed as appropriate, and owner liability to be applied as appropriate. Few would argue that a dog that has inflicted a fatal bite should not be destroyed, however, it seems unfair to owner and dog alike that a dog that bites while having its first known seizure should be destroyed without a chance for proper diagnosis and effective treatment and risk management. It is important to rule out medical conditions as an underlying cause (especially in first time attacks with no prior history of aggression) as well as to evaluate the circumstances leading to the attack in order to determine proper response and liability. Citing two recent high profile cases, a dog attacking randomly while walked in the street is not the same situation as a dog that attacks after escaping confinement.

There must be an enforceable system of fines levied against owners of dangerous dogs. Such fines should escalate with each repeat incident and be consistent with the severity of the incident. (Fines received should be adequate to fund all enforcement.) Also, consider criminal as well as civil liability for repeat offenses in which the owner has failed to take reasonable, appropriate and effective steps to prevent future incidences.

Implement a one strike policy for ANY dog with a history of aggression to wear a basket muzzle and be properly restrained/confined when outside the home/house would reduce incidences and severity of any repeat attacks. Dogs that bite once, especially provoked or as the result of a previously undiagnosed and treatable medical condition, should be observed and closely monitored.

The MVMA recommends strongly that, for true protection, as well for animal welfare concerns, only a properly fitted and applied basket muzzle is appropriate. Further, the specific style basket muzzle should be chosen by a veterinarian or certified trainer familiar with the individual dog, and the owners should be require to provide evidence that they have received proper instruction in application, use, and limits of effectiveness. Improper use of any muzzle as bite prevention may lead to a false sense of security and preventable injury to both people and dogs. Use of a muzzle is not fool proof, and may lead some people to neglect other critical steps in the management of these dogs to reduce the incidence and severity of dog bites.

Microchip I.D. after one unprovoked biting incident: a dog will be required to receive a microchip and will be entered into a town, city or state-wide database of dangerous dogs.

Dogs having bitten should be evaluated by a certified dog trainer and/or a veterinarian. Obedience training should be required to be undertaken for those dogs deemed to be candidates for rehabilitation by these professional.

Affordable evaluation and training should be available to owners, but should be required to be undertaken at the owner's expense, or paid for by fines levied. To that end, owners of dogs that are vicious or have bitten should be held responsible up to and including at a criminal level as deemed appropriate based on circumstances of the incident, and future risk assessment. A fine should be levied against the owner in cases of an unprovoked attack by any dog known to have previously shown signs of aggression.

Three strikes and you're out: After three unprovoked biting incidents, a dog will be euthanized. For severe attacks, a one or two strike policy should be considered.

As veterinarians, the question for us when it comes to laws and animal welfare is how do we educate the public on properly screening organizations when they are considering dog adoption. How and to what extent do we hold groups that are not meeting a minimal standard in regard to safe and proper placement of animals? This is separate from muzzle laws addressing problem animals. We should strongly encourage adoption organizations to carefully screen prospective adoption/rescue homes for dogs and perhaps refuse to work with groups that don't properly screen and place. Too many behaviorally questionable dogs are being adopted out to inexperienced owners. Some are unaware of the dog's history, others just like the idea of saving a dog that will otherwise be euthanized. Adoption and rescue organizations should take on the responsibility of making that difficult but necessary decision to euthanize a dog that may prove to be a dangerous dog. Veterinarians and rescue groups must put the safety and well being of the public (animals as well as people) ahead of any one dog. Few perspective dog owners are able to handle a dog with a history of or signs of a tendency toward aggression. It's sad but some dogs either cannot or should not be saved.

## **Addendum 1**

### **Background and Substantiation of the MVMA's position.**

1. From 1997 – 1998 a total of 75% of all fatal dog bites were inflicted by pets on family and visiting friends on the owner's property. That leaves only 39.8 of those fatal attacks that may have been prevented or reduced in severity by enforcement of legislation such as that currently under consideration in Lynn. Further, singling out one high profile breed of dogs for muzzling in public may give the public a false sense of security other breeds of dogs are not of concern.

The fact is that there are 25 breeds of dogs cited in association with the small percentage of dog attacks involving human fatality.

2. Any effective ordinance must hold the owner fully and strongly responsible for any dog with a history of animal or human aggression that attacks again. The owner of a dog that attacks more than once has proven that they are at best either incapable or unwilling to control their dog and protect the people and animals around them. They need to be held accountable the same as we would expect of someone who has been irresponsible with a gun.

3. While dangerous animals are owned by people across the human racial spectrum, in many communities urban communities, they are owned predominantly by people within the African-American and Hispanic communities. Some may see the singling out of this one breed as "racial profiling." In that light, such legislation or ordinance may be successfully overturned on appeal to a higher court, and bring the wrong kind of attention to the jurisdiction, becoming a distraction from the critical issue of protecting the people from dangerous dogs.

4. Any legislation or ordinance addressing specific measures to be taken must take into effect animal welfare issues, as well as effectiveness and enforceability.

5. Breed specific legislation ignores the larger societal issues of poor breeding, poor training of dogs by owners who lack proper education in the effective training and handling of potentially dangerous animals, and the lack of resources available to animal control officers in towns that are aware of the animals that they oversee. This is in addition to doing nothing to prevent or reduce attacks by other breeds over represented in bite statistics, and gives the public and dog

owners a false sense of security around dog breeds not targeted.

## Addendum 2

### Dog Attack Statistics

*(The following statistics capture only reported dog bites.)*

1. In 2001, an estimated 68 million canines were kept as pets in the United States (6). This report is the first that uses data from an ongoing surveillance system to provide national estimates of the number of dog bite--related injuries treated in EDs. In 2001, an estimated 368,245 persons were treated for dog bites in EDs; this finding is consistent with a previous estimate of 334,000 persons treated annually for dog bites in EDs during 1992--1994 (2). Of the estimated 368,245 persons treated for dog bites in EDs, an estimated 154,625 (42%) were aged  $\leq 14$  years. Higher rates of dog bites for children aged  $\leq 14$  years also are consistent with previous reports (1,7).
2. Because children have higher rates of dog bites, prevention programs often are targeted to this group. Although boys aged  $\leq 14$  years have higher rates than girls the same age, all children need to be taught how to respond to dogs. A randomized controlled trial of a school-based intervention in Australia that taught children how to behave around and interact with dogs documented a substantial decrease in children's approach to and interaction with a strange dog (8). CDC is funding an evaluation of a similar school-based education program in Georgia aimed at increasing children's understanding of how to behave around and interact with dogs.
3. In addition to educating children properly, prevention efforts should encourage responsible dog ownership, including training, socializing, and neutering family pets. Previous research has indicated that the majority (80%) of dog bites incurred by persons aged  $\leq 18$  years are inflicted by a family dog (30%) or a neighbor's dog (50%) (9). During 1997--1998, a total of 75% of fatal dog bites were inflicted on family members or guests on the family's property (10). In 2001, an estimated 16,476 (8%) dog bites to persons aged  $\geq 16$  years were work-related, including some that occurred while persons were visiting homes as part of their work activities.
4. Almost one in five of those who are bitten: a total of 885,000: require medical attention for dog bite-related injuries.

In 2006, more than 31,000 people underwent reconstructive surgery as a result of being bitten by dogs.

The statistics so far cited tell us who dog bite victims are, when and where people are most at risk, and the general range of severity of attacks. What they don't tell us is **why** dogs attack.

A dog may bite for a variety of reasons, however there are two major categories: provoked and unprovoked.

- A provoked attack may be the result of pain, trauma, human manipulation (restraint, medical procedure, baiting/teasing), or abuse.
- An unprovoked attack is the result of an in apparent trigger. Some examples of this may be a child getting too close when a food protective dog is eating, or a child approaching a territorial dog under the table. That is not to say that in the psyche of the dog that there was not a provoking event.

The Massachusetts Veterinary Medical Association (MVMA) is the representative body of Massachusetts veterinarians working in all fields of the profession. With more than 1,400 veterinarian members, MVMA represents the majority of practicing veterinarians in Massachusetts.

Since its inception in 1884, the MVMA and its members have dedicated themselves to the professional caring for the health and welfare of animals and society. The MVMA's collective goal is to work together for the common good of veterinary medicine, animals and public welfare.