CRIME IN THE NEWS

In 1989, Denver, Colorado, enacted an ordinance banning pit bulls from the city. The law was precipitated by dog attacks that resulted in the death of a five-year-old boy and the savage maiming of a pastor. Denver had experienced twenty such attacks over a five-year period. The Colorado legislature subsequently passed a law prohibiting counties and municipalities from enacting breed-specific bans on dogs. In December 2004, a Denver court ruled that Colorado lacked the authority to prevent the city from prohibiting any person from "owning, possessing, keeping, exercising control over, maintaining, harboring, or selling a Pit Bull in the City and County of Denver." A pit bull is defined in the ordinance as any dog that is an American pit bull terrier, an American Staffordshire terrier, a Staffordshire bull terrier, or any dog displaying the majority of the physical traits of any one or more of these breeds.

Animal control officers under the ordinance are authorized to confiscate pit bulls, and a determination then is made by a veterinarian as to whether the dog is one of the three "banned breeds." In the event that the animal is found to be a member of a banned breed, the owner is provided the opportunity to remove the dog from the city. A failure to remove the animal results in the dog being put to sleep. A second offense of possession results in automatic euthanasia. An owner who removes his or her dog must provide a statement listing the dog's new home. The penalty for harboring an illegal pit bull is a fine of up to $1,000 and a year in jail. The ordinance permits the transportation of a pit bull through Denver so long as the dog remains in a vehicle. Since 1989, opponents of the Denver ordinance estimate that roughly 1,100 pit bulls have been seized and put down. There reportedly have been no deaths in Denver from pit bulls since the prohibition went into effect. As for national statistics, between 2005 and 2015, pit bulls killed 232 individuals and rottweilers killed 41 individuals, and a majority of the victims were children.

Denver and Miami are the largest cities to ban pit bulls, and at one point nearly seven hundred cities and towns adopted similar bans or imposed restrictions on the owners of pit bulls, including liability insurance, muzzling dogs in public, keeping the dogs in pens when in the yard surrounding the home, the posting of warning signs, and even mandatory sterilization. Seventeen states have legislation that prohibits breed-specific bans. The legislation in most states focuses on a dog's behavior rather than on a dog's breed. The typical approach is represented by Michigan, which prohibits "dangerous dogs"; such an animal is defined as a dog that "bites or attacks a person, or a dog that bites or attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner." An exception is made for an attack against trespassers and persons who provoke or torment the animal, or in those instances in which the animal acts to protect an individual.

The Denver ordinance is based on the belief that pit bulls tend to be inherently aggressive toward other animals and children and inflict more severe injuries than other dogs. In addition, the breed is favored by gang members and drug dealers. Defenders of the breed claim that pit bulls are no more dangerous than other dogs and that most of the pit bulls that are impounded are completely harmless. Historically, various breeds have been victims of the same form of social hysteria that is being directed at pit bulls. Various studies have challenged the wisdom of the ban on pit bulls and conclude that it is irresponsible owners who present the problem rather than the breed. These owners will turn any dog they own into an aggressive animal. Pit bull advocates also argue that the breed often is misidentified and incorrectly blamed for an attack.

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