



April 14, 2010

Re: House Bill 79 -- To amend section 955.11 of the Revised Code to remove pit bulls from the definition of "vicious dog" in state law.

Mr. Chairman, and members of the Agriculture and Natural Resources Committee:

The breed specific provisions of Section 955 of the Ohio Revised Code were enacted in the fevered summer of 1987, during what can only be described as a panic surrounding pit bull dogs. Every national newspaper or magazine had carried a story about pit bull dogs. For all of 1987, 1257 stories appeared in the nation's newspapers and magazine in which the words pit bull appeared either in the headline or the lead paragraph. That total does not include stories on radio or television.

Frightened by media accounts, people were quick to believe fantastic nonsense about the physical and behavioral nature of dogs identified as pit bulls, notwithstanding the fact that pit bull is not a breed, and that there never been any scientific evidence that dogs so identified are inherently dangerous, or more dangerous than other kinds of dogs. Such has been published in an opinion of the Supreme Court of this state. None of the schoolyard rumors we heard about the nature of dogs identified as pit bulls were true.

News reports create what is known as an "availability bias." The availability of a graphic account can convince us a) that a rare kind of injury is likelier to befall us than it actually is; and 2) that factors the media has chosen to highlight are the important ones, even when experts tell us that such is not the case. And how often does it occur to us that what we read in the news might not be true?

In the early 1970's, the press reported an "epidemic" of dog bites nationwide. We read about an "epidemic" or "emergency" in press accounts to this day. The bitter irony is that long before Ohio resorted to breed discrimination, the problem of dog bites was abating. Within a short time after those initial press accounts, reports of dog bites across the United States began to fall. They continued to fall, in some cases by as much as 90%, in cities whose policies focused on dog owners, and who never resorted to breed discriminatory regulation of any kind. Even the United States Postal Service reports that bites to its carriers have fallen by more than 50% since 1983. This actual state of affairs rarely, if ever, appeared in the news.

Which stories about dogs get coverage? Just as human celebrity results in different press attention and public interest, the press covers a far higher percentage of incidents about dogs identified as pit bulls than it does about dogs called something else. And it reports them differently.

Let us begin with the exceedingly rare instances where a human being is killed by a dog. To put these terrible tragedies in perspective, in Ohio, a total of 19 persons have been killed by dogs over the past 45 years. 11 different breed or types of dogs have been associated with these incidents.

Two very similar fatalities occurred only weeks apart in September 2008. In Ohio, an infant was killed by a dog reported to be a Siberian Husky. Coverage was confined to two short reports which were

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reprinted in a total of nine local outlets. Accounts stated that the dog had mistaken the child for a stuffed animal. The child was reported as having suffered “bite marks and scratches.” In Nevada, an infant was killed by two dogs reported to be pit bulls. More than 200 outlets, in 47 states and 5 countries, ran a story, most with the words “pit bull” in the headline. Stock photos of pit bull dogs baring their teeth provided illustration. The media reported that the dogs had “burst,” “barged,” or “forced” their way into the home from the backyard, for the expressed purpose of “mauling” the infant. A month later, after the story had cooled, officials revealed that one of the dogs had used a paw to open a sliding glass door inadvertently left open.

There was no substantial difference between the wounds suffered by these babies.

Regarding non-fatal injuries, breed celebrity affects not only how a story is covered, but whether it is covered at all. For example, in 2007 in Marion County, Indiana, only 2 of the 71 dog bite wounds classified by animal control as “severe” were reported by the news at all; while at least one “moderate” bite by a dog identified as a pit bull was reported on television.

Thus, if a researcher collects data about non-fatal dog-related injuries solely from news accounts, the result will be a seriously unrepresentative and distorted dataset. Animal People has collected news accounts of 2787 cases where dogs did “bodily harm” to one degree or another. The report covers 27 ½ years, which works out to approximately 100 incidents per year. It would be great news indeed if there were only 100 cases of bodily harm attributed to dogs in a given year. Even though dogs pose an extremely low risk to people compared to other risks we regularly accept, approximately 6000 people a year may be admitted into a hospital because they have suffered “bodily harm” from a dog. Thus, the Animal People collection only constitutes 1.7% of the people admitted to a hospital. Given what we know about the media’s decision-making process and the celebrity of pit bulls, it is simply not possible that Animal People’s 1.7% of the cases constitutes a statistically valid sampling of the other 98.3%.

Finally, published scientific studies dating back 25 years have questioned the accuracy of visual breed identification of mixed breed dogs. Now, Dr. Victoria Voith, one of the country’s leading veterinary behaviorists, has published a study confirming the inaccuracy of visual breed identification when compared with DNA analysis. What degree of accuracy should we assign to breed identifications obtained solely from news accounts written by people who are not canine professionals?

Due to lack of scientific knowledge, pre-existing attitudes, cursory investigation, deadlines, or limited space, media reports are, by their very nature, biased and selective. Reporters and editors may emphasize breed identifications, however obtained or unreliable, and neglect other factors considered critical by animal professionals. Dogs described as family pets may have been no such thing. Rather, they may have been chained 24/7, or used in a backyard breeding operation, or starved and severely abused.

In 2000, 13 years after this legislature enacted the current version of Section 955, the Centers for Disease Control published a paper entitled “Breeds of dogs involved in fatal human attacks in the United States between 1979 and 1998.” The intent was to assess the government policy implications of any findings. Press accounts of the study’s dataset have ignored, or only mentioned in passing, the study’s breed-neutral policy recommendations: “Generic non-breed specific, dangerous dog laws can be enacted that place primary responsibility for a dog’s behavior on the owner . . . In particular, targeting chronically irresponsible dog owners may be effective. . .”

The following year, a task force of the American Veterinary Medical Association published a paper entitled “A Community Approach to Dog Bite Prevention.” The Task Force stated: “An often-asked question is what breed or breeds of dogs are most “dangerous”? This inquiry can be prompted by a

serious attack by a specific dog, or it may be the result of media-driven portrayals of a specific breed as “dangerous.” Although this is a common concern, singling out 1 or 2 breeds for control can result in a false sense of accomplishment. Doing so ignores the true scope of the problem and will not result in a responsible approach to protecting a community’s citizens.”

Randall Lockwood of the ASPCA, a co-author of the CDC’s “Breeds of Dogs,” and a member of the AVMA Task Force, has written: “Focusing on a single breed as the ‘source’ of the dog bite problem reflects a 19th century epidemiological mindset that attempts to identify the vector of a public health problem and eliminate that vector . . . The dog bite problem is not a disease problem with a single vector, it is a complex societal issue that must address a wide range of human behaviors . . .”

In its opinion in Toledo v Tellings, the Ohio Supreme Court wrote, “The state and the city have a legitimate interest in protecting citizens against unsafe conditions caused by pit bulls.” Caused by pit bulls? Any unsafe conditions were caused by human beings; and correcting those unsafe conditions means focusing on those human beings. Justice Maureen O’Connor stated: “. . . rational legislation should focus on the owner of the dog rather than the specific breed that is owned.”

Modern science teaches what the panic of 23 years ago and media reports then and now have not: Dogs cannot be characterized without human beings. We are responsible for the dogs in our midst, and we must not imagine that dogs are to blame for the failures of their owners. The Centers for Disease Control, the American Veterinary Medical Association, the National Animal Control Association, the Association of Pet Dog Trainers, and virtually every humane agency in the United States opposes regulating dogs on the basis of breed or appearance. Focus on breed or physical appearance, in the media and elsewhere, has wasted precious public resources, and resulted in the needless killing of tens of thousands of dogs.

Recognizing these important truths, 12 states not only resisted the panic, but enacted laws that prohibited localities from regulating dogs on the basis of breed. Since May 30, 2009, 48 cities and town across America have decided against breed discriminatory legislation.

While it may not be possible today for Ohio to join those 12 states, this committee has been given an opportunity to help correct an error born in a panic, and to encourage communities across Ohio to redirect their animal control resources away from breed-based policies, and toward the ideal of the responsible, humane ownership of all dogs.

The National Canine Research Council Action Fund urges the committee to take that opportunity, and give HB 79 its favorable recommendation.

Thank you.

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