The Economics of Breed Discrimination Legislation Don’t Add Up

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*Things are seldom what they seem, skim milk masquerades as cream; highlows pass as patent leathers; jackdaws strut in peacock’s feathers. Very true, so they do*. So go the lyrics from Gilbert & Sullivan’s HMS Pinafore. While the language from 1878 may be a bit cryptic, the gist of these lyrics describe how most hastily passed laws lead to unintended consequences that are worse or more costly than the activity the law was originally intended to prevent.

One example of such a law is what can best be described as canine profiling. Most canine profiling laws resulted from panic policymaking in the 1980s, when a media frenzy created unfounded fear of small muscular dogs called Pit Bulls.

There is no question that everyone benefits from safe communities, and we all, legislatures, city councils and pet owners, have a responsibility to keep our communities protected from dangerous dogs. But breed-discriminatory legislation is ineffective, because it fails to address the cause of the problem - reckless owners who do not properly train and care for their dogs. Rather than pass laws that kill innocent dogs and punish responsible owners simply because of a dog’s breed, communities should have laws that hold all owners accountable for their pets.

Scientific studies examining the issue of dangerous dogs show that visual breed identification often has nothing to do with the dog’s actual heritage or temperament. In fact, visual identification is completely unscientific and is likely to be contradicted by a DNA test. Even so, some people still believe that some dogs are inherently more dangerous than others simply because of their appearance. Perceptions of breeds have changed over time. For example, during the antebellum period, many northern communities banned Bloodhounds, the dogs that were used to track fugitive slaves. During the First World War, the Terrier (basically Pit Bulls) was lauded as the American Dog, while German Shepherds were considered to be dangerous.

In terms of these laws, decision makers have banned ownership of certain breeds solely based on the perceptions of vocal community members. But there is an unintended cost to this uninformed policy making, one which politicians rarely considered when rushing to enactment. Breed discriminatory restrictions are incredibly expensive to enforce.

For example, if California were to pass a statewide breed-discriminatory law, it can expect to spend at least $66.6 million to enforce it. Similarly, a breed-discriminatory ban in a large city like Chicago would cost over $4 million to enforce, and one in a sort of average city like Knoxville, Tennessee, with a population of about 179,000 people, would cost as much as $279,000 each year to enforce. All of this cost, with no real effect on public safety.

Fortunately, the trend today is to repeal breed discriminatory laws. Nineteen states have even enacted laws that prohibit breed discrimination, and the White House came out against breed-specific legislation. Ohio, the only jurisdiction with a state-wide breed-discriminatory law targeting alleged pit bull terriers, repealed that provision and enacted a comprehensive generic dangerous-dog and reckless-owner law in its place. This is good news for pets, for their families and for communities across America.