



October 18, 2015

Via email and first class mail

Attn: Honorable Rushern Baker, III, County Executive, and the
Honorable Members of the Prince George's County Council
County Administration Building
14741 Governor Oden Bowie Drive
Upper Marlboro, MD 20772

Re: Repeal of the Prince George's County Pit Bull Ban

Dear County Executive Baker and Councilmembers Mary Lehman, Deni Taveras, Dannielle Glaros, Todd Turner, Andrea Harrison, Derrick Davis, Obie Patterson, Karen Toles, and Chairman Mel Franklin:

We, the Directors of Bowie Citizens for Local Animal Welfare (“CLAW”), on behalf of our leadership, members, and supporters, write to compel the Prince George’s County Council to repeal Prince George’s County Code, Subtitle 3, Division 6, § 3-185.01(a), which provides: “[N]o person shall own, keep, or harbor a Pit Bull Terrier within the County” (the “Pit Bull Ban”). Bowie CLAW is a 501(c)(3) animal welfare organization whose mission is to advocate for the interests of animals within Bowie and Prince George's County. Bowie CLAW is opposed to the County’s Pit Bull Ban because it is ineffective at improving public safety; results in the unfair confiscation and killing of many innocent family pets; costs the taxpayers significant sums of money; strains the abilities of the Prince George’s County Animal Management Division (the “County Shelter”) to address more pressing animal control concerns; and is unnecessary given other existing and effective County laws. In greater detail, the reasons for our opposition are:

1. The Pit Bull Ban is unfair and ineffective.

The definition of pit bull (based upon physical appearance) is extremely subjective, and visual identification of supposed pit bulls is not reliable, even by professionals. A 2009 study found that visual identification of predominant dog breed matches the predominant breed proven in DNA analysis only 25% of the time. *See V. Voith et al., Comparison of the Adoption Agency Breed Identification and DNA Breed Identification in Dogs, J. App. Anim. Welf. Sci., 253-262 (2009).* Accordingly, it is possible that **as many as 3 out of 4 dogs are mistakenly identified as pit bulls** by the Prince George’s County Animal Management Division to be ripped from their families and likely killed. The American Bar Association has called for the repeal of breed-



discriminatory laws because the vagueness of such laws offends due process: “[A] ‘vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis, with attendant dangers of arbitrary and discriminatory application.’” See American Bar Association, Tort Trial and Insurance Practice Section, *Resolution 100* (2012), available at http://www.americanbar.org/content/dam/aba/administrative/mental_physical_disability/Resolution_100.authcheckdam.pdf (quoting *Grayned v. City of Rockford*, 408 U.S. 104, 108-09 (1972) (footnote omitted)).

Moreover, numerous studies have shown that pit bull bans in other jurisdictions have resulted in no decrease in dog attacks. Instead of capturing dangerous dogs and punishing irresponsible owners, such laws often punish innocent dogs and responsible families. See, e.g., B. Klaassen *et al.*, *Does the Dangerous Dog Act Protect Against Animal Attacks: A Prospective Study of Mammalian Bites in the Accident and Emergency Department*, 27(2) *INJURY* 89-91 (1996) (concluding the United Kingdom’s 1991 ban on pit bulls had no effect on stopping dog attacks); B. Rosado *et al.*, *Spanish: Dangerous Animals Act: Effect of the Epidemiology of Dog Bites*, 2(5) *JOURNAL OF VETERINARY BEHAVIOR* 166-74 (2007) (showing the number of dog bites in Aragon, Spain, by allegedly dangerous breeds actually increased after the implementation of the City’s breed-discriminatory Dangerous Dog Act; the Study’s authors concluded the breed-specific legislation was not effective in protecting people from dog bites in a significant manner); Expatica.com, *Dutch Agriculture Minister Scraps Pit Bull Ban* (June 11, 2008), available at http://www.expatica.com/nl/news/local_news/Dutch-Agriculture-Minister-scraps-pit-bull-ban.html (“Dutch Agriculture Minister Gerda Verburg has announced she will scrap the ban on owning and breeding pit bull terriers . . . because it has not led to a reduction in the number of biting incidents.”). The fact is that dogs of any breed may bite; a 2005 survey of three veterinary behavior referral centers in the United States, Canada, and Australia found that Golden Retrievers, Labrador Retrievers, and Jack Russell Terriers were the breeds most commonly referred for aggression. See S. Denenberg *et al.*, *A comparison of cases referred to behaviorist in three different countries*, in D. Mills *et al. eds.*, *Current issues and research in veterinary behavioral medicine*, West Lafayette, IN, Purdue Press, 56-62 (2005).

In Prince George’s County, dogs identified as pit bulls are either killed at the County Shelter or are simply moved to another shelter or family in a nearby jurisdiction. **In 2003, a Task Force created by the County Council found that the County Shelter killed an average of 921 pit bulls ANNUALLY between 1997 and 2002; during this period, 88% of all seized pit bulls were killed by the County Shelter.** See Vicious Animal Legislation Task Force, *REPORT OF THE VICIOUS ANIMAL LEGISLATION TASK FORCE*, Attachment H (2003) (Presented to Prince George’s County Council, July 2003). For those supposedly dangerous dogs who are re-homed, it is neither fair nor effective to rip the dog from its loving family in Prince George’s County to give it to *another* family in the bordering Anne Arundel County or Charles County. These outcomes

are particularly egregious in light of the documented difficulty in correct identification of pit bulls and the proven ineffectiveness in increasing public safety.

2. The Pit Bull Ban is extraordinarily costly for Prince George’s County Animal Management to enforce and diverts scarce resources from crucial activities.

In 2002, the Prince George’s County Council created the Vicious Animal Legislation Task Force to evaluate the effectiveness of the County’s Pit Bull Ban law and to advise the County on recommended amendments to current policies or laws. **The Task Force found that the minimum cost to the Animal Management Division for maintenance of pit bull terrier type dogs to enforce the Pit Bull Ban over a two-year period was approximately \$560,000.** See Vicious Animal Legislation Task Force, *supra*, Attachment I. The Task Force concluded that the breed-discriminatory policy was inefficient, costly, difficult to enforce, subjective, and had questionable results. The Task Force recommended repeal of the Pit Bull Ban. Thus, the County spends between \$250,000 and \$500,000 every year to seize and kill largely benign and beloved family pets. Furthermore, County expenditures to enforce the Pit Bull Ban divert precious resources from far more important and useful tasks.

3. The County’s existing, breed-neutral, dangerous dog laws sufficiently protect our community from dog attacks.

Prince George’s County Code sufficiently restricts nuisance and vicious animals, thus rendering the Pit Bull Ban unnecessary. County Code Subtitle 3, Division 4, Subdivision 3, § 3-131(c) states: “[N]o person shall keep or maintain any animal in Prince George’s County in such manner as to cause or permit the animal to be a public nuisance . . . [nor shall any person] keep or maintain any animal in the County in such manner as to disturb the peace, comfort, or health of any person residing within the County.” § 3-132(b) gives Animal Control the authority to confiscate any animal deemed to be a nuisance. § 3-136 further restricts the maintenance of animals deemed to be vicious. The Code defines a vicious animal as “any dog or other animal which without provocation has attacked, bitten, or injured any human being, other animal or livestock, or which has a known propensity to attack or bite human beings or animals . . .”. *Id.* Among other powers, Animal Control and law enforcement are granted authority in §§ 3-136 and 3-137 to confiscate vicious animals, to require owners to restrain such animals at their own expense and to the satisfaction of the County, or to require owners to clearly label such animals as vicious. Finally, § 3-175 specifically bans the possession of “attack dogs,” except by law enforcement and the military.

4. The Pit Bull Ban leads to unintended, adverse consequences.

The Pit Bull Ban results in unintended, adverse consequences for families in the County who own a pit bull, a part-pit bull, or a dog the family is afraid simply may be arbitrarily identified

as a pit bull. Such families may be afraid to take their dog to a veterinarian for regular or emergency visits, for vaccinations, and to be spayed or neutered. *See* American Veterinary Society of Animal Behavior, *Position Statement on Breed-Specific Legislation*, at 3 (2014), available at http://avsabonline.org/uploads/position_statements/Breed-Specific_Legislation-download-8-18-14.pdf.

Such families are especially unlikely to take advantage of affordable spay/neuter options sponsored by The Spay Spot at the County Shelter. Bowie CLAW regularly refers community families to The Spay Spot but must advise families with a dog that could be identified as a pit bull that their pet could be seized by the County if Shelter staff identify the dog as a pit bull; this results in some dogs not getting spayed or neutered or receiving important vaccinations. Moreover, such families cannot adopt another pet from the County Shelter, as bringing their current dog into the Shelter for the required interaction could result in their original dog being identified as a pit bull and seized.

5. Virtually all national and Federal organizations who advocate for animal welfare are against breed-specific legislation (“BSL”), and even the Associate Director of the Prince George’s County Animal Management Division openly opposes the County’s Pit Bull Ban.

Numerous national animal welfare organizations outspokenly condemn BSL. The American Veterinary Medical Association (“AVMA”) has asserted: “The AVMA supports dangerous animal legislation by state, county, or municipal governments provided that legislation does not refer to specific breeds or classes of animals.” *See* AVMA, *Policy on Dangerous Animal Legislation*, available at <https://www.avma.org/KB/Policies/Pages/Dangerous-Animal-Legislation.aspx> (last visited August 16, 2015). The American Kennel Club (“AKC”) states that it “strongly opposes any legislation that determines a dog to be ‘dangerous’ based on specific breeds or phenotypic classes of dogs.” *See* AKC, *Canine Legislation Position Statement, “Dangerous Dog” Control Legislation*, available at http://www.akc.org/pdfs/canine_legislation/position_statements/Dangerous_Dog_Control_Legislation.pdf (last visited August 16, 2015). The American Society for the Prevention of Cruelty to Animals (“ASPCA”) has promulgated: “It is . . . the ASPCA’s position to oppose any state or local law to regulate or ban dogs based on breed.” *See* ASPCA, *Position Statement on Breed-Specific Legislation*, available at <https://www.asPCA.org/about-us/asPCA-policy-and-position-statements/position-statement-on-breed-specific-legislation> (last visited August 16, 2015). The Humane Society of the United States (“HSUS”) asserts: “[B]reed-specific legislation (BSL) and similar policies that restrict dogs based on appearance do not reduce dog bites in communities or enhance public safety.” *See* HSUS, *Breed-Specific Policies: No Basis in Science* (2015), available at http://www.humanesociety.org/issues/breed-specific-legislation/fact_sheets/breed-specific-legislation-no-basis-in-science.html.

In 2013, in response to a Petition to the Obama Administration to ban and outlaw BSL in the United States, the White House stated:

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 2000, the Centers for Disease Control and Prevention looked at twenty years of data about dog bites and human fatalities in the United States. They found that fatal attacks represent a very small proportion of dog bite injuries to people and that it's virtually impossible to calculate bite rates for specific breeds. The CDC also noted that the types of people who look to exploit dogs aren't deterred by breed regulations -- when their communities establish a ban, these people just seek out new, unregulated breeds. And the simple fact is that dogs of any breed can become dangerous when they're intentionally or unintentionally raised to be aggressive. For all those reasons, the CDC officially recommends against breed-specific legislation -- which they call inappropriate. As an alternative to breed-specific policies, the CDC recommends a community-based approach to prevent dog bites.

See The White House, *Official The White House Response to Ban and Outlaw Breed Specific Legislation (BSL) in the United States of America on a Federal Level* (2013), available at <https://petitions.whitehouse.gov/response/breed-specific-legislation-bad-idea>. See also AVMA Task Force on Canine Aggression and Human-Canine Interactions, *A community approach to dog bite prevention*, Vet Med Today, Vol 218, No. 11 (June 1, 2001).

The senior County staff member tasked with direct enforcement of the Pit Bull Ban, Rodney Taylor, Associate Director, Prince George's County Animal Management Division, is openly opposed to the Ban. The Maryland Dog Federation, another local animal welfare group vehemently opposed to the Pit Bull Ban, recently quoted Mr. Taylor as follows:

The hardest thing we have to do . . . is go to someone's house, You knock on their door, see their American Pit Bull Terrier laying in the living room watching television with the kids and the family . . . and tak[e] that dog away. A dog that has done nothing wrong, caused no problems, but just because of his breed he has to be removed.

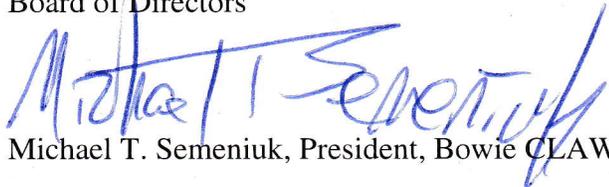
See Maryland Dog Federation, *Fact Sheet: Prince George's County Breed Ban* (2013), available at http://www.marylanddogfederation.com/uploads/1/6/6/0/16605940/pg_fact_sheet_cost.pdf.

As previously noted, that family dog seized by Animal Control is statistically very likely to be killed.

For the foregoing reasons, the Directors of Bowie Citizens for Local Animal Welfare urge the County Council to act immediately to repeal the Pit Bull Ban.

Very truly yours,

Bowie Citizens for Local Animal Welfare
Board of Directors



Michael T. Semeniuk, President, Bowie CLAW



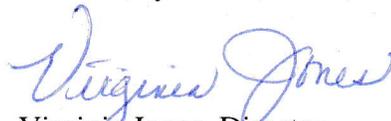
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