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CW NEVIUS

We need tough laws on pit bulls

[C.W. Nevius](#)

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When a tragedy like last week's mauling death of Nicholas Faibish happens, there is always an uproar. The fact that Nicholas was only 12 and killed by his family's pit bull makes the outcry even louder.

Something, everyone says, must be done.

But what?

Ban pit bulls? Legal experts in San Francisco said it isn't possible. California is among 12 states that prohibit what pit bull advocates call BSL, or "breed specific legislation."

Denver assistant city attorney Kory Nelson says that may not matter, and suggests San Francisco give a ban a try. He helped draft Denver's pit bull ban, which the Denver District Court upheld last month, despite the fact that Colorado law does not permit BSL.

"I've read your state law," says Nelson, who has sent San Francisco Mayor Gavin Newsom a letter offering his help. "And I don't think it is that much different from what we had. My point is, if a municipality can't determine what kind of animals it wants, why have a municipality?"



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But others think an outright ban might be too much, and in the Bay Area, it might be. In Denver, the authorities will come to your house and confiscate your pit bull unless you prove you have someplace safe to send it. That's pretty hard to imagine happening here.

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However, there are some other effective ideas for safeguarding the public against a breed that all but the most ardent apologists admit is unpredictable at best and dangerous at worst. Certainly, they would be more effective than the current precautions, which can be summed up as, "Be careful, and best of luck."

But first, let's dispense with any notion that pit bulls may bite, like any other dog, but are no more dangerous than, say, a German shepherd.

Dr. James Betts, chief of trauma surgery at Children's Hospital Oakland, operated on Shawn Jones, who was 10 when three pit bulls dragged him from his bike in Richmond and mauled him four years ago this month. He's seen cases where a single, crushing bite from a pit bull has "taken out the whole side of the face." Betts says the hospital treats 100 bite cases each year, and he's passionate about the perils of pit bulls.

"I think," Betts says, "if you have a dog like that in your house, you are recklessly endangering your family. For people to say, 'That is not going to happen to me' is to pretty much put the blinders on."

Betts says a pit bull can exert as much as 1,200 pounds per square inch of pressure with its jaws, while that of a German shepherd is more like 200.

"That kind of grip," Betts says, "is enough to fracture your femur, the largest bone in your body."

The pit bull apologists, Nelson says, like to say "judge the deed, not the breed." But he thinks that kind of logic is like saying "there is no such thing as a bad kid."

"Look," Nelson says, "nobody can prove one dog is more likely than another to go off. The difference is, should a pit bull attack a person, they are much more likely to inflict serious injuries."

If local communities do not want to ban pit bulls, Nelson says, there are other suggestions. First and foremost, breeding permits should be closely regulated and hard to get. Pit bulls without one should be neutered or spayed. That will help stop backyard breeding from filling animal shelters.

Owners, Nelson says, should be required to show proof of liability insurance and be held responsible for the dog. But watch out for pit bull advocates who will insist that laws should "blame the owner, not the dog."

"How," asks Nelson, "do you define an irresponsible dog owner? It

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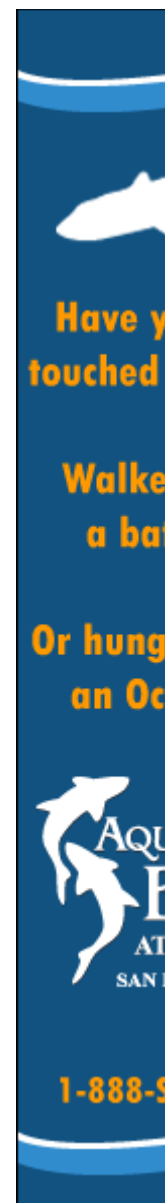
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is someone who owns a dog that attacked someone. So you can only call them irresponsible after the fact?"

Precautions must be taken before there is a serious attack. For example, Nelson suggests pit bull owners post warning signs in both English and Spanish outside their homes. In addition, the owner should not only have a barrier that will keep the dogs in, but also keep children out. (Denver had a sad case of a child who was mauled by a dog that was chained in its yard.)

The general idea is simple -- you can own a pit bull, but it is going to cost you. If you want one, there will be expensive insurance to buy and strict liability for any violent acts. Nelson also suggests requiring microchip identification for all pit bulls and perhaps a run through the American Kennel Club's "Good Citizen" behavior test.

Of course, the pit bull lobby will howl that it is impossible to tell what a pit bull is. Do you count only purebreds? Mixed breeds? Dogs that may look like a pit bull?

"My response," says Nelson, "is that they do it at the Westminster dog show every year. Our feeling is that (if) it meets the majority of the standard characteristics," it is a pit bull. "We don't have to be scientific."

Is all this really necessary? Isn't it possible the pit bull concern is overblown? Not to someone who has dealt with the outcome of the attacks on a regular basis.

"These dogs have the capacity to be a lethal, deadly force," Betts says. "These dogs don't stop. They will grab and hold on. People say, 'But you see the worst. You can't judge.'

"But you know what? I believe I can."

C.W. Nevius' column appears Tuesday and Saturday in the Bay Area section and on Fridays in East Bay Life. E-mail him at cwnevus@sfchronicle.com.

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