



The Honorable Gavin Newsom
City and County of San Francisco
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

June 17, 2005

Dear Mayor Newsom:

I write to you in response to your directive for a report on the prevention of canine-related injuries. As you know, San Francisco is home to approximately 120,000 canines that vary both in personality and breed. The vast majority of these animals are companion animals and enrich the quality of life for many of our citizens. Yet, even with a 20% decline in the incidence of aggressive dog bites over the past several years, we remain concerned and vigilant in our efforts to protect the safety of the public.

Recent tragic events have prompted us to review preventative measures and proactive policies that could be implemented to help prevent any further incidents of this kind. Despite the relatively peaceful nature of most canines, it must be recognized that some of them possess the potential to injure human beings seriously or fatally. At your request, the working group has focused on gathering data, best practices and policies that other municipalities have utilized to control aggressive canine behavior and protect citizens.

Realizing that working towards more effective animal related regulations will involve a broad array of public and private entities, we have compiled information that will help to serve those in the community and in city government involved in making educated policy decisions and reforms. Attached you will find a report which outlines several potential policy response options from administrative to legislative.

I believe that the citizens of San Francisco share a common goal to ensure the safety of our children, communities and animals. This report is only a first step in helping to prevent the circumstances that have brought this issue to the forefront. I look forward to working with you, other public officials, and all interested parties in making our city a safer place.

Sincerely,

Carl Friedman
Director
San Francisco Animal Care and Control

Special Report on Policy Response Options

Canine Response Working Group

Appointed by Mayor Gavin Newsom

The scope of this report does not address broad-based policies related to dog regulations in general. As a serious public safety concern, the working group has identified and defined the scope of the problem to be aggressive and vicious dog behavior. Therefore, this report identifies policies crafted to specifically mitigate and or prevent aggressive and vicious dog behavior. The following course of action will require a comprehensive review and revision of existing dog policies to be most effective.

1. **State legislative action**

To establish a complete and coherent dog regulation system, any policy reform should work in partnership with the California Animal Control Directors Association and the State legislature to clarify state law. Current law limits the ability of local governments to adequately enact sensible regulations that address the specific nature of the dog population in their jurisdiction. The City must partner with the State legislature to clarify and amend state law to allow cities and counties more flexibility to address particular problems in their communities.

Proposed Legislative Amendment to the California Food and Agriculture Code

California Food And Agricultural Code, Section 31683. City
or County May Substitute Own Ordinance: Exception

Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor or may impose a more restrictive program to control potentially dangerous or vicious dogs. Cities and counties may pass breed specific legislation to address public safety and welfare concerns in their communities, provided that no program institutes a ban specific as to breed. ~~provided that no program shall regulate these dogs in a manner that is specific as to breed.~~

2. **Local legislative action**

Pursuant to the adoption of the suggested or a similar State legislative amendment, the working group suggests that the City enact the following:

a. Spay and neuter regulations

Spay and neuter requirements are an effective measure at reducing aggressive behavior when targeted towards known and aggressive breeds that have the physiological capabilities to cause severe injuries or fatalities, specifically pit bull and pit bull mixes. Spay and neutered regulations would also serve as a reasonable and effective means of reducing the population of stray dogs, reducing the need to euthanize and provide for the health, safety and welfare of the public.

The City should consider action taken by several municipalities in requiring:

- Pit bull and pit bull mixes be spayed or neutered as early as 10 weeks, but no later than 12 months of age.
- Microchip identification of all vicious and dangerous breeds.
- Neutering upon impoundment or failure to license.

These regulations should be enacted with the understanding that the character of a dog population varies over time, the regulations should allow for the inclusion of additional breeds as appropriate.

b. Back-yard breeding prohibition

The practice of inbreeding is utilized to enhance aggressive and violent traits, and the predominance of “back-yard” breeding in San Francisco increases the number of vicious and dangerous dogs. The City should restrict the practice of breeding to those persons appropriately licensed, and develop departmental monitoring and oversight to regulate and enforce those licenses.

The financial incentive of “back-yard” breeding must be considered in the enactment of back-yard breeding regulations. Aggressive, inbred dogs are advertised and sold to the public through open forums. Regulations in this area should restrict the ability for non-licensed breeders to advertise through any forum.

c. Enhanced penalties

Current San Francisco municipal penalties do not target the owners of dogs that pose a risk to public safety. Penalties should be commensurate with the harm and injury potentially caused by vicious and dangerous dogs. Any policy reform should include an analysis of appropriate penalties, powers and punishment vested with appropriate judicial or

departmental enforcement. Fines for those that do not register their dogs should be increased. In addition, fees should be charged for owners of vicious and dangerous dogs to help offset city regulation and enforcement.

d. Liability insurance requirements

As the majority of dog related injuries occur on private property, the City should require owners of specified vicious and dangerous dogs to obtain a minimum threshold of liability insurance not traditionally covered by homeowners insurance. This requirement will serve to protect dog bite victims against unsatisfied judgments.

3. **Immediate action**

The working group recommends that the City take the following immediate action:

a. Mandated and standardized reporting

At present, very few municipal emergency services, public and private medical care, and professionals working with the public are required to report dog bite related injuries to San Francisco Animal Care and Control. The City should partner with those departments, employees and employers that frequently come in contact with animals to create an effective reporting system that enables early determination of potentially dangerous dogs. As the department charged by city charter to enforce all state and local Animal Control and Welfare laws, they are responsible for investigating animal risks to public health. All dog bite related injuries need to be reported to San Francisco Animal Care and Control to ensure adequate prioritization of dogs that pose a threat to public safety.

The City should consider instituting an online reporting system to raise and standardize the level of reporting to San Francisco Animal Care and Control by those members of the community that interact with the injured. This increased and standardized level of reporting will help the appropriate agencies to be more proactive in identifying potentially dangerous animals.

b. Elementary School Dog Bite Prevention Program

As the largest group of victims in dog related injuries, children should be given the opportunity to learn how to safely live and play with animals. A proactive program to educate every child of elementary school age in San Francisco should be reviewed as an essential component of policy reform. Dog bite injuries rank third only to bicycle and baseball/softball injuries as a leading cause of emergency admission of children to hospitals.¹

¹ JAMA 1998

“Consider that injuries from playground equipment cause about 17 deaths each year and 170,000 injuries seen in emergency departments, a similar level of mortality but lesser amount of morbidity than dog bites. Nevertheless, the playground injury problem has resulted in the development of standards for equipment and playgrounds, training and inspection programs, dedication of staff to maintenance and most recently, the creation of a federally funded national center for playground safety to educate the public. The dog bite problem has not enjoyed a similar prevention effort, despite the fact that 35% of American households own a dog.”²

The development of this program should be done in consultation with the San Francisco Unified School District, Parent Teacher Organizations, early education programs, recreational centers and camps, animal advocacy groups and the necessary city departments.

c. Public Outreach and Education

The City should engage in a focused dog safety public education campaign, targeted at both youth and the general community. Public education information should be disseminated through public service announcements, print distribution at pet related businesses, and at areas of public municipal interaction.

As the group most prone to dog related injuries, the City should engage public and private entities to partner in providing appropriate animal safety training to elementary school-aged students in any city funded summer program.

4. **Other considerations**

The working group suggests that in their analysis of canine policy reform, the City should consider these issues:

- a. Targeted enforcement of leash laws in relation to aggressive and dangerous dogs.
- b. Taxing of animal breeders, pet food and supplies and other for profit animal related business to fund low cost spay/ neuter and other animal control and welfare programs.
- c. Statistical tracking of dog bites.
- d. Obedience training opportunities for owners and their dogs.
- e. Effective enforcement staffing for all animal control and welfare laws.

² Playground Equipment-related Injuries and Deaths 1990; J Am Vet Med Assoc 1994

Special Report on Findings

Canine Response Working Group

Appointed by Mayor Gavin Newsom

I. FINDINGS

1. BEST PRACTICES

Many cities and counties throughout the United States have enacted regulations aimed at reducing overpopulation and the potential for injury from vicious and dangerous dogs. Most common are regulations targeting specific breeds, licensing requirements, and pecuniary fines and mandates.

a. Los Angeles, California

- Coordinated Spay/Neuter Taskforce consisting to enforce breeding ordinance.
- Breeding regulations include conditions, veterinarian exam and 1 litter per year.
- License canvassers in most troubled high-density areas.
- Free vouchers for low income spay/neuter.
- Mobile spay/neuter clinics traveling from neighborhood to neighborhood; no charge to city residents.
- Free assessment and training for problem dogs.
- License fees for unaltered dogs is 10 times that of altered dogs.

b. Santa Cruz, California

- Mandatory spay and neuter for all dogs.
- Breeding regulation program.
- Unaltered animal certificate must be posted in newspaper ads, in pets stores, etc., when puppies are sold.
- Upon a reported animal bite, Animal control must visit home and place animal in quarantine as well as release animal from quarantine 10 days after bite. Fee is charged for this service.

c. Boston, Massachusetts

- Owners may possess no more than two pit bulls or pit bull mixes.
- Pit bulls and pit bull mixes must be muzzled in public.
- Increased licensing fees for vicious and dangerous dogs.

d. Auburn, Washington

- All dogs greater than 30 lbs. must be classified as potentially dangerous.

- e. **Denver, Colorado**
 - Banned Pit Bulls in 1989.
 - Currently confiscates approximately 150 pit bulls per month.
- f. **Washington, D.C.**
 - Rottweilers and Pit Bulls are considered dangerous as a breed and must be muzzled.
 - Animal may be confiscated for any dog law related violations.
 - All aggressive animals are classified as potentially dangerous.
- g. **Rhode Island**
 - Owners will be fined \$500 the first time their dog bites a human, and \$1,000 for subsequent offenses.
 - All vicious dogs must be kept in locked enclosures.
 - No pit bulls will be licensed unless they are tattooed with an identification number and their owners show proof of \$100,000 in liability insurance.
 - Owners of vicious dogs who do not meet the requirements will face a \$250 fine and/or the dog will be seized or destroyed.
- h. **Georgia**
 - Required registration of dangerous dogs.
 - Dangerous dog owners must carry at least \$15,000 in liability insurance.
 - Owners that do not comply may have their dogs confiscated and destroyed.
- i. **New Jersey**
 - At least eight communities have breed-specific ordinances aimed at restricting pit bulls.
 - Dog can be confiscated simply because a police officer, animal control officer or neighbor thinks it looks like a pit bull.
- j. **Miami, Cincinnati, Pawtucket**
 - Ban by breed for dangerous dogs.

2. INCIDENCE OF DOG ATTACKS

The Mayor's Canine Response Working Group determined that children are most at risk to serious canine-related injuries. All authorities consulted and literature reviewed agree that children are the main victims of fatal dog attacks. Current statistics show that 70% of fatal dog attacks and more than half of bite wounds requiring medical attention, involve children under the age of 12. Predominantly, those injured are boys ages 5 – 9.

a. San Francisco

- i. Approximately 120,000 dogs in San Francisco
- ii. Approximately 362 reported dog bites per year, likely underreported.
- iii. On average, 120-150 vicious and dangerous dog hearings per year.
 1. Approximately 50 – 60% of hearings are for pit bull and pit bull mixes.
 2. Of the last 206 hearings, 44% of the dogs were declared Vicious and Dangerous, 13% of the dogs had some type of restriction placed upon them and 12% were ordered to be humanely euthanized. (Approximately 31% of these hearings resulted in no action taken against the dog.)
- iv. Dog bites are down close to 20% from 2001.

b. California

- i. 47 dog bite-related fatalities 1965-2001, the most in the nation.
 1. Followed by Texas with 32 and Alaska with 26.³

c. National

Out of the 53 Million dogs in the United States⁴, there are 4.5 Million dog bites each year, 10-20 of which are fatal⁵. The majority of dog bite victims are male children, followed by seniors. A dog known to the victim and on the dog owner's property causes most bites.

- 70% of fatal dog attacks and more than half of bite wounds requiring medical attention involve children.⁶
- More than half of dog bite victims, approximately 60%, are children younger than 12 years old.⁷
- The most vulnerable youngsters are 5-9 year old boys.⁸
- Approximately 800,000 dog bites per year require medical treatment. 334,000 are admitted to hospitals, 466,000 are treated in other medical settings.⁹
- 77% of injuries are caused by dogs known to the bitten person.¹⁰
- 40% of American dog owners acquired pets primarily for protection.¹¹
- 94% of dog bites are unprovoked.¹²

³ Karen Delise, "Fatal Dog Attacks: The Stories Behind the Statistics"

⁴ American Veterinary Medical Association Task Force on Canine Aggression and Human-Canine Interactions

⁵ The Humane Society of the United States Statement on Dangerous Dogs and Breed-Specific Legislation; Dog Bite Law Center.

⁶ Vet Clin North Am Small Anim Pract 1991; JAMA 1989; Pediatrics 1994

⁷ JAMA 1998; Vet Clin North Am Small Anim Pract 1991.

⁸ JAMA 1989, Vet Clin North Am Small Anim Pract 1991, Public Health Rep; Dog Bite Law Center

⁹ American Veterinary Medical Association Task Force on Canine Aggression and Human-Canine Interactions; Dog Bite Law Center

¹⁰ Dog Bite Law Center

¹¹ New York Times 2/26/01

- People more than 70 years old comprise 10% of those bitten and 20% of those killed in the US.¹³

3. TRENDS

a. **Dog Bites, generally:**

Predominately, un-neutered male dogs over 50 lbs in weight are involved in dog bite incidents. Although presently the cause locally of serious injuries can be attributed to pit bulls and pit bull mixes, historically the type of breed most often causing injury changes every 10-20 years.

- Intact (un-neutered) male dogs are involved in 70 to 76% of reported dog bite incidents.¹⁴
- Male dogs are 6.2 times as likely to bite as females.
- Un-altered dogs are 2.6 times as likely to bite as neutered/spayed dogs.
- Pit bull type dogs were involved in approximately a third of human dog bite-related fatalities from 1981-1992.¹⁵
- Rottweilers were responsible for about half of human dog bite-related fatalities from 1993-1996.¹⁶

b. **Biting breeds:**

Determining which breeds are likely to cause injury is a difficult analysis. Although some breeds are often more aggressive than others, their popularity in a particular community can significantly contribute to the reported statistics on biting incidents. For example, by reviewing a study that there have been five attacks by golden retrievers in a community and 10 attacks by pit bulls in that same community it would appear that pit bulls are more dangerous. However, if you look at the dog populations in that community and learn that there are 50 golden retrievers present and 500 pit bulls, then the pit bulls are actually the safer breed statistically. Dog popularity, particularly in the “fighting breeds,” changes approximately every 10-20 years.

The following is an analysis of dog injury-related deaths from 1978-1998, and the average weight of the animal¹⁷:

- Pit Bull: Caused 66 deaths. 30-90 lbs., averaging 50 lbs.
- Rottweiler: Caused 39 deaths. 95-130 lbs.

¹² Dog Bite Law Center

¹³ JAMA 1988; Pediatrics 1996.

¹⁴ Vet Clin North Am Small Anim Pract 1991; Pediatrics 1994.

¹⁵ University of Dayton Law Rev 1998; Anthrozoos 1987

¹⁶ University of Dayton Law Rev 1998; Anthrozoos 1987

¹⁷ Vet Med Today: Special Report 2000

- German Shepherd: Caused 17 deaths. 75-90 lbs. (44% of all bites¹⁸).
 - Huskies: Caused 15 deaths. 35-60 lbs.
 - Doberman Pinscher: Caused 12 deaths. 65-85 lbs.
 - Chow Chow: Caused 8 deaths. 50-65 lbs.
 - Great Dane. Caused 7 deaths. 100-160 lbs.
 - Saint Bernard. Caused 7 deaths. 110-200 lbs.
 - Crossbred. Caused 64 deaths.
 - Breed unknown. Caused 238 deaths.
 - Small purebred dogs account for less than 20% of bites.¹⁹
- c. Bay Area dog statistics**
- 70% of dogs in bay area shelters are pit bulls or pit bull mixes.²⁰

Canine Response Working Group

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- § Bevan Dufty, Supervisor
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- § Heather Fong, Chief
San Francisco Police Department
- § Joanne Hayes-White, Chief
San Francisco Fire Department
- § Mitch Katz, Director
Department of Health
- § Mayor's Office of Public Policy and Finance

¹⁸ Dog Bite Law Center

¹⁹ Dog Bite Law Center

²⁰ Berkeley Humane Commission 2005.