

## DENVER'S BREED-SPECIFIC LEGISLATION: BRUTAL, COSTLY, AND INEFFECTIVE

In 1989, the City and County of Denver banned the keeping of "pit bull" dogs. Thousands of companion dogs have been seized and killed in the years since. Despite significant and costly legal challenges, and notwithstanding a Colorado state law that recommends that cities and counties not regulate dogs on the basis of breed or appearance, Denver has maintained its ban. Presumably, Denver's purpose, and the motive behind its ruthless enforcement, was to improve community safety.

Has Denver's result been worth the public resources that the County has expended? Has the result been worth the price paid by pet owners and their treasured family companions?

Does Denver have a lower rate of dog-bite hospitalizations than other counties? Has the ban eliminated dog bite-related fatalities in Denver?

The answer to these questions is: NO.

"Breed-discriminatory Denver County, with a population of about twice that of breed-neutral Larimer County, had more than *seven times* as many dog bite-related hospitalizations during the same seventeen-year period."

### DENVER CONTINUES TO HAVE SIGNIFICANTLY HIGHER DOG BITE-RELATED HOSPITALIZATION RATES THAN OTHER COUNTIES.

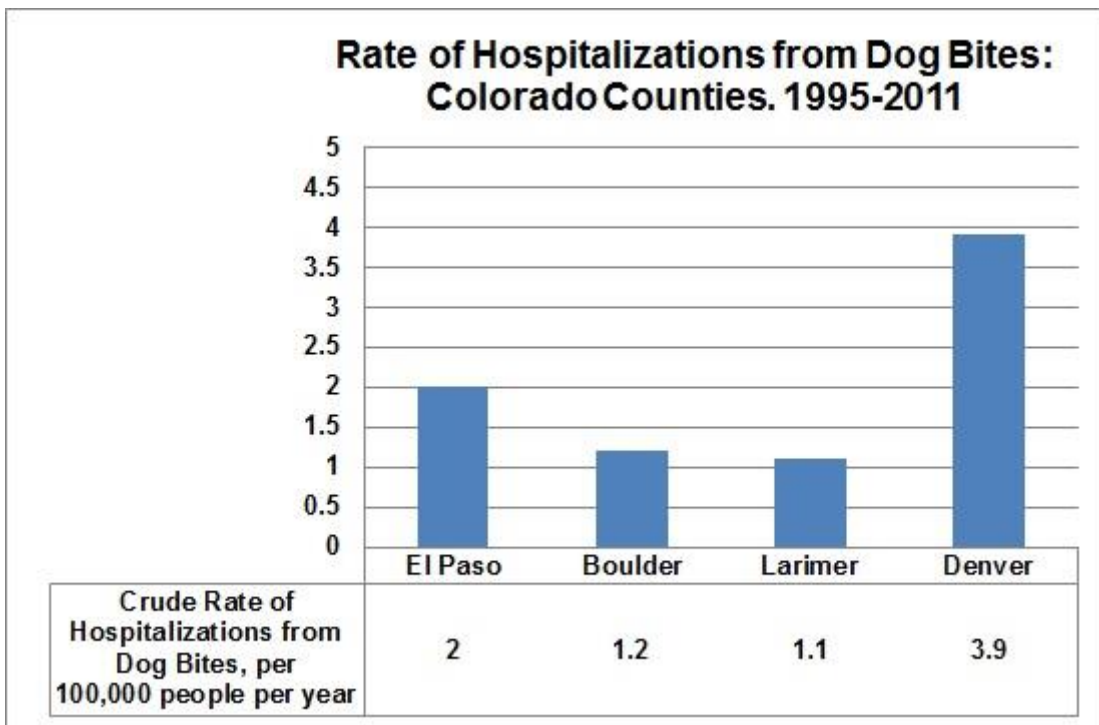
Dog bites are not a serious public health issue. Dog bite-related hospitalizations constitute less than 0.5% of the total hospitalizations/transfers on account of unintentional injuries in the United States.<sup>1</sup>

While dog bite-injury hospitalizations are infrequent, the breed-discriminatory County of Denver continues to have a *significantly higher rate* of dog bite-related hospitalizations than all counties in the state except for one, according to the Colorado Department of Public Health and Environment statistics. The Colorado Trauma Registry Database has classified Denver County with a rating of "H" - an injury rate significantly higher than the rate for the state - over a seventeen-year period (1995-2011). Denver is one of only two counties in the state designated "H". Denver's breed ban was enacted six years prior to the first year reported (1995).

Three counties (El Paso, Boulder, and Larimer) were designated "L," with significantly lower rates of dog bite-related hospitalizations than the state, during the same time period:

- El Paso County (2010 pop.: 622,263) - 189 dog bite hospitalizations (1995-2011)
- Boulder County (2010 pop.: 294,567) - 59 dog bite hospitalizations (1995-2011)
- Larimer County (2010 pop.: 299,630) - 50 dog bite hospitalizations (1995-2011)
- Denver County (2010 pop.: 600,158) - 367 dog bite hospitalizations (1995-2011)<sup>2</sup>

Breed-discriminatory Denver County, with a population of about twice that of breed-neutral Larimer County, had more than *seven times* as many dog bite-related hospitalizations during the same seventeen-year period.



A study of Denver dog bite-injury hospitalizations published in the *Journal of Pediatric Surgery* reported that, “because it is illegal to own a pitbull in the County of Denver, we rarely see injuries caused by this breed.”<sup>3</sup>

**THE BAN HAS NOT ELIMINATED DOG BITE-RELATED FATALITIES IN DENVER.**

Dog bite-related fatalities remain exceedingly rare in Denver, and in Colorado, just as they are everywhere. In the last 46 years, there have been a total of 9 dog bite-related fatalities in Colorado.

One (1) of Colorado’s fatalities occurred in Denver 7 years after enactment of the ban, and is attributed to a type of dog not subject to the ban.

## A TIME FOR CHANGE

In 2012, the AVMA published a report stating that there is no evidence from which to conclude that one kind of dog should be considered disproportionately dangerous. The report also stated that it has not been shown that breed-specific legislation has ever reduced the rate or severity of dog bite-related injuries anywhere.<sup>4</sup> The lack of results in Denver is another example of what has been a failure of breed-specific legislation on a worldwide basis.

The American Bar Association (ABA) House of Delegates passed a resolution in 2012 urging all towns and counties in the United States to repeal any breed-specific laws still in effect. The analysis supporting the resolution highlighted the many problems of breed-specific legislation: significant questions of due process; waste of government resources; failure to produce safer communities; inability to reliably identify dogs to be regulated or seized; and infringement of property rights.<sup>5</sup>

Consistent with the ABA recommendation, Massachusetts, Nevada, Connecticut, and Rhode Island have recently enacted laws that preempt towns and counties from regulating dogs on the basis of breed. From January 2012-May 2013 more than three times as many jurisdictions either rejected proposed breed-specific legislation or repealed an ordinance previously in effect as enacted breed-specific legislation of any kind. The message of this trend is clear: improved community safety results when we hold dog owners responsible for humane care, custody and control of their dogs, regardless of the dogs' presumed or actual breed.<sup>6</sup>

By every standard of responsible governance, Denver should acknowledge that its breed ban has been an unambiguous failure, and abide by the wisdom of the Colorado state legislature. Denver should repeal its costly, ineffective, and brutal breed-specific legislation.

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## SOURCES

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- <sup>1</sup> Calculated from source data on Nonfatal Injury Reports, 2001-2011, Unintentional Dog Bite, Both Sexes, 2001-2011, Disposition: Transferred/Hospitalized, All Ages, available at: Centers for Disease Control and Prevention. Web-based Injury Statistics Query and Reporting System (WISQARS) [Online]. (2003). National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (producer). Retrieved from: [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars). [2013 May 3].
  - <sup>2</sup> Data retrieved from Injury Hospitalizations, Bite/sting - Dog, 1995-2011, All Gender, All County, available at: Colorado Department of Public Health and Environment: Colorado Health Information Dataset (2011). Injury Hospitalization Data. [Online]. Retrieved from: [http://www.chd.dphe.state.co.us/cohid/topics.aspx?q=Injury\\_Hospitalizations](http://www.chd.dphe.state.co.us/cohid/topics.aspx?q=Injury_Hospitalizations) [2013 April 25]
  - <sup>3</sup> Calkins, C.M., Bensard, D.D., Patrick, D.A., & Karrer, F.M. (2001). Life-threatening dog attacks: A devastating combination of penetrating and blunt injuries. *Journal of Pediatric Surgery*, 36(8):1115-1117.
  - <sup>4</sup> AVMA Animal Welfare Division. (17 April 2012). *The Welfare Implications of The Role of Breed in Dog Bite Risk and Prevention*. Retrieved from: [https://www.avma.org/KB/Resources/Backgrounders/Documents/dog\\_bite\\_risk\\_and\\_prevention\\_bgnd.pdf](https://www.avma.org/KB/Resources/Backgrounders/Documents/dog_bite_risk_and_prevention_bgnd.pdf)
  - <sup>5</sup> American Bar Association. (2012). *100: Proposed Resolution and Report*. Retrieved from: <http://www.abanow.org/2012/06/2012am100/>
  - <sup>6</sup> National Canine Research Council. (2013). *A Community Model for Responsible Pet Ownership: Calgary Alberta*. Retrieved from: [http://www.nationalcanineresearchcouncil.com/uploaded\\_files/tinymce/Community%20Model%20for%20RPO\\_Calgary.pdf](http://www.nationalcanineresearchcouncil.com/uploaded_files/tinymce/Community%20Model%20for%20RPO_Calgary.pdf)
- National Canine Research Council. (n.d.) *Animal Services and the Responsible Pet Ownership Model*. Retrieved from: [http://www.nationalcanineresearchcouncil.com/uploaded\\_files/tinymce/Bruce\\_Revised%20Viewpoint\\_updated%20title%202012.pdf](http://www.nationalcanineresearchcouncil.com/uploaded_files/tinymce/Bruce_Revised%20Viewpoint_updated%20title%202012.pdf)