



# SAVE THEM ALL™

Dear Mayor Huseman and City Council Members:

A member who lives in Commerce City contacted me about your outdated breed discriminatory ordinance targeting "pit bull terriers" and advised that you were considering updating the code. I'm a past chair of the American Bar Association's Animal Law Committee and a coauthor of the ABA Book, *A Lawyer's Guide to Dangerous Dog Issues*. Nationally, we are seeing a trend against breed discrimination because of the numerous problems and deficiencies associated with these provisions that lead to extended litigation. We are seeing widespread enactment of comprehensive breed neutral dangerous dog laws with due process protections for dog (property) owners.

**As you know one of the goals of the city council should be providing for public safety, in the most effective and comprehensive way possible. Everyone benefits from a safe society — both people and pets. Communities should be protected against any dangerous dog, no matter the breed.** Because breed discrimination fails to enhance public safety, Best Friends Animal Society asks that you enact a comprehensive breed neutral dangerous dog and a reckless owner ordinance similar to the International Municipal Lawyer's Association's model dangerous dog ordinances.

Communities should hold reckless owners accountable and responsible if their pets are dangerous. The simple truth is that breed discrimination interferes with property rights, is expensive to enforce and fails to enhance public safety. Indeed, 22 states, including South Dakota, Texas, Oklahoma and Illinois, have provisions against breed discriminatory ordinances. Numerous cities either repealed or rejected breed discriminatory laws.

Scientific studies reveal that it is extremely hard to tell the heritage of a mixed breed dog. Now that DNA testing is available to determine the breed of a dog, breed discriminatory laws have gotten very expensive for cities to enforce. If a city has a breed "specific" ordinance, the city has the burden of proving that a dog is a certain breed. Nationally more and more lawsuits are being filed regarding these provisions because of the new studies showing visual identification of a mixed breed dog's heritage is fundamentally flawed, and because of the Americans with Disabilities Act and the Fair Housing Act. In 2014 an Alabama court just found Clay Alabama's "pit bull" ordinance to be unconstitutional because it lacked a rational basis to enhance public safety.

**Because these laws are ineffective, the Platte Institute, a conservative think tank in Nebraska, declared that laws targeting specific dog breeds are a waste**



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of money. They further condemned this type of dog owner regulation because it deprives responsible dog owners of property rights and does not increase public safety.

[https://www.palatteinstitute.org/Library/docLib/201007091\\_platte\\_chat\\_6-16-2010.pdf](https://www.palatteinstitute.org/Library/docLib/201007091_platte_chat_6-16-2010.pdf)

In addition to being a waste of tax dollars, studies done in countries that had breed-discriminatory provisions, such as the United Kingdom, Spain and Germany, found that these laws failed to reduce the number of dog bites. Indeed, the entities that enacted breed discrimination actually saw their dog bite incidents increase. Based on these studies, and valid concerns about property rights and the constitutional due process deficiencies inherent in breed discrimination, the American Bar Association, and the American Veterinary Medical Association don't support breed discrimination. They support laws that go after the real problem, the behavior of the individual dog and the behavior of the owner.

In 2012 the American Bar Association House of Delegates passed a resolution calling for the repeal of all breed discriminatory or breed "specific" laws because they interfere with property rights and often lack due process protections.

**Indeed in America, every American who follows the safety rules as a responsible dog owner should be allowed to own whatever breed of dog he or she chooses. It's that simple.**

Thank you for your consideration and your commitment to a safe and humane community.

Sincerely,

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