

**AN EXPLORATORY ANALYSIS OF THE EMERGENCE
AND IMPLICATIONS OF BREED SPECIFIC
LEGISLATION: KNEE-JERK REACTION OR
WARRANTED RESPONSE?**

by

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ABSTRACT

The main objective of this thesis was to survey and critically analyze the increased attention and call for legislation addressing “dangerous dogs” and, more generally, animal control in urban landscapes. Breed Specific Legislation (BSL), the banning or restricting of the ownership of a dog solely based on the dog’s breed regardless of the dog’s aggressiveness, was one suggestion put forward in response to the perceived “dog bite” problem. By examining the history and origin of BSL, an understanding of the legislation and its intended function emerged. In particular, the perception that Breed Specific Legislation is a knee jerk response or a quick regulatory reaction to media amplification, claimsmakers’ protest and public outcry over the “dog bite” problem was explored. Research benefits include an analysis of the BSL debate, an exploration of the opinions of major stakeholders, an examination of alternative methods of animal control and a call for evidence-based policy.

Keywords: Breed Specific Legislation, moral panic, pit bull, dangerous dogs, dog control

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**“The greatness of a nation and its moral progress can be judged
by the way its animals are treated”**

-Mohandas Ghandi (1869-1948)

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CHAPTER ONE

“THE ANIMAL/CRIMINOLOGY NEXUS”

Animals in Criminological Literature

Beirne (1995) characterizes four ways in which animals have been explored in the criminological literature. The first characterization is of “animals as criminals” (Beirne, 1995). There is evidence that throughout time some societies believed that animals were capable of crime. Documentation exists of “animal trials” during the medieval times, where animals would proceed through a regular court proceeding and be tried, punished or executed for a crime (Evans, 1987; Beirne, 1994). Records indicate a public execution of an infanticidal sow. The sow allegedly murdered and partly devoured a child in 1386. The sow was tried in a court of law complete with a presiding judge and attending counsel, and was found to be guilty (Beirne, 1994).

Animals and humans were also perceived as capable of partnerships in crime. Generally, this partnership took the form of the human controlling the animal in the commission of a crime. Crimes which could have involved cock or dog fighting, bear baiting, or horses used for getaway (Beirne, 1994). In addition, animal “participation” in crime has been linked to reports of bestiality and witchcraft (Beirne, 1994). Some of the religious activities were attempts to maintain control over the “social worlds”.

In the 1970s consideration of animals returned in the criminological literature with reference to the notion of analogies between humans and animals (Beirne, 1995).

This resurgence of animal interest was influenced by two intellectual approaches. The first approach was the application of ethology and ecology principles to the study of human societies by natural scientists (Beirne, 1995). This methodology was evident in Konrad Lorenz's (1966) work, *On Aggression*, which acquired an extensive but adverse audience among sociologists (Beirne, 1995). The second method of comparison was the aspiration of a few sociologists, such as Hirst and Woolley (1982), to discard Durkheim's imperialistic declaration that the social and cultural domains were independent from the biological (Beirne, 1995; 1999; 2002). The intersection of these approaches lead to further development of the "evolutionary psychology", "evolutionary ecology", or biocriminology" perspectives (Beirne, 1995).

Animals occupied two roles in biocriminology. Firstly, animals were used to represent what human behaviour would be without the obligation of morality. Secondly, animal behaviour was extrapolated to explain human criminal behaviour, both of which were assumed to be determined by natural selection (Cohen and Machalek, 1988; Daly and Wilson, 1988).

The fourth area of animal consideration in the criminological literature was the perception of animals being seen as potential objects of human agency (Beirne, 1995). Animals were regarded as property, weapons, or signifiers of violence between humans. Animal abuse has been identified as an indicator of potential family violence. Research has demonstrated that animal abuse is correlated with partner abuse (Renzetti 1992; Ascone, Weber and Wood 1997; Ascione 1998; Flynn 2000), child physical abuse (Deviney, Dickert and Lockwood 1983), sibling abuse (Wiehe, 1990), and child sexual abuse at home (Friedrich, Urquiza and Beilke 1986; Boat 1995).

Research has also demonstrated that animal abuse may indicate the presence of a psychological defect in “assaultive” children and serial killers (Patterson, DeBaryshe, and Ramsey, 1989; Ascione, 1993; Beirne, 1995). Animal abuse by children or adolescents is seen as a risk factor or “red flag” for the subsequent development of antisocial, aggressive, or criminal tendencies in adulthood (Tingle, Barnard, Robbins, Newman, and Hutchinson, 1986; Felthouse and Kellert 1987; Ressler, Burgess, and Douglas, 1988; Ascione, 1993; Beirne, 1995). Additionally, the American Psychiatric Association has acknowledged the relationship between animal abuse and abnormal behaviour and criminality by listing cruelty to animals as a symptom of conduct disorder in the 1994 edition of the Diagnostic and Statistical Manual of Mental Disorders.

For various reasons, animals have been addressed in the criminological literature throughout history. Some of the arguments for studying animals in criminology include

“the status of animal abuse as (1) a signifier of actual or potential interhuman conflict, (2) an existing object of criminal law, (3) an item in the utilitarian calculus on the avoidance of pain and suffering, (4) a violation of rights, and (5) one of several oppressions identified by feminism as an interconnected whole” (Berine, 1999, p. 117).

Berine (1999) states that criminologists should study animal abuse “not only *sui generis* but also because its presence may indicate or predict situations of interhuman violence” (p. 117).

This study will continue the examination of the role of animals in the discipline of criminology. More specifically, it will explore an emergent yet consistent “problem” – the dangerous dog. Recently, pit bulls have appeared in the media, legislation and popular sentiment as the new dangerous dog problem.

Thesis Synopsis

Why have we gone from man's best friend to a label of "dangerous dog" and resulting in the consideration of Breed Specific Legislation (BSL)? BSL, which is the banning or restricting of a dog solely based on breed, has recently been implemented in many cities and one province in Canada and many countries throughout the world.

In the early 20th century, the American pit bull terrier was considered the All-American dog. The image of the American pit bull terrier was frequently used on World War I propaganda as a symbol of American courage and tenacity (Colby, 1997).

The actions of pit bulls have been documented throughout history. During the Civil War, a black and white pit bull terrier named Jack became the mascot of the Pennsylvania's 102nd Infantry. Throughout the war, he stayed with the regiment and searched for injured soldiers (Delise, 2002). During World War I, a pit bull named Stubby was credited with locating wounded soldiers, saving his regiment from disaster and participating in at least eighteen major battles (Coren, 2002; Delise, 2002). In 1919, Sgt. Stubby became the most decorated dog in United States' history (Colby, 1997).

The 1920 and 1930s ushered in one of the most famous pit bulls. Petey, the white and brindle dog with the painted circle around his eye, starred in the film series *The Little Rascals* (George, 2004). Tige, the dog in the Buster Brown shoe ads, was also a pit bull (Hearne, 1991). It has been noted that many famous persona have owned pit bulls including Helen Keller and Fred Astaire (Delse, 2002). Keller kept a pit bull as a companion. Pit bulls were also faithful companions to presidents Woodrow Wilson and Theodore Roosevelt (Colby, 1997; Coren, 2002; Delise, 2002; George, 2004). Recently however, portrayal of the pit bull has evolved from man's best friend into one dangerous

dog. By the mid 1990s, in part because of the perception, pit bulls had grown increasingly popular among those looking for the next “killer dog” surpassing the Dobermans and Rottweilers (George, 2004). Public concern and fear generated around the pit bull has increased to the point where it can be characterized as a “panic”.

For example, pit bull attacks have become an all too familiar story that has emerged recently with greater frequency in the media. Media’s construction of these attacks as a “trend” has intensified people’s fears about the dog, haphazardly referred to as the pit bull. The referral is particularly problematic because there has been a lack of scientific research on pit bulls, or even “dangerous” or “vicious” dogs, in the literature. There is a lack of scientific research on the “dangerousness” of pit bulls. Forensic case studies have tended to focus on “bizarre” dog attacks (De Munnynck and Van de Voorde, 2002; Cohn and Martin, 2005; Chu, Allan, Ripple, Greenberg, and Fowler, 2005). Statistics on dog bites are plagued with methodological problems (Coren, 2005a). These statistics are not often breed specific (Gershman, Sacks, and Wright, 1994; Sacks, Sinclair, Gilchrist, Golab, and Lockwood, 2000), reporting practices differ and are subject to the interpretation of the reporter (Sacks, Satton, and Bonzo, 1989; Szpakowski, Bonnett, and Martin, 1989; Shewell and Nancarrow, 1991; Gershman et al., 1994; Bandow, 1996; Thompson, 1997; Sacks et al., 2000).

In many of the Animal Control By-Laws, the term pit bull generally refers to a pit bull terrier, Staffordshire bull terrier, American Staffordshire terrier, American pit bull terrier, or any dog that is a cross or mix of the aforementioned breeds. A pit bull may also mean any dog that has the appearance and physical characteristics that are substantially similar to the above listed breeds. Therefore, pit bull is a type of dog not a

breed. There is no objective method of establishing lineage of cross bred dogs or pure bred dogs which are not registered with national affiliations (Perkins, 2005). Due to the general criteria required to be a pit bull and lack of identification methods, many dogs are visually misidentified such as boxers, bull mastiffs, and even some beagles. In addition, the print media frequently reports dog bite incidents as “pit bull attacks”, only later to be clarified in a small, hidden article found in the latter pages. Confusion exists partially because a “pit bull” is understood to be a breed when in fact it is a term used to describe numerous breeds (Lockwood and Rindy, 1987).

It can be argued that confusion surrounding the breed combined with increased media attention on “dog attacks” has led to moral panic concerning the dangerousness of dogs generally and, more specifically, the demonization of the ‘pit-bull’. Cohen (1980) coined the term “moral panic” to describe the reactions of the media, the public and social control agents toward youth disturbances. The term “folk devils” was used by Cohen to signify those that become labelled as “bad,” “dangerous,” or “a threat” by entrepreneurs. Cohen’s work (1980) demonstrated how the social control agents or moral entrepreneurs, including the media, constructed and amplified deviance in identified folk devils.

As a concerned and responsible pit bull owner, I question whether there is justification for concern regarding pit bulls or if the increased attention and subsequent changes in legislation constitute moral panic. An examination of breed specific legislation is warranted. Did the media and other moral entrepreneurs magnify and sensationalize coverage of a few unusual incidents of dog bites. To analyze these questions, in part, a historical and descriptive account of BSL is needed.

Objectives of this Study

The main objective of this thesis is to survey and critically analyze the increased attention and call for legislation addressing “dangerous dogs” and, more generally, animal control in urban landscapes. A systematic review of methods for dealing with “dangerous dogs” will be offered in an attempt to forward a vision of ideal animal control measures. BSL has been offered in response to the “dog attack” problem. The legislation is designed to identify and regulate the handling, breeding, and mobility of specific breeds such as those dogs subsumed under the category of pit bull. BSL can involve the banning or restricting of the ownership of a dog solely based on the dog’s breed regardless of whether the dog is aggressive or not. Due to the lack of consistent terminology, information regarding these policies is scattered. To date, no systematic academic study of BSL is available. BSL has been popularized in the last decade; however, breed bans and breed restrictions have been around for centuries (Tanick, 2000). BSL raises both constitutional and practical issues.

By examining the history and origin of BSL, an understanding of the legislation and its intended function and subsequent implications will emerge. In particular, the accusation that Breed Specific Legislation is a knee jerk reaction or a quick regulatory response to the media’s amplification, moral entrepreneurs’ protest and public outcry over the pit bull problem will be explored. Therefore, the specific research objectives are to determine the

- Emergence of Breed Specific Legislation;
- Historical development of dog legislation;
- Analysis of “pit bull” articles in the media;

- Prevalence of Breed Specific Legislation;
- Analysis of Exemplar Claimsmakers' Interviews; and the
- Effectiveness of dog control methods.

CHAPTER TWO

“CANINE CONTEST”: THE EMERGENCE AND PREVALENCE OF BREED SPECIFIC LEGISLATION

History and Prevalence of Breed Specific Legislation

There have been many challenges in obtaining information on the history of dog legislation. The historical documentation is incomplete and dates are inconsistent with numerous researchers. A brief overview of the relevant dog history is presented here, to provide a context for the evolution of legislation and the image of the pit bull.

During the latter part of the 16th century, special leisure activities including grey hound racing and bull fighting were established in England (O’Neil, 1995). One researcher indicated that bull baiting¹ was Britain’s most popular sport in 1189 and was reserved for royalty (Wendt, 1991). Bull fighting became a national past time for centuries and was very much part of everyday life in the 1800s. Initially, dog fighting occurred before the bull match to excite the audience (O’Neil, 1995). The passing of the Humane Act in 1835 prohibited bull fighting, as well as dog fighting (O’Neil, 1995; Coren 2005a). Blood sports were also made illegal (O’Neil, 1995). Even though it was illegal, dog fighting became more popular because it didn’t require much space, and matches could be held secretly in cellars and back rooms of pubs (O’Neil, 1995). In the 1800s, breeders began to experiment. They started to breed the toughest quickest

¹ The sport of bull baiting involved a bull wearing a leather collar, which was attached to a swivelling stake in the ground. Two or three dogs would be let loose to attempt to take the bull down (Murphy, 2001; O’Neil, 1995).

bulldogs with the bravest terriers. The breeder's goal was to produce a dog with the enhanced fighting ability of the bulldog and the reduced size of the terrier (O'Neil, 1995). The new breed would be strong but with increased speed and agility (Colby, 1997).

In the 1800s, the first bulldogs and bull-and-terriers were imported from the United Kingdom to America for dog fighting (O'Neil, 1995; Colby, 1997). It was during this time that American pioneers also discovered the bull-and-terrier's versatility, bravery, and devotion. They utilized these dogs to protect their property, children and to wrangle cattle and hogs (O'Neil, 1995; Colby, 1997).

During World War I and into the 1920s, the incidents of dog fighting were at an "all time high" in Canada, Mexico and the United States (Colby, 1997). Dog fighting continued to maintain a public audience until the passage of the Animal Welfare Act in 1976. Although the sport of dog fighting was always illegal in the United States, it diminished considerably after this Act and matches or challenges were no longer advertised in print (Colby, 1997).

Throughout the literature, it appeared that the need for dog control legislation was reactive to the fads, trends and fears of society and not aimed at preventive measures. It has been documented that dogs and humans have lived quite harmoniously for centuries (Coren, 2002) and amicably, to the point, that dogs have been allowed a bite or two under common law in North America (Foote, 1992; Kuehn, 2002). The bite was deemed warranted if the bite occurred in the defense of master or property, or if the dog was provoked; however this law is rare today (Foote, 1992). Since the "pit bull panic" emerged in the mid 1980s, localities have been granted "largely unchallengeable

authority” in deciding if a dog is dangerous and taking whatever measures they deem necessary to deal with these “dangerous” dogs (Foote, 1992).

In addition, several academic as well as general searches of the history or origins of animal control, particularly generic dog control, have proven fruitless. It seems that dog control legislation is regionalized and specific to the concerns in the area. For example, in North Vancouver there are bylaws on feral dogs. These laws seem to address a very localized problem which does not appear in any other Lower Mainland municipality.² It appears that BSL and other animal control measures may be culturally and socially relative. In addition, in areas where the domesticated dog is uncommon, legislation is deemed unnecessary in places such as India, Kenya, and Mexico.

Literature reveals that the implementation of country wide breed bans began in the early 1990s in Britain with the Dangerous Dog Act (1991). The idea of a Dangerous Dog Act spread to other portions of Europe (Tanick, 2000). The Dangerous Dog Act of 1991 was an update of the Victorian Dog Act of 1871.³ The 1991 Act “prohibits persons from having in their possession or custody dogs belonging to types bred for fighting....” (Dangerous Dog Act, 1991). Pit bulls are essentially considered illegal. They had to be muzzled in public, registered on the Index of Exempted Breeds, micro-chipped, tattooed, neutered and insured.⁴ Breed bans existed prior to this but were only limited to cities and small regional areas and were often called “pit bans”, “breed bans” or “breed specific ordinances” (Clifford, Green, and Watterson, 1990).

² Retrieved September 2005. from <www.cnv.org/c/apps/bylaws/SearchResults.aspx?q=dog%20control>.

³ An academic, as well as a thorough web search found no information on the specifics of the Victorian Dog Act of 1871.

⁴ Retrieved July 2005 from <www.stafordmall.com/bsl.html>.

Types of Legislation

There have been many challenges and obstacles to obtaining information on types of dog legislation. There are gaps in the knowledge and a lack of systematic academic research on Breed Specific Legislation.⁵ Following a general query on numerous search engines⁶ using the key words “breed specific legislation”, “breed bans”, “dangerous dogs” and “vicious” dogs key websites were used to construct a country’s profile regarding breed specific legislation. The individual law for each country was then obtained by electronic means where available. Laws were then analyzed for specific criteria in order to create categories of legislation.

For the purposes of this paper, classifications of BSL were based on the following criteria:

A **Breed Specific Ban** occurs when a particular breed is banned from the established area, with the intent eventually of extinguishing⁷ the breed from that area. This ban is automatic for any dog of the designated breed regardless of the dog’s behaviour. Existing dogs of this particular breed are governed by very strict rules. These rules include muzzling, and compliance with proper housing specifications, as well as requirements that owners have a minimum of liability insurance. One of the first countries to propose a Breed Specific Ban was the United Kingdom.

A **Breed Specific Restricted** category includes any dog deemed dangerous based on the breed regardless of the dog’s behaviour. Restrictions of this category are comparable to the ban with the exception that sterilization is not required and the

⁵ Following a search of academic literature, a total of three articles became evident (Hess, 1996; Bandow, 1996; Bandow, 1996a; Perkins, 2005).

⁶ Search engines used were www.google.ca and www.msn.com.

⁷ Extinguishing means mandatory sterilization of the breed.

designated dog is allowed to breed in the area. The **Breed Specific Restricted** model does not intend to extinguish the breed and is the chosen method of control in Ireland, Poland and Spain.

A **Non Breed Specific Restricted** category includes any dog deemed dangerous based on the dog's behaviour regardless of the breed. Once identified as a "dangerous" dog, similar restrictions as Breed Specific Restricted are enforced. Owners are held accountable for non-compliance. Currently, Chile is the only country to embrace this initiative.

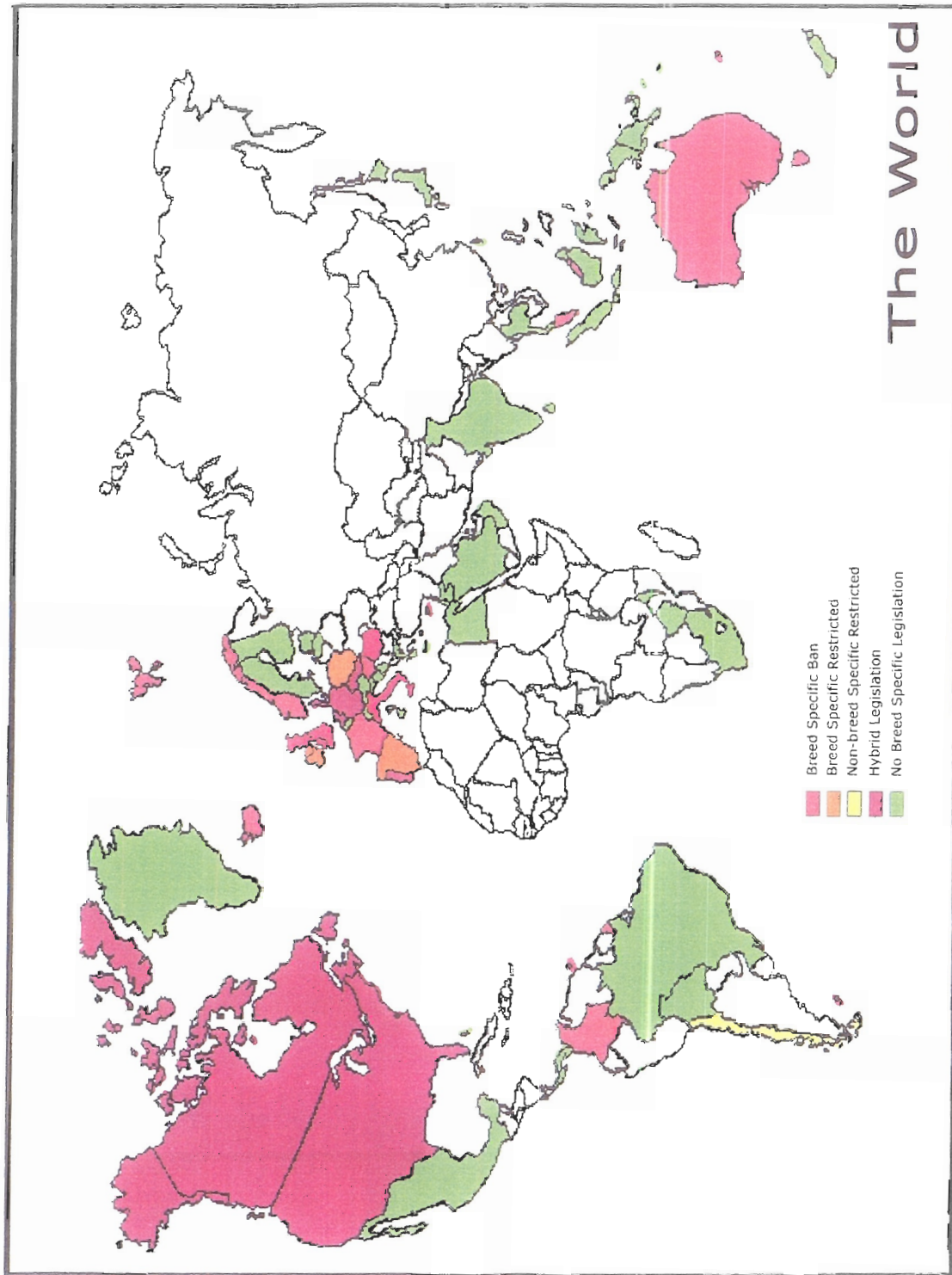
The **Hybrid** category, is a "catch-all" category that includes areas with different dog control legislation, often resulting from multiple jurisdictions. This category also includes areas where current legislation exists and public discussions of breed restrictions have been initiated. Canada is an example of the hybrid category. No specific dog control legislation encompasses the entire country. Two provinces and one territory have taken it upon themselves to enforce Non breed Specific Legislation such as Saskatchewan, New Brunswick and Nunavut. Ontario has taken a more radical view and imposed Bill 132, which bans pit bulls.

The **No Breed Specific Legislation** category includes areas that do not have legislation identifying any dangerous dogs. These areas contain generic⁸ dog control measures. The majority of the countries analyzed have No Breed Specific Legislation.

Figure 1 supplies the reader with a graphic presentation of the prevalence of BSL. Each country is colour coded according to the categories of legislation. This method was then repeated nationally, for Canada and as well as provincially, for British Columbia. Cities within Canada as well as British Columbia, which were not consistent with the

⁸ Generic dog control measures typically include running at large, licensing and removal of excrement.

Figure 1. Prevalence of Breed Specific Legislation in the World.⁹



⁹ Outline map adapted and reprinted with permission. Retrieved May 2005, from www.theodora.com/maps.

Overall provincial category were also indicated by a symbol representing the aforementioned categories. The Lower Mainland contained too many cities with diverse legislation to be illustrated within a small area on the provincial map and were categorized in a table.

A total of 96 countries have stated their position regarding BSL (Figure 1). Some of the smaller islands were not evident on the map; therefore a summary of categories is presented in Table 1.

Table 1. Categories of Legislation and the Corresponding Countries.

CATEGORY		COUNTRY
Breed Specific Ban	35	Australia, Cayman Island, China, Christmas Island, Columbia, Cook Islands, Cyprus, Falkland Islands (Malvinas), Fiji, France, French Guiana, French Southern Territories, Guadeloupe, Hungary, Iceland, Isle of Man, Italy, Juan de Nova Island, Malaysia (Sarwak), Malta, Martinique, Mayotte, Nauru, Norway, Pitcairn Island, Reunion, Romania, Seychelles, Singapore, St.Pierre and Miquelon, Tahiti, Trinidad and Tobago, United Kingdom, Virgin Islands, Wallis and Futune Islands
Breed Specific Restricted	3	Ireland, Poland, Spain
Non-breed Specific Restricted	1	Chile
Hybrid Legislation	10	Canada, Czech Republic, Denmark, Germany, Lithuania, Netherlands (Holland), New Caledonia, Portugal, Slovakia, United States
No Breed Specific Legislation	47	Antarctica, Armenia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bolivia, Brazil, Estonia, Finland, Greece, Greenland, Guam, Guernsey, India, Indonesia, Isreal, Japan, Jordan, Kenya, Kinbati, Latvia, Luxembourg, Macau, Malawi, Mauritius, Mexico, New Zealand, Niue, Norfolk Island, Northern Mariana Island, Oman, Panema, Papua New Guinea, Samoa, Saudi Arabia, Slovenia, Solomon Islands, South Africa, Sri Lanka, Sweden, Switzerland, Taiwan, Thailand, Vanutu, Zimbabwe

Internationally, breed specific legislation includes many more ‘breeds’ than the pit bull. Only four countries have a **Breed Specific Ban** designated solely to identify pit bulls; the other countries’ bans include many of the historical “fighting dogs” such as Dogo Argentino, Fila Brasileiro, and the Japanese Tosa.¹⁰ Only a few regions such as Isle of Man, off the coast of England, include Dobermans and Rottweillers as designated “banned” breeds.¹¹

There were only three countries, Spain, Ireland and Poland, which had Breed Specific Restrictions. Chile was the only country that enforced Non-Breed Specific Restrictions and had general dog control regulations.

A total of ten countries were classified in the **Hybrid** category. This category included three countries with Breed Specific Restricted pending, Lithuania with Breed Specific Ban pending and Denmark with Non Breed Specific Restricted pending. In addition, Germany and the Netherlands currently have a pit bull ban; however many other breeds have also been restricted within these areas. For example, “pit bulls” had severe restrictions on their maintenance, including strict leash, muzzle provisions and spay and neuter requirements, hence a ban (Tanick, 2000). Other breeds such as Rottweilers, Dobermans and some Herding breeds, face fewer restrictions, with general leash and muzzle provisions.

Denmark has a Breed Specific Ban as well as a Non Breed Specific Restricted pending for designated “dangerous dogs”.¹² Canada and the United States also represent the Hybrid category. The legislation differs between and within the provinces and states.

¹⁰ Retrieved July 2005 from <www.stafordmall.com/bsl.html>.

¹¹ Ibid, see note 10.

¹² Ibid, see note 10.

Within the United States only Ohio and, very recently, Colorado have established the Breed Specific Ban.¹³ These bans usually focus on pit bulls; however, a few American regions are also considering Rottweilers.¹⁴

For Canada and the United States, the breed specific designation is determined at the municipal level. For example in 1987 the city of Yakima, Washington banned pit bulls after numerous incidents during the previous winter (Wilson and Wapner, 2000). There have been numerous states that have enacted laws prohibiting local municipalities from passing BSL. These states include California, Florida, Illinois, Maine, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Texas, and Virginia.¹⁵

Canada was considered a hybrid category as it contained numerous different classifications as seen in Figure 2. In 2000, Tanick predicted that Canada would take a more scientific approach to the dog bite problem “which would encompass licensing all dogs, gathering information on all bites and reviewing the statistics and taking action on empirical data” (2000, p. 7). It was suggested that because of the available research German Shepherds would be one of the targeted canines (Tanick, 2000).

In August 2005, Ontario became the first province to introduce legislation that specifically targeted pit bulls. This legislation was an amendment to the Dog Owner’s Liability Act. It was suggested that one of the primary reasons for this legislative change was a recommendation from the coroner’s investigation of the tragic death of Courtney Trempe. Trempe was killed by a bullmastiff in Stouffville, Ontario in 1998.¹⁶ Ironically, the new breed specific legislation targets pit bulls, which were not involved in this death.

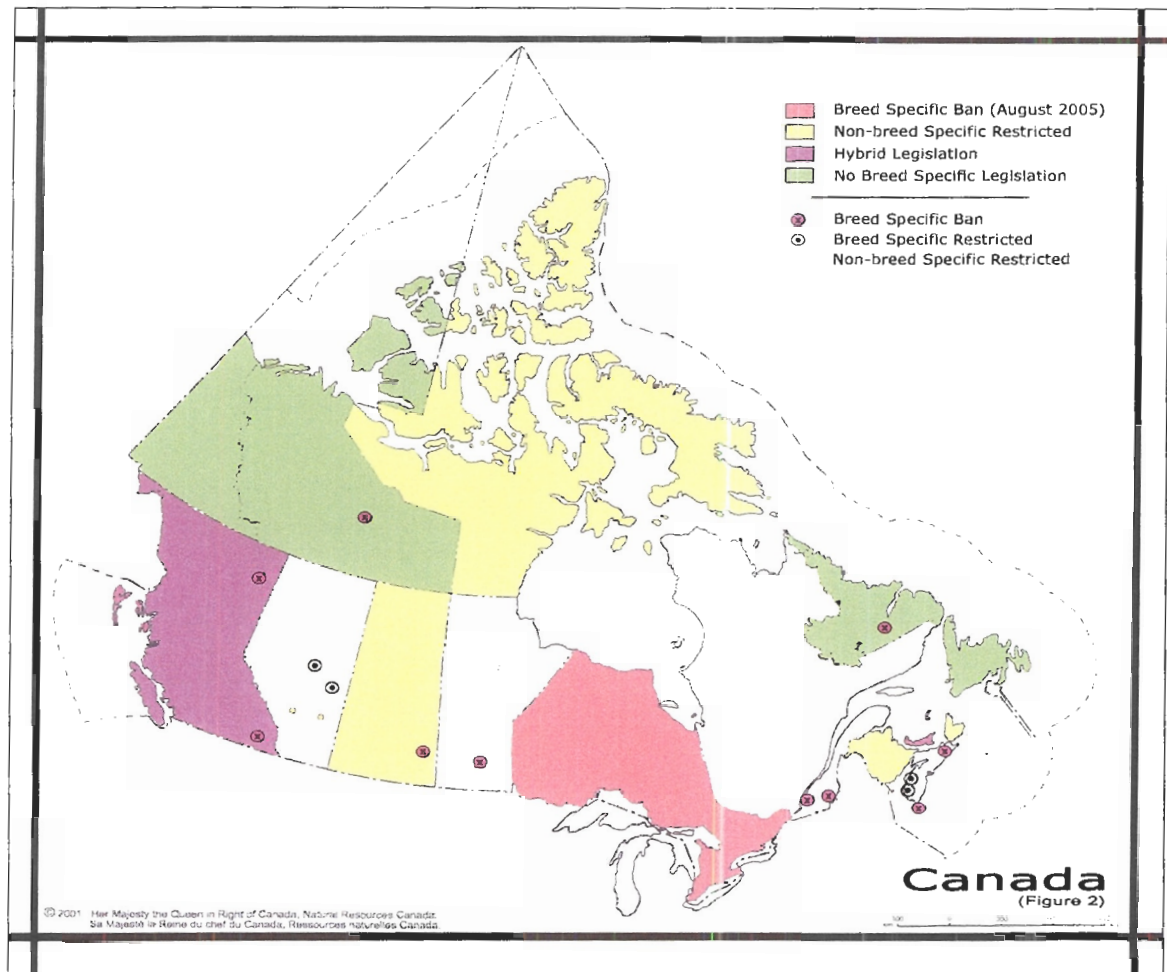
¹³ Retrieved July 2005 from <www.understand-a-bull.com/BSL/Locations/Locations.html>.

¹⁴ Retrieved June 2005 from <www.rott-n-chatter.com/laws/breedspecific.html>.

¹⁵ Ibid, see note 13.

¹⁶ Retrieved July 2005 from <www.doglegislationcouncilcanada.org/courtneyinquest.html>.

Figure 2. Prevalence of Breed Specific Legislation in Canada.¹⁷



The majority of the recommendations from the Courtney Trempe Inquest were aimed at education of children, parents, dog owners and the public about appropriate behaviour towards dogs and responsible ownership of dogs. The recommendations intent was to reduce the number of dog bite incidents.¹⁸ The jury recommended a number of legislative changes. They proposed the Dog Owner's Liability Act be amended to allow

¹⁷ Outline adapted and reprinted by permission of Natural Resources Canada. Retrieved May 2005 from <http://atlas.gc.ca/site/english/maps/reference/outlinecanada/Canada01/referencemap_image_view>.

¹⁸ Ibid, see note 16.

for:

- ex parte hearings in which the court may order that an owner of a dog take steps for more effective control of a dog or may order that a dog be destroyed, a judge to order that a dog be confined or restrained by leash or muzzle when on the owner's property or in public pending the determination of whether a dog is dangerous or pending any appeal of such a determination,
- specifically identify, for the benefit of judges, methods by which dogs may be restrained,
- an automatic restraint order for dogs that are ordered by a judge to be destroyed,
- the prohibition of training of guard dogs and attack dogs other than for the purpose of ownership by police or a registered security agency and that they only be housed in totally secured areas or taken out in the hands of an authorized and certified person,
- fine under the Act be substantially increased, since an economic impact can be effective deterrence to irresponsible dog ownership,
- persons who are found liable under the Act be prohibited from owning another dog for a period of time designated by the court.¹⁹

Regardless, of the fact that this particular incident involved a bullmastiff, it appears that the province of Ontario has made a decision to eliminate the pit bull. Experts claim that these new changes will not address the dog bite issue and public safety in general. Furthermore, the only recorded fatality by a "pit bull" in Canada was in 1995 by an American Staffordshire Terrier (Delise, 2002).

A major obstacle with Ontario's Bill 132 is the identification of the breed. As previously discussed, pit bull is an umbrella term, which encompasses a number of breeds and any cross or mix of these breeds or any dog that has the appearance and physical characteristics of these dogs. Recognized and accredited dog organizations such

¹⁹ Ibid, see note 16.

as the Canadian or American Kennel Club do not recognize some of these designated breeds such as the American Pit Bull Terrier.

Saskatchewan was the first province in Canada to pass province-wide dangerous dog legislation or Non Breed Specific Restricted in 1984. New Brunswick, and Nunavut have recently joined Saskatchewan and enacted a Non Breed Specific Restricted model. Prince Edward Island has this designation pending.²⁰

Throughout Canada many municipalities have banned pit bulls including Winnipeg, Manitoba, Kitchener and Waterloo, Ontario, Sherbrooke and Saint-Jean-sur-Richelieu, Quebec, 1990. In Clark's Harbour, Nova, a ban was enacted one year after a pit bull attack left nine year old Candace Allard badly disfigure.²¹ Winnipeg was the first Canadian city to ban pit bulls in Winnipeg badly disfigured.²² In 1997, a pit bull ban was established in Kitchener-Waterloo, Ontario after two serious incidents involving pit bulls.²³

Within the province of British Columbia, as well as some of the other provinces, there is a wide variety of views regarding Breed Specific Legislation (Figure 3). Currently, in British Columbia, two pieces of provincial legislation cover dog control:

- Community Charter [SBC 2003] Chapter 26, Part 3 – Additional Powers and Limits on Powers, Division 6 – Animal Control; and the
- Local Government Act [RSBC 1996] Chapter 323, Part 22 – Miscellaneous Powers, Division 1 – Regulation of Animals.²⁴

²⁰ Retrieved July 2005 from <www.doglegislationcouncilcanada.org>.

²¹ Retrieved April 2005 from <www.cbc.ca/consumers/market/files/health/dangerousdogs/bylaws>.

²² Ibid, see note 20.

²³ Retrieved April 2005 from <www.pets.ca/forum/showthread.php?p=48492>.

²⁴ This section does not pertain to any specifics regarding breeds of dogs. It defines who may be considered an animal control officer and under what jurisdiction he/she may exercise authority.

Figure 3. Prevalence of Breed Specific Legislation in British Columbia.²⁵



The Animal Control section from the Community Charter specifies seizure and related powers and special powers in relation to dangerous dogs. An “animal control

²⁵ Outline adapted and reprinted by permission of Natural Resources Canada. Retrieved May 2005 from http://atlas.gc.ca/site/english/maps/reference/outlineprov_ter/bc_outline/referencemap_image_view.

officer” may seize a dog if the officer believes that the animal is dangerous.²⁶ In addition, the officer may apply to the Provincial Court for a destruction order, if the officer feels it is warranted.

The same stipulations are set out in the Vancouver Charter,²⁷ Chapter 55, Part XIV. This section also includes general dog control measures which contain a clause that requires all dog owners to effectively muzzle any dog while they are at large or upon a street, or shall keep them on leash, or under control of a competent person while upon a street.

There are problems with the existing dangerous dog laws. Identified dogs may face destruction or lengthy impoundment, while the owner receives little or no punishment.²⁸ Irresponsible owners who are chronic repeat offenders of animal control laws, do not face consequences other than the loss of a dog. Other identified problems include inadequate budget or manpower, inadequate training to effectively deal with the problem dogs in a humane way, low priority of animal control issues, poor community education of existing animal control laws and a lack of judges’ support in upholding effective penalties.²⁹ One of the proposed suggestions to the Vancouver city bylaw is stiffer penalties for owner non-compliance (Clay, 2005). The goal of this recommendation is to decrease incidents resulting from irresponsible ownership by increasing fines. Currently the city of Vancouver has resorted to the comprehensive

²⁶ Dangerousness defined in the Community Charter means it has killed or seriously injured a person or domestic animal or is perceived to likely to kill or seriously injure a person, while in a public place or on private property other than the owner’s.

²⁷ Vancouver Charter [SBC 1953] Chapter 55, Part XIV Nuisances, Section 324

²⁸ Retrieved July 2005 from <www.acf2004.tripod.com>.

²⁹ Ibid, see note 27.

legislation that currently exists, implemented some with minor alterations but has not adopted the breed specific ban.

All cities in the Lower Mainland have resorted to Restrictive measures enforcing dangerous dog regulations. Roughly half have opted to automatically designating “pit bulls” as dangerous dogs, implementing breed specific legislation (Table 2). Only two cities within British Columbia (BC), Fort Nelson and Cranbrook, have Breed specific bans³⁰ (Figure 3). These bans appear to be the result of dog bite incidents. A small number of BC cities have no breed specific legislation or dangerous dog bylaws including Kamloops, Kelowna, Merritt, Williams Lake, Quesnel, Whistler, and Mission.³¹ In summary, there appears to be no uniformity in dealing with the dog control problem.

Table 2. Cities or Municipalities in the Lower Mainland and their Stance on BSL.

CATEGORY	CITY/MUNICIPALITY
Breed Specific Restricted	Burnaby, Coquitlam, Delta, New Westminster, Vancouver, West Vancouver
Non-breed Specific Restricted	Langley, Maple Ridge, North Vancouver, Port Coquitlam, Port Moody, Richmond, Surrey

In Canada, many cities and one province have resorted to Breed Specific Legislation. However, a few cities such as Calgary and provinces and territories such as Saskatchewan, Nunavut and New Brunswick are using alternative forms of dog control

³⁰ Ibid, see note 21.

³¹ Retrieved July 2005 from each city or municipal website under the subheading bylaws.

to reduce dog bites. Some cities such as Vancouver are currently Breed Specific Restricted; however, the goal of decreased dog bites hasn't been attained. Hence, the city of Vancouver is revisiting existing legislation and looking for new solutions. In the next section, I will continue with the emergence of Breed Specific Legislation by examining the local media depiction of the "pit bull problem" and will also investigate the issue of moral panic.

CHAPTER THREE

THE “PIT BULL PROBLEM”: A FORM OF MORAL PANIC

Are Pit Bulls Folk Devils?

Cohen (1980) coined the term “moral panic” to describe the reactions of the public and social control agents toward youth disturbances. The term “folk devils” was used to signify those who become labelled as “bad,” “dangerous,” or “a threat,” by moral entrepreneurs (Cohen, 1980). Moral panic is a mechanism of social construction. Humans are active participants in the construction of reality. Personal knowledge of reality is, in part, by describing and explaining their individual account of the world, constructed through the media (Altheide and Snow, 1979; Franklin, 1995). Numerous studies have demonstrated the role of the construction of moral panics around identified problems including, for example, drugs (Reinarman and Levine, 1989; Jenkins, 1994), hackers (Taylor, 2001); the homeless (Forte, 2002), school violence (Killingbeck, 2001), day care centers (DeYoung, 1997), and youth crime (Schissel, 1997).

According to Cohen and Richardson (2002), pit bull stories are newsworthy. They are considered abnormal crimes (Ramp, 2000; Cohen and Richardson, 2002). A remarkable “incident” such as a pit bull attack is turned into a common occurrence through repeated media attention. Best (1999) claims that continual coverage of an incident in the media, can lead to the construction of a “crime wave”, regardless of actual frequency or prevalence. Continuity in media coverage of the incident can lead to individuals or agencies “assuming ownership” over the pit bull problem. The perception

that something needs to be done is an instrumental ingredient of moral panics or crime waves.

Media Analysis of “Pit Bull” Articles

In order to understand, the potential role of media in the construction of the pit bull problem, I conducted an exploratory investigation. My analysis builds upon a recent study conducted by Cohen and Richardson (2002). They suggest that a pit bull panic has been generated in public perception fuelled by the media portrayal. More specifically, I examined the local media’s portrayal of the problem in Vancouver Canada over a six month period.

Acknowledging the role of media in the construction of moral panics, I conducted a content analysis of *The Vancouver Sun* articles in order to “unpack” the media construction of the “pit bull problem”. The news articles were obtained from a print news media database called ProQuest. This database includes all major print news media in Canada and contains abstracts, full text and details about each publication. For the period, August 2004 to January 2005 inclusive, summaries of all the articles were queried using the key words “pit bull”, “pitbull”, “pitbulls”, and “pit-bull”³² within the citation and document text. The advanced search option was used on the ProQuest webpage.³³ ProQuest located 31 articles with the designated key words from *The Vancouver Sun*. *The Vancouver Sun* was selected due to its extensive readership in the Lower Mainland in

³² Alternate spellings of pit bull were queried to ensure articles were not omitted from analysis.

³³ Retrieved April 2005 from <www.proquest.umi.com/login>.

British Columbia. Reports reveal that there are 893,900 subscribers, reaching about 52% of the population in Vancouver. These statistics were based on a 2004 study.³⁴

As hypothesized, many key elements of Cohen's (1980) moral panic emerged in the media portrayal. According to Cohen's (1980) conceptualization, the first stage of moral panic involves the process of defining someone or something as a threat to societal values or interests. The alleged threat is buttressed by highly emotive claims and fear based appeals. A panic is created, which orchestrates social consent that something must be done immediately (DeYoung, 1997). Pit bulls were portrayed as a threat in the media, which was constructed in various ways. Pit bulls have been unfairly demonized, are seen as a threat to society, and can be understood as a "folk devil".

The pit bull was characterized as having a "**bad reputation**" and was blamed for unusual behaviour. The media reports described pit bulls as being vicious, aggressive, dangerous, trained attackers, and common guard dogs. One article detailed pit bulls to have "sheer strength, powerful jaws, bigger appetites and sharper teeth"³⁵ than non pit bulls (10). Many articles emphasized the severity of injuries (2, 10, 22) caused by pit bulls as "horrendous damage" (8, 12) including an attack where "half the face was ripped off" (5) and also described pit bulls as "dismembering children" (8). This frequent use of emotive language conjures up fear and fuels the moral panic. Cohen and Richardson (2002) also discovered that pit bulls were predominantly presented as being "mean" and bred for violence.

Another component of the "bad reputation" or threat posed by pit bulls is the reported portrayal of the sheer **strength of the dog bite**. The dog bite is dictated by the

³⁴ Retrieved April 2005 from <www.nadban.com/English/index.html>.

³⁵ Article reference numbers appear in brackets. The number corresponds to the articles in chronological order in Appendix A.

size and shape of the dog's head and in particular, the size of the massiter muscles on the top and sides of a dog's head (Rebele, 2005). To discredit the urban legend of the "locking jaw mechanism", there is no physiological evidence to substantiate this claim in any canine (Rebele, 2005).

Seven of the 31 articles articulated that the pit bull was "**tenacious**" (4-6, 9, 14, 15, 25). Tenaciousness was portrayed negatively. One dog needed six officers to "subdue" it (30). In another instance, sixteen shots by officials were needed to kill a dog (4). Ironically, the language used to describe pit bull encounters are similar to that used in sensationalized reports of violent crime and criminals. A construction of the pit bull as the criminal could be interpreted as the pit bull being compared to a criminal and the attack being equivalent to a violent crime is offered.

The **tenacity** of the pit bull may be associated with them having a high pain threshold. This is a physiological condition that has been bred into the dogs over hundreds of years. The placement and desensitization of the pain receptors in the pit bull has affected the way the dog's brain analyzes and processes pain, which allows for this extremely high threshold (Rebele, 2005). Although these qualities may exist in some pit bulls, it's not sufficient to assume that these traits cause pit bulls to be more of a problem or threat than non pit bulls.

Conversely, these negatively portrayed traits were presented in the media as desirable human qualities. Eight articles contained only a mention of the word pit bull and did not pertain specifically to pit bull attacks. Four articles referred to a person or thing as having "pit bull" qualities (9, 15, 25, 28) such as tenacity and sheer will power. The writer attributed traits perceived to be associated with the pit bull to humans. In

addition to describing human characteristics, pit bull attributes have been utilized to describe other animals (25).

Three other articles also contained reference to pit bull attributes but did not pertain specifically to attacks. The accumulation of articles referring to the term pit bull, even in non-violent cases such as using pit bull attributes to describe people or animals, contributes to the construction of a folk devil. The continual media coverage reinforces the pit bull's reputation, which is taken for granted, and solidifies in the minds of the media audience.

The pit bull construction also included portrayal of the dog as **unpredictable** (6-8, 12, 16, 18, 19, 24). Many of the articles portrayed the pit bull as a "2-year old" (12, 16), called it a "volatile pet" (7), and having a "history of mental instability" (8). Once again, there appears to be an interesting relationship to how the media talks about crime and the usual folk devils, in this case the pit bull. Cohen and Richardson (2002) found that seven per cent of respondents believed pit bulls have a chemical imbalance in the brain that makes them vicious; however, more than half of the respondents questioned this statement. Respondents were members of the public who were at a variety of retail outlets when the self-administered surveys were given out.

Three articles compared the pit bull's "unpredictable nature" to "loaded" weapons (8, 12, 24). Once again, invoking the criminal construction. According to Best (1999), media portrayed instability and unpredictableness of a phenomena making "us fear for our own safety and for the safety of everyone around us" (25). The media construction of pit bulls as unpredictable fuels perception that attacks are random and patternless, where

all victims share the same risks and victimization could happen to anyone. Constantly, we are reminded that pit bull attacks, like crime, are random and unpredictable.

The **unpredictable** nature of the pit bull is fictitious. Pit bulls like most dogs, give notice before they bite, usually after they have been provoked or threatened (Bliss, 2005). Dog statistics demonstrate that most dog bites occur within their residence and that dogs typically bite familiar people (Sacks et al., 2000). In general, children and the elderly seem to be at higher risk of any dog bite due to their smaller and frailer stature (Gershman et al., 1994; Sacks, Kresnow, and Houston, 1996; Ozanne-Smith, Ashby, and Stathakis, 2001; De Munnynck and Van de Voorde, 2002). It has been suggested that these bites seem to be due to irresponsible owners leaving their children unattended in the presence of a dog (Ozanne-Smith et al., 2001; De Munnynck and Van de Voorde, 2002; Chu et al., 2005).

Another ingredient or element of the construction of pit bulls is the perception that because a dog is dog aggressive, due to the association with dog fighting, it is also **human aggressive**. Historically the pit bull has been bred for dog aggression. Dog aggression is different from human aggression (Colby, 1997). Connecting the two types of aggression is a fallacy. Many articles (1, 2, 3, 6, 20) reinforce this myth including one on November 8, which compared parenting to owning a dog (19). Unrelated to the rest of the article was this quote, which ended the commentary: “What is the terrible truth about training the pit bull? They will bite the hand that feeds them”. According to the old “dogmen”³⁶, even if a pit bull was in the heat of battle, if it ever bit its owner, it would be destroyed (Lockwood and Rindy 1987; Stratton, 1991). This is where the saying “Don’t

³⁶ Dogmen refer to prominent people acknowledged for their contribution to the breed (NRH).

bite the hand that feeds you!” comes from (Stratton, 1991). In fact, human aggression has been culled out of the breed (Stratton, 1991; Colby, 1997).

In conclusion, the pit bull has been constructed as a recognizable threat, a folk devil. This construction emphasizes the bad reputation of the pit bull including its sheer strength, tenacity, unpredictable nature and perceived human aggression.

According to Cohen’s (1980) conceptualization, the second stage of moral panic involves portraying the threat in an easily recognizable form by the media. This form could be an association with a certain group or category of people, which are also regarded as a threat. Ironically, all of these characteristics are language that we commonly use when describing sensationalized crime. In this case, the recognizable form is the pit bull owner. Many articles allude to the problem of “**bad owners**”, who train their dogs to attack. A total of seven articles implied owners of pit bulls are irresponsible (1, 4, 6, 8, 10, 20, 26). Cohen and Richardson’s (2002) research indicated that the perception of the pit bull is that they are made, not born. Several of the articles allude to the fact that owners have contributed to the aggressiveness of the dog such as references to “trained guard dog” (1), or dogs that are “trained to attack” (6).

There is very limited scientific research which focuses on dog owners. Murphy (2001) executed an ethnographic study on pit bull owners in Montreal; and Twining, Arluke and Patronek (2000) investigated owners of outlawed breeds. The researchers concluded that the connection between the role of owners and trained aggressiveness is tenaciousness. Sanders (1990) took a more general approach and investigated social responses to the public misbehaviour of companion animals.

Another recognizable portrayal of pit bulls included their association with sports (10, 15), possibly and specifically due to the association of dog-fighting. Three of the articles that appeared within the six month time period related to dog-fighting. They link the breed with something that the audience knows is already disreputable (24, 27, 29). It is a well-known fact that historically pit bulls have been bred for dog aggression and for dog fighting.

In addition, pit bulls owners are often generalized in the media to belong to a perceived dysfunctional social class. They are perceived to be frequently associated with gang members, drug dealers, poor people and “broken families”. Many of the articles referred to the living conditions of the owner including a motel (17), and a “ram-shackled home” (23). Owners are constructed as a recognizable threat associated with dysfunction.

Similarly, Cohen and Richardson (2002) determined that twenty-five per cent of respondents felt that people who defended pit bulls were a threat to the community. Reinerman and Levine (1989) found that people who used drugs were perceived as a threat, and the same mentality has been applied to pit bull owners. Pit bulls have been cast as the domain of a particular class and are alleged to be associated with criminality. Moral panics allude to these “politically sensitive” topics which are part of an integrate web of social problems.

According to Cohen’s (1980) conceptualization, the third stage of moral panic involves a rapid build up of public concern. The media has contributed to this “pit bull panic” by distorting and defining their construction of social reality. One of the biggest distortions is the perception of what constitutes a pit bull. Because of the generalization

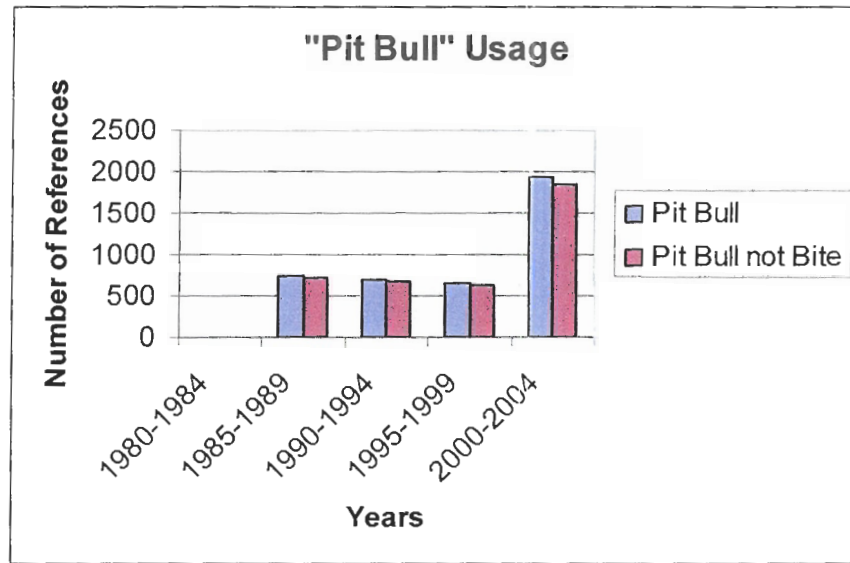
of the term pit bull, the media may misinform the public regarding the breed and cause confusion (Lockwood and Rindy, 1987). For example, in two of the articles, a pit bull was initially blamed for the attack and in subsequent articles it was later determined in both cases that in fact, the suspect dog was not a pit bull at all (1, 3, 31). This is an example of scapegoat mentality, where the pit bull is blamed for the attack because it is the likely suspect based on stereotypes. What is surprising is that only one of the 31 articles alluded to the fluidity of the term “pit bull” and questioned the consequences of this ambiguity (16).

In addition, a build up of public concern may have resulted from a drastic increase in the use of the word “pit bull” in the last five years.³⁷ Figure 4 depicts the number of times the word “pit bull” appeared in the media. “Pit bull” is the number of times pit bull appeared in articles in *The Vancouver Sun* within the specified time period. “Pit bull not bite” refers to the number of articles that contained the word pit bull but did not refer to an attack. This category also contained other dog attacks with a reference to pit bulls, which this query could not differentiate. Prior to this increase in usage, from 1980-1984 the media mentioned “pit bull” twice. Beginning in 1985 and continuing for the next 15 years, the reference to “pit bulls” was quite constant, ranging from 643-747 articles. The number of articles that employed pit bull as an adjective to describe a non- dog-related incident also followed a similar pattern and increased in the last four years.

It is apparent that pit bulls are in the media more frequently, giving the impression of a growing problem. Four of the articles simply stated that the pit bull predicament was a “growing problem”. Sometimes media just mention the word “pit bull”, as four of the

³⁷ I queried the number of times pit bull, or any variation in the spelling, appeared in ProQuest for the particular time period.

Figure 4. The Usage of the Word “Pit Bull” in the Media for the Last Two Decades.



31 articles used “pit bull” when describing characteristic traits (9, 15, 25, 28). In addition, seven of these articles revealed old cases and in some circumstances the dog that attacked was not even a pit bull (4-6, 8, 10, 22, 24); however, pit bull was mentioned therefore associating the word with another dog attack. This technique is often called convergence in media studies (Ramp, 2000).

The media’s portrayal of the pit bull problem also involves the routinization of caricature, which is re-creating worst-case scenarios into typical occurrences and the periodic into the epidemic (Reinarman and Levine, 1989). Many of the articles mentioned old dog attacks and provided no new information. A summary of articles per month was created which included the date of attack (Table 3). It appeared that the months with more than one reported dog bite incident had higher numbers of articles that contained the word “pit bull”. In addition, November, which did not report any dog incidents, had five articles that contained the word “pit bull”. This frequent use of the

Table 3. Monthly Total of “Pit Bull” Articles that Appeared in *The Vancouver Sun* Indicating Date of Attack and Type of Victim.

Month	Pit Bull Articles	Date of Attack Type of Victim
August	3	Aug. 6 human
September	10	Sept. 10 human Sept. 25 dog
October	3	Oct. 9 human
November	5	None
December	4	Dec. 28 human (non- pit bull)
January	6	Jan. 26 dog Jan. 29 human (non-pit bull)

word maintains the potential threat in the minds of citizens and reinforces the need for control.

Of the 31 articles, there were five new cases of dog attacks on humans. Two cases were confirmed pit bull attacks (6, 14) and one incident involved four non-pit bulls (22). However, pit bull was mentioned in reference to other dangerous breeds; therefore it was identified by this query. Identification of the pit bull seems to be a problem. An article appearing on August 6th (1) stated that a pit bull attacked a man; however, by August 27th, the media reported it was a pit bull/bull mastiff mix and American Staffordshire terrier (3). On January 29th the media reported another incident where a tan coloured pit bull cross bit a 48 year old man (31). By the end of the investigation, as detailed in a later article, the victim was identified as a 56 year old man and the attacker was no longer described as a pit bull.

Within the six month period of article review, there were a total of three confirmed pit bull attacks, one being an American Staffordshire terrier, on humans and

two on dogs that appeared in the media (1, 6, 13, 14, 30). In all of these cases, the media alluded to the attack as being a result of irresponsible owners. In one case, a gate was left open with two pit bulls in the back yard leaving them free to roam the neighbourhood (30). As tragic as this is, the media portrays pit bulls more frequently by relating pit bulls to any dog attack. What would be interesting to note is how many dog bites, excluding pit bulls, were reported for this specific time period. It is often difficult to acquire accurate dog bite statistics and when they are attainable, they are usually not breed specific, and interpretation of bite is subjective (Sacks et al., 1989; Shewell and Nancarrow, 1991; Gershman et al., 1994; Sacks et al., 2000).

In analyzing the source of the articles, twenty-three of the 31 articles originated in British Columbia. Five articles came from Ontario (5, 6, 8, 20, 26), three had US content (18, 27, 29) and one was an Australian story (25). It appeared that news of pit bull incidents from elsewhere is re-circulated locally. Portraying these local incidents as if they were of national significance ensures newsworthiness and is referred to as “nationalization” (Bennett, 1988; Jenkins, 1994). The two articles found in *The Vancouver Sun* that originated in the United States referred to pit-bull fighting (27, 29). One of the articles stated that dog fighting is big business and is “... in every state, it’s on street corners, it’s nationwide” (29). As with crime news and the construction of crime waves, these exaggerated claims and heavily publicized cases heighten the sense of dread and increase fear (Best, 1999).

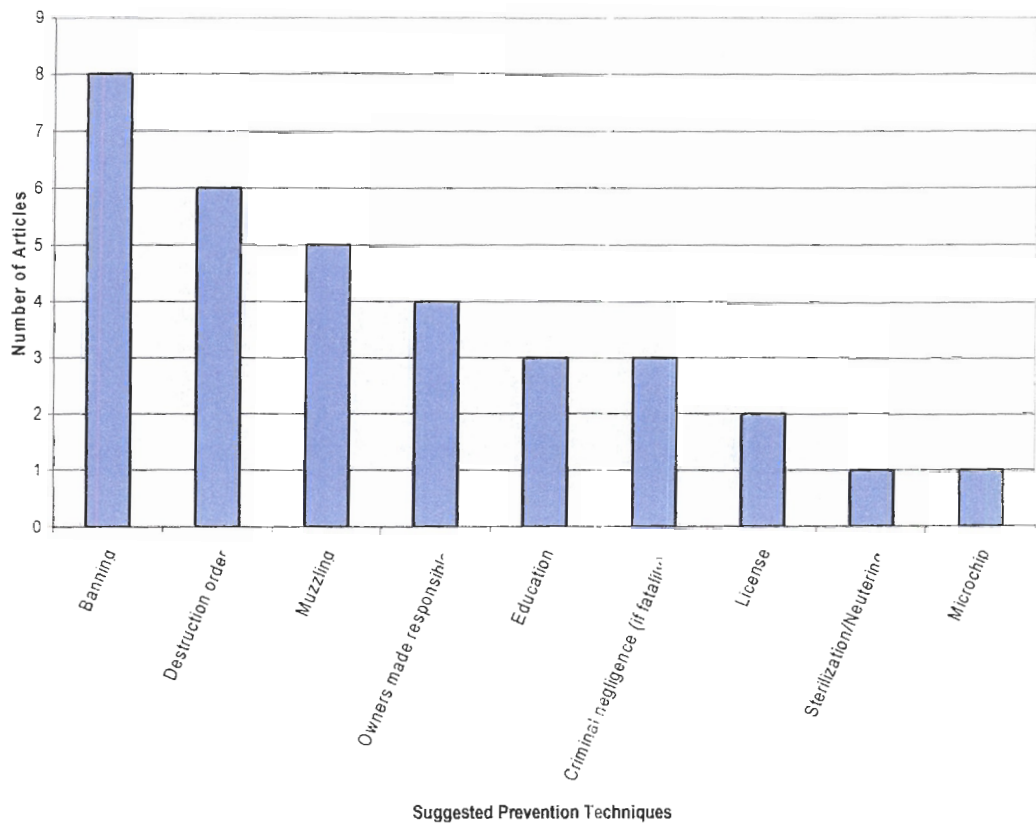
According to Cohen’s (1980) conceptualization of moral panic, the fourth stage of moral panic requires a response from authorities or opinion makers. Many of the claims makers were identified in the media articles including law enforcement, animal welfare

officers including SPCA, legislators, municipalities, advocacy groups such as Animal Advocates Society, the Humane Society, Advocates of the Underdog, Burnaby Society for the Prevention of Cruelty to Animals, and HugABulls, victims, owners, and parents, in general. In addition, there were many Dog Associations identified in the articles including the Canadian Kennel Club, American Kennel Club and the Dog Legislation Council of Canada; and public agencies such as the Canadian Safety Council and Center for Disease Control. Regardless of the claims maker or the incident, the common goal or objective was community safety. Many perceived solutions and claims makers were identified. The overall perceptions of each article were determined by content analysis (Appendix A).

Of the 31 articles, only three of the articles would be considered positive in overall representation of the pit bull (10, 11, 21), two were neutral (4, 26), and the remaining 26 were negative, providing damaging connotations. Many of the articles suggested prevention techniques including banning the pit bulls (4-8, 12, 20, 24, 26), muzzling (6, 16, 24, 31), sterilization and neutering (8). Several articles suggested that owners should be more responsible (1, 8, 11, 21) (Figure 5). Ironically, many people assume that spaying or neutering your dog will decrease aggression; however, research demonstrates that castration was most effective in altering urine marking, mounting and roaming (Neilson, Eckstein, and Hart, 1997). Fewer than a third can be expected to have marked improvement in various types of aggressive behaviour including aggression toward human family members (Neilson et al., 1997). Three articles suggested criminal charges for the owner of a pit bull who caused a fatality (8, 20, 24). Only three of the

articles (5, 10, 21), two of which appeared in the editorial section (5, 21), suggested education as one of the solutions to the defined pit bull problem (Figure 5).

Figure 5. Suggestions for Prevention Techniques.³⁸



In an article appearing September 1, 2004, Rich Coleman, British Columbia (BC) Solicitor-General, dismissed the possibility of banning pit bulls in BC. Coleman said there is a tendency to react strongly after a serious attack. He thinks the existing BC laws can be used to take decisive action against bad dogs and bad owners on a case-by-case basis. In this recommendation, Rich Coleman demonstrates possible understanding of the role of moral panic and media hype.

³⁸ An article may have mentioned multiple methods.

Actual dog attack statistics have to be obtained in order to evaluate whether the incident of pit bull attacks has been increasing. Details of each case should be investigated to determine what factors contributed to the incident. This information can be used to evaluate preventative measures and to pursue evidence based policy regarding pit bulls.

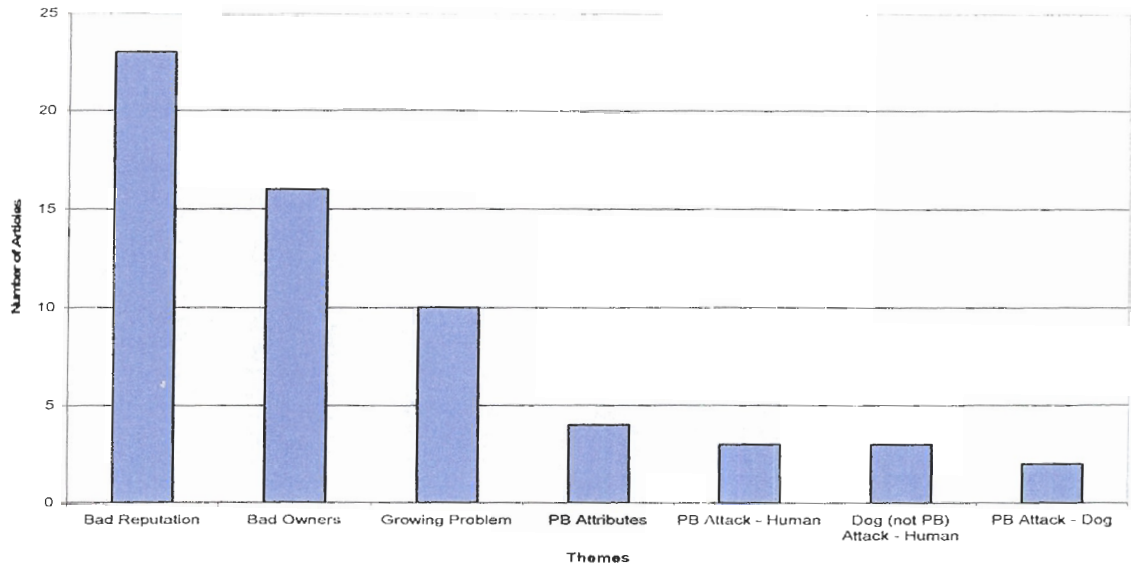
According to Cohen's (1980) conceptualization, the fifth and final stage of moral panic requires the panic to recede or result in social change. Only time will tell, whether the pit bull panic will recede or whether changes in law and public policy will occur in British Columbia. The current trend in other provinces such as Ontario is to implement Breed Specific Legislation. In addition, some individual cities such as Winnipeg, Manitoba, Kitchener-Waterloo, Ontario, Sherbrooke, Quebec, and Clark's Harbour, Nova Scotia have banned the pit bull as a dangerous dog³⁹.

In conclusion, several themes were identified from the media construction of the pit bull noting its "bad reputation" including its tenacity, unpredictability and assumed human aggressiveness; "bad and irresponsible owners", and most importantly the perception of a "growing problem". Figure 6 depicts those general themes that emerged through content analysis.

A total of eight articles, which contained the word "pit bull" only and had no relation to an actual dog attack or bite, were included in the analysis because they revealed emerging themes. These articles made reference to the breed in other ways such as using pit bull attributes to describe an individual's or animal's temperament (9, 15, 25, 28), to stereotype dogs and owners (18, 19), and in reference to dog fighting (27, 29).

³⁹ Retrieved April 2005 from <www.cbc.ca/consumers/market/files/health/dangerousdogs/bylaws>.

Figure 6. Number of Articles that Represented Each Emerging Theme. PB = pit bull.



Overall, the media has created a negative image of the pit bull. This image can influence people’s perceptions and result in the increasing emergence and application of breed specific legislation. Unlike Cohen and Richardson’s (2002) study which found people’s perceptions to be less negative, and revealed their unwillingness to stereotype pit bulls and owners, local reactions to “pit bulls” are quite negative.

CHAPTER FOUR

DIFFERENT MODALITIES OF DOG CONTROL

Research Methodology

To gain a thorough understanding of the emergence, evolution and implications of Breed Specific Legislation multiple methods have been utilized in this study. These methods include:

- An analysis of print media articles and electronic resources related to the “dog problem”
- An analysis of the historical development of legislation related to the “dog problem”
- An exploration of the prevalence and effectiveness of BSL

The prevalence of BSL was illustrated in the form of maps, Internationally, Nationally, and Provincially for British Columbia. A systematic review of the best available evidence on the effectiveness of BSL was subsequently conducted. This analysis included

- An overview of three different modalities of delivering control of the “dog problem”,
- Semi-structured interviews of exemplars of claimsmakers and;
- A compilation of perceptions of BSL proponents and opponents.

It is believed that the accumulation of the multiple methods of data collection will give a comprehensive picture of the dog problem.

The next sections will focus on the modalities of dog control and perceptions of claimsmakers. The remaining methods have been placed throughout the thesis to maintain continuous flow of ideas.

Analysis of the three modalities of dog control

In an attempt to analyze three different modalities of delivering “dog problem” control, three exemplar cities were selected within Canada, and the city-bylaws or governing legislation were obtained. The city of Toronto’s policy and practice under the Ontario’s Provincial Breed Specific Ban will be explored. The municipal Non Breed Specific Restriction in Calgary, Alberta will be compared with Toronto’s approach alongside an examination of Vancouver’s municipal Breed Specific Restriction in British Columbia. The legislation for these three cities was examined, governing themes were identified and a content analysis of the legislation was performed.

Presumption of innocence is a fundamental axiom we live by. However, with regard to BSL, a pit bull is guilty, regardless of the dog’s behaviour. In addition, it is the owner’s responsibility to prove that the suspect “pit bull” is truly not a pit bull. For example, in Toronto, Ontario (ON), there is a breed specific ban. Under this model, a pit bull is automatically guilty and prohibited or restricted (Table 4). This designation has nothing to do with the dog’s behaviour; it is simply due to the dog’s perceived breed. Other breeds of dog have to exhibit “menacing” or dangerous behaviour before they are considered guilty and therefore subject to restrictions or prohibition.

Calgary, Alberta (AB) uses a non-breed specific restricted model. Under this model, any dog can be deemed “vicious” by established criteria based on the dog’s

Table 4. Comparison of Dog Specifications within the Three Breed Specific Categories.

PLACE CATEGORY	PROHIBITION	DOG SPECIFICATIONS		
		PIT BULL	OTHER BREEDS	VICIOUS/ DANGEROUS DOG
Toronto, ON Breed Specific – Ban	<p>Pit Bull Ban Except as permitted by this Act or the regulations, no person shall, (a) own a pit bull; (b) breed a pit bull; (c) transfer a pit bull, whether by sale, gift or otherwise; (d) abandon a pit bull other than to a pound operated by or on behalf of a municipality, Ontario or a designated body; (e) allow a pit bull in his or her possession to stray; (f) import a pit bull into Ontario; or (g) train a pit bull for fighting.</p>	GUILTY	INNOCENT UNTIL PROVEN GUILTY	GUILTY
Calgary, AB Non Breed Specific – Restricted		INNOCENT UNTIL PROVEN GUILTY	INNOCENT UNTIL PROVEN GUILTY	GUILTY
Vancouver, BC Breed Specific – Restricted		GUILTY	INNOCENT UNTIL PROVEN GUILTY	GUILTY

behaviour (Table 4). Therefore, well behaved or well mannered pit bulls are not automatically considered vicious. In other words, they are innocent until proven guilty. Any dog is considered innocent until it has bitten, injured or chased a domestic animal or human without provocation.

In Vancouver, British Columbia, there is a breed specific restriction. Under this model, a pit bull is considered guilty and designated dangerous because it is a pit bull. With this dangerous label, a pit bull's lifestyle is automatically restricted and dictated by the city's requirements (Table 4). A pit bull must be leashed and muzzled in public. In addition, it has to be housed indoors or in the yard within a secure kennel built to specifications indicated in the bylaw. Any other dog is labelled dangerous only once it has attacked or bitten without provocation, other domestic animals or humans.

In summary, pit bulls are automatically restricted in Toronto, ON and Vancouver, BC because of their breed designation. In Calgary, AB, pit bulls have to have been deemed vicious due to their behaviour before they are restricted in any manner. Ontario's Bill 132, the Amendments to the Dog Owner's Liability Act, is solely designated to specifications regarding pit bulls and does not address other dogs' behaviour. The Calgary bylaw, as well as, the Vancouver Animal Control Bylaw, addresses restrictions for dangerous dogs that are not specific to pit bulls.

All three models address the dog problem as the owner's responsibility (Table 5). As such, licensing fees and penalties are imposed on the owners for the dog's bad behaviour. The Vancouver bylaw only implies the owner's responsibility but does not explicitly state it; whereas, owner's responsibility is clearly written in Bill 132 and the Calgary bylaw.

Table 5. Comparison of the Three Categories of Legislation Using Three Exemplar Cities.

Place Category Title of Act	Object of the Legislation	Restrictions for Pit Bulls	Restrictions for other dogs	Owner's Responsibility	Spatial Restrictions	Handling & Storage Restrictions	Search & Seizure	Licensing and Penalties
Toronto, Ontario Provincial Breed Specific – Ban	<p>"Pit bull" means any pit bull terrier, Staffordshire bull terrier, American pit bull terrier, and any dog with physical characteristics of the above mentioned dogs or</p> <p>i) Any dog that has bitten or attacked person or domestic animal,</p> <p>ii) Any dog that behaved in a manner that poses a menace to the safety of person or domestic animals; or</p> <p>iii) Any owner that did not exercise reasonable precautions to prevent dog from i and ii.</p> <p>A pit bull is a restricted pit bull, if</p> <p>a) it is owned by a resident of Ontario on the day subsection 1(14) of the Public Safety Related to Dogs Statute Law Amendment Act, 2004 comes into force; or</p> <p>b) it is born in Ontario before the end of the 90-day period beginning on the day of subsection 1(14) of the Public Safety Related to Dogs Statute Law Amendment Act, 2004 comes into force.</p>	✓		✓		✓	✓	✓
Bill 132 – Amendments to the Dog Owner's Liability Act		✓		✓		✓	✓	✓

Place Category Title of Act	Object of the Legislation	Restrictions for Pit Bulls	Restrictions for other dogs	Owner's Responsibility	Spatial Restrictions	Handling & Storage Restrictions	Search & Seizure	Licensing and Penalties
Calgary, Alberta Municipal Non Breed Specific – Restricted Bylaw Number 23M89	<p>“Vicious” means any dog, whatever its age, whether on public or private property, which has</p> <ul style="list-style-type: none"> i) without provocation, chased, injured or bitten a domestic animal or human; or ii) without provocation, damaged or destroyed any public or private property; or iii) without provocation, threatened or created the reasonable apprehension of a threat to other domestic animals and humans; and which, in the opinion of a Justice presents a threat of serious harm to other domestic animals or humans; or iv) been previously determined to be a vicious dog. 		✓	✓	✓	✓		✓

Place Category Title of Act	Object of the Legislation	Restrictions for Pit Bulls	Restrictions for other dogs	Owner's Responsibility	Spatial Restrictions	Handling & Storage Restrictions	Search & Seizure	Licensing and Penalties
Vancouver, British Columbia Municipal Breed Specific -- Restricted Animal Control By-law No 7528	<p>"Vicious Dog" means</p> <p>i) any dog with a known propensity, tendency or disposition to attack without provocation other domestic animals or humans, or</p> <p>ii) any dog which has bitten another domestic animal or human without provocation, or a Pit Bull Terrier, American Pit Bull Terrier, Staffordshire Bull Terrier, American Staffordshire Terrier or any dog of mixed breeding which includes any of the aforementioned breeds.</p>	✓	✓	✓	✓	✓	✓	✓

Spatial restrictions for dogs in public places were mentioned in both the Calgary and Vancouver bylaws. In Calgary, there are many “dog prohibited” areas including school grounds, playgrounds, sports fields, golf courses, cemeteries, wading or swimming pools and designated pathways. In addition, Calgary has designated two days - July 1 (Canada Day) and the first Monday in August (Heritage Day) where dogs are not allowed in Prince’s Island Park or on the pedestrian bridges to the park. In Vancouver, the only restriction is that dogs are not allowed on any bathing beach or in the water adjacent to a bathing beach. However, dogs are allowed on-leash in all other areas except dog parks.

Handling and storage restrictions were established for “vicious dogs” or in the case of Ontario, vicious dogs and “pit bulls” (Table 4 and 5). The handling and storage restrictions were generally consistent across cities and included when off the property, the dog is securely muzzled, harnessed or leashed, and in control by a person over the age of eighteen years. All three cities have restrictions that include the care of the dog on the owner’s property. These stipulations include being confined indoors or if outdoors, to be locked in a pen specifically constructed to prevent escape.

Search and seizure issues were also addressed in Ontario’s Bill 132 and in Vancouver’s Animal Control Bylaw. Bill 132 provides detailed sections dealing with search and seizure. These sections include Warrant to seize dog, Exigent circumstances, Seizure in public place, Necessary force, and Delivery of seized dog to pound. Most of these stipulations, under the Animal for Research Act, exist so that the pit bull can be maintained, stored and transported until its termination. In Vancouver, a dog can be

seized if it is unlicensed, not muzzled, found unlawfully on the street or running at large. Any dog alleged to have bitten a person can also be seized.

All three cities impose general licensing and penalties. Calgary and Vancouver make special mention of obstruction, when a person attempts to interfere with a Bylaw Enforcement Officer or police officer who is attempting to capture or has captured a dog for impoundment. In addition, Calgary addresses the issue of a summary conviction for any person who contravenes any provision in the bylaw.

Discussion of different modalities of delivering “dog problem” control

After consideration of the modalities of “dog problem” control and the concerns of claimsmakers, it appears that Calgary embraces the ideal policy and practice. Their control modality focuses on prevention. It is proactive not reactive. In Calgary, pit bulls are innocent until proven guilty. A pit bull has to display behaviour that deems it vicious before it is regulated differently, Non Breed Specific Restricted. In addition, the Calgary bylaw focuses on owners’ responsibilities; acknowledging that dog’s behaviour can be controlled by vigilant owners. Calgary has a dog licensing compliance rate of 92%, whereas only 16% of owners license their dogs in Vancouver (Anonymous Animal Behaviour Scientist, 2005). The city of Calgary’s compliance rate provides an excellent opportunity to estimate how many pit bulls are in that area. Actual dog bite data in Calgary can then be collected and used to address empirically the perceived “dog problem”.

If dog bite prevention strategies are to be implemented effectively, we need to pursue further the compilation of dog bite data. Many researchers have focused on dog bite prevention as a solution to the dog problem (Cornwell, 1997; CFHS, 1999;

AVMATF, 2001; Anonymous, 2001; Ozanne-Smith et al., 2001; HSC, 2004). However, as mentioned earlier, there are many problems with this information. Identification of the breed involved in the incident is an obstacle to compiling accurate and useful statistics. (Sacks et al., 1989; Szpakowski et al., 1989; Shewell and Nancarrow, 1991; Gershman et al., 1994; Bandow, 1996; Thompson, 1997; Sacks et al., 2000). There is no genetic test to determine a breed; therefore, the only way to identify a dog's breed is by appearance. However, there are more than 25 breeds of dog, having similar visible characteristics and that are commonly mistaken for pit bulls (Baker and McLennan, 2001). Identification of these breeds is very difficult for experts let alone the average person.

Keeping in mind the problem of identification, there are still some findings that emerge in dog bite data that can be beneficial for dog bite prevention. The general consensus is that there is on average one dog bite related fatality per year, from a total of approximately 5,000,000 dogs in Canada.⁴⁰ There has not been a confirmed unprovoked dog-related fatality officially attributed to a "pit bull" in Canada; and every recent dog-related fatality or dog biting incident in Canada involved dogs and victims (usually children left unsupervised with dogs) who reside within the same home.⁴¹

In addition, many studies on dog bites revealed consistent results with regard to victim status (age, gender), nature of injury, location and context of incident (Wright, 1985; AVMATF, 2001; Ozanne-Smith et al., 2001; CHIRPP, 2002⁴²; Delise, 2002). Ironically, the most significant weakness of dog bite statistics is the identification of the attacker, yet all bite data are categorized by breed. Further confounding this

⁴⁰ Retrieved July 2005 from <www.pbrc.net>.

⁴¹ Ibid. see note 40.

⁴² Retrieved July 2005 from <www.hc-sc.gc.ca/pphb-dspsp/injury-les/chirpp/injreprables/index.html>.

methodological problem, dog bite data are used to propose new dog control legislation such as BSL.

This section demonstrated several modalities that currently exist and offered a vision and prototype for an “ideal” model. The comparison outlines the definitions of “dangerous” or “vicious” dogs and restrictions for each of the three legislation options. In addition, some of the limitations of dog bite prevention strategies were also presented. I will continue with the presentation of opinions and views of BSL by identified claimsmakers in the perceived “dog bite” problem.

CHAPTER FIVE

ANALYSIS OF THE CLAIMSMAKERS' INTERVIEWS

Sampling Strategy and Interview Procedures

Claimsmakers and stakeholders were consulted throughout this research including a policy analyst, animal behaviourist, a breeder/kennel owner, insurance investigator, dog bite victim, and law enforcement such as police officer, Society for the Prevention of Cruelty to Animals (SPCA), and animal control. This selection of claimsmakers was purposive. The initial list of claimsmakers came from the Vancouver's "Dangerous Dogs Protection Strategy" and two were identified from the media. Each of these claimsmakers' experience and opinions were felt to be vital to understanding the perceived "dog problem". A list of these potential interviewees and their contact information was constructed and recorded. The specific breeder/kennel owner, veterinarian, victim, and police officer fit the established role criteria, were referred, and were willing to participate.

Each participant was contacted by the researcher through electronic mail. A hard copy letter outlining the research and soliciting participation followed in the mail. The introductory letter summarized the study, outlined the procedures, and informed participants of the risk of participating in the study (Appendix B). In all but two cases, the potential interviewee responded to the electronic mail request. They expressed interest in the study and agreed to an interview. In the two cases, an alternative interviewee was suggested. Subsequently, only one of the identified claimsmakers was

not interviewed. All procedures were approved by the Simon Fraser University Ethics Committee.

Each interview took place at the location that the interviewee provided. In each instance, the interview occurred in a casual atmosphere. Initially, rapport was created, which put the interviewee at ease and created a feeling of trust (Legard, Keegan, and Ward, 2003). The introductory letter was reviewed and the consent form was presented to each participant. The participant consent form outlined the voluntary informed consent process, issues of confidentiality and contact information (Appendix C).

The interviews averaged 30 minutes. In one instance, the interview took over one hour. During this interview, additional information emerged from the standard interview questions which offered ideas for new research avenues. In general, the semi-structured interview questions varied in relation to the relevance to each participant. The researcher used follow-up questions, which would attempt to obtain a profound and complete understanding of the interviewee's meaning (Legard, et al., 2003).

The structure of the interview was based on templates offered by Rubin and Rubin (1995) and Legard, et al. (2003). The six stages of the interview included arrival, introducing the research; beginning, during, ending and after the interview (Appendix D). Brief notes were taken during the interview. The interviews were also tape recorded. Subsequently, a copy of the relevant section of the thesis was emailed to all interviewees soliciting member validation in an effort to prevent misrepresentation of the participants' views and perspectives. At this time, the Subject Feedback Form was also attached. This form provided interviewees with an opportunity to comment on the study (Appendix E).

Results of Claimsmakers' Interviews

A total of eight interviews took place throughout the month of August 2005. The interviewees had a total of over 150 years of expertise with dogs in either a personal or professional capacity. All interviewees had been dog owners including two who had owned boxers. Both of these owners could now be affected by BSL, as the boxer is a breed that is commonly confused with pit bulls. All interviewees specialized in dog related careers, had grown up with dogs and had been involved with dogs in a professional capacity such as instructing, agility, obedience and many other activities for dogs.

Participants included eight claimsmakers from various different agencies and organizations. Dr. Stanley Coren is an Animal Behaviourist at the University of British Columbia, who is dually trained in animals first and humans second. He has over fifty years of expertise in dogs, obedience and human/canine relationships. Dr. Coren's interview occurred over the phone and was not recorded. The consent form was emailed to him, signed and returned before the interview began. Detailed notes were taken throughout his interview.

Nancy Clay has been with Vancouver Animal Control for three and a half years. She has been involved actively as an obedience instructor and animal behavioural consultant since the 1970s. Carolyn Sinclair has been a Special Investigation Unit Manager with the Insurance Bureau of Canada for over 16 years. She noted an increase in the last five to seven years in the amount of dog-related incidents that require police reaction and charge. Dr. Rob Ashburner, a veterinarian with 18 years of experience

works at West King Edward Animal Clinic in Vancouver, British Columbia. He frequently assists the SPCA and animal control.

Darla Williams and Pete Canon of Beauty and the Beast Kennels (B & B Kennels) have over 40 years of experience combined. They specialize in dog breeding, and terriers in general. B & B Kennels has been named Kennel of the Year for the last five years by the American Dog Breeders Association. Other participants included an 18 year veteran of a municipal police department in the Lower Mainland, an animal behaviour scientist with over 20 years canine experience, and a victim of multiple dog bite incidents.

It is crucial to note that the interviewees are by no means intended to represent the views of their respective organizations, but rather, the intent was to discover the views of typical claimsmakers involved in the “dog problem” debate. The overall goal of the interviews was to gain an insight into the perceptions of the stakeholders and to gain an understanding of the dog problem.

The majority of the interviewees indicated that breed specific legislation meant that one or more breeds were targeted for restrictions due to the perceived “dangerousness” or “viciousness”. Two of the interviewees were recently introduced to breed specific legislation. Only one of the participants has not been affected by the Breed Specific Legislation debate. The others have been familiar with the legislative framework for about fifteen to twenty years. The majority of the interviewees believed that the origins or catalysts for breed specific legislation was a “quick fix” for legislators responding to the media sensationalized depiction of a few incidents. Dr. Coren stated

that the genesis of BSL was “Knee-jerk response from legislators, a quick fix for an incident”.

All interviewees felt that there had been a recent increase and prevalence of breed specific legislation. Four participants indicated that the media was solely responsible for the increased prevalence of BSL. Dr. Coren believed that the media “over inflated the number of instances.... and used media techniques to sell papers”. Darla from B & B Kennels concluded that the media’s sensationalization “will be the death of the breed”. The other half of the interviewees had first hand experience dealing with the media. These people perceived a lack of responsible reporting by the media. The overall consensus was that the media inflates the number of incidents. Once again, stressing the importance of exploring the role of media in the potential creation of moral panic. Two respondents felt that the introduction of the breed ban in Ontario last year instigated the BSL discussions here on the west coast.

Perceptions varied as to the objectives of BSL (Table 6). Most interestingly, Dr. Coren alluded to the process that BSL was a quick solution for politicians who are trying to appeal to a specific voting population. He identified this voting population as mothers. Only three of the interviewees felt that the objectives of BSL were public safety and to reduce harmful dog bites.

Nancy with Animal Control, and Darla of B & B Kennels acknowledged that one of the implicit objectives of BSL was to eliminate “pit bulls”. All of the participants felt that BSL would not achieve the explicit objectives of preventing dog bites and increasing safety in human-animal interactions. Only Carolyn, a Special Investigation Unit Manager felt that BSL was warranted. The police officer felt that more scientific

Table 6 Summary of Interview Questions.

Interview Questions	Insurance Carolyn Sinclair	Police Officer	Vet Dr. Rob Ashburner	Animal Control Nancy Clay	Animal Behaviour Scientist	Victim	Animal Behaviouralist Dr. Stanley Coren	Breeder/ Kennel B & B Kennels
How much experience with dogs or animal control, do you have?	>12 years	18 years	21 years	3 in current position, >20 years as trainer	>10 years in current capacity, <20 years total	N/A	>10 years in current capacity, >20 years dog owner	>40 years between the owners
Are you or have you been a dog owner?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
What does breed specific legislation mean to you?	Certain breeds targeted- result of incident	Legislation targeting specific breeds	Characterization of certain breeds as being vicious and some as not	Certain breeds are determined dangerous	Identifies one or more breeds that might be potentially more dangerous than other breeds	Putting certain restrictions on owning a certain breed	Problematic attempt to solve a problem	Terror, the potential for loss of my dogs
When was the first time you heard of BSL?	About 1990, case in 1983	Just recently	At least 15 years ago	Mid 1990s	Back in the late 80s	Last year, Ontario's breed ban	20-30 years ago in Germany; 1980s in BC	1984-85

Interview Questions	Insurance Carolyn Sinclair	Police Officer	Vet Dr. Rob Ashburner	Animal Control Nancy Clay	Animal Behaviour Scientist	Victim	Animal Behaviouralist Dr. Stanley Coren	Breeder/ Kennel B & B Kennels
Where do you think BSL came from? Catalysts? Origins?	Lack of research, US bylaws	Number of breed specific incidents in the media	Media attention to dangerous animals	Quick fix	It seemed an obvious solution to a lot of people's perception of attacks of certain breeds	The public's fear, hear it on the news about dogs biting	Knee-jerk response from legislators, quick fix for an incident	Media sensationalized certain incidences
Do you feel that there has been more attention to BSL as of late? If yes, why?	Yes, popularity of having a "vicious" animal	Yes, media attention and this research	Yes	Yes, media	Yes, in the last year, due to discussion of the Ontario breed ban	Yes, the Ontario ban has brought attention to Vancouver	Yes, news has created hysteria	Yes, ignorance
What do you think the objectives of BSL are?	Make decisions specific to that breed	Restrict the breed and to promote responsible ownership	Trying to control a vicious animals	An attempt to deal with an element by eliminating the pit bull	Public safety, to protect the public, minimize the risk of being bitten badly	Reduce the number of dog attacks, public safety	Politicians needs votes – so they are going to appeal to mothers	To eliminate a breed

Interview Questions	Insurance Carolyn Sinclair	Police Officer	Vet Dr. Rob Ashburner	Animal Control Nancy Clay	Animal Behaviour Scientist	Victim	Animal Behaviouralist Dr. Stanley Coren	Breeder/ Kennel B & B Kennels
Do you feel BSL will accomplish these objectives?	No	No	No	No	No	No	No	Yes
Do you feel BSL is warranted?	Yes	Not enough information to make informed decision	No	No	No	No	No	No
Can you suggest any alternative models for perceived animal control issues?	More owner accountability Create profiles of normal dog's behaviour (baseline)	If dog bites, destruction of dog; promote responsible ownership	Models that will target the problem	"Walk softly and carry a big stick" Getting laws that will work	Need to concern genetics, psychiatry and a better way to identify medical causes of aggression problems More experts for vets to refer problem behaviour	Responsible ownership	Education, More responsible breeders	Education Promote responsible owners Ability for breeders to access personal information of potential buyers

Interview Questions	Insurance Carolyn Sinclair	Police Officer	Vet Dr. Rob Ashburner	Animal Control Nancy Clay	Animal Behaviour Scientist	Victim	Animal Behaviouralist Dr. Stanley Coren	Breeder/ Kennel B & B Kennels
Has the media influenced your opinion/perception of BSL?	Yes	Yes	No	No	No	No	Yes, over inflated the number of instances	Yes, it's going to be the death of the breed
Has this BSL debate affected you in what ways?	Yes	Seeing more of these dogs	Little bit, more skeptical	Only more convinced that we need to deal with problem dogs	Anti-dog feeling in Vancouver. Environment is not conducive to owning a dog.	No	Called as an expert more frequently	More stringent screening of potential buyers, won't travel to Ontario

evidence on characteristics of “pit bulls” was needed before a decision could be reached.

A number of alternative models for animal control were suggested by interviewees (Table 6). An in-depth interpretation of these alternative models is located in the next chapter. Not surprisingly, regardless of the interviewees’ perceptions of BSL, responsible ownership was mentioned as the desired focus of any alternative model.

Discussion of the claimsmakers’ interviews

Although the identified interviewees represent a portion of the claimmakers involved in the dog problem, many themes were reiterated. None of the participants denied that a dog bite problem exists; however, most felt that designating certain breeds as dangerous would not solve the problem. In fact, identifying a “pit bull” as a dangerous dog, may give the public a false sense of security; because there are a large number of dogs that are not pit bulls which are “dangerous” or “vicious”. With one in every four households having a dog, the potential for dog bite incidents is enormous (Coren, 2005). Statistics show that in Canada there is about one fatal dog bite a year and in the United States it is approximately 12 per year (Coren, 2005).

Many alternatives for dog control were suggested. Responsible ownership and education were the most frequent suggestions. All interviewees believed it is the treatment of dogs by their owners, and not the dog or breed itself, which contributes to aggression and possible dog bites. Owners need to be educated about the characteristics of certain dogs or breeds that they own and their particular requirements. Information on general care, requirements, and dog behaviour need to be available to everybody.

Dr. Coren teaches a one hour course on “Bite Proofing: The Dos and Don’ts” in grade three classes throughout the Lower Mainland. There has been an 80 % decrease in

the likelihood that these children are bitten, in addition to a 60% decrease in the likelihood of a member of the child's family sustaining a dog-related injury (Coren, 2005a). Coren (2005) indicates that there is a decrease in dog bites of greater than 95% when the education of dogs and people are combined.

Some claimsmakers suggested that there should be licensing restrictions for larger dogs. For example, it was suggested that every dog over an arbitrary size, such as 35 lbs, must attend obedience classes for one year and have to be owned by someone older than 18 years. In addition, the owner must pay additional yearly licensing fees per pound over the arbitrary size. It was suggested that animal or the SPCA personnel should have the right to ensure regulatory inspection, including dog condition and housing, and failure to meet regulations results in loss of the dog.

Others believed that targeting breeders would be a good focal point. It was suggested that if a breeder had two or more incidents with their dogs, that the breeding license should be revoked. This would, theoretically, make breeders more responsible for the temperament of the dogs they are producing and make them responsible for potential buyers by implementing a screening process. Darla of B & B Kennels agrees that breeders should be more responsible but finds that it is difficult to evaluate potential "puppy people". "Registered dog breeders should have access to information regarding potential buyers" (Williams, 2005). Access to a database that has the owner's dog history and criminal record was suggested. She also believes that "recreational or back yard breeders are not breeding to improve the breed or selecting for desired character traits; they breed for dollars, and for fads" (Williams, 2005). She recommended mandatory screening process of buyers and enforced accountability of back yard breeders.

From the insurance perspective, dogs are a liability, particularly those that are “apparently” dangerous (Hattaway, 1997). Reduction of risk requires the average dog owner to practice more responsible ownership. Carolyn, the Special Investigation Unit Manager, suggests that having an assessment of the dog, which documents its natural characteristics, be a standard process. In the event of an incident, there would be a record of the dog’s normal behaviour which would serve as a baseline to make comparisons. Creating profiles of perceived “dangerous dogs” could possibly result in lower insurance premiums. Wilson and Wapner (2000) report that companies are reasonable about their insurance policies. They can be enticed to cover dogs that are not inherently aggressive, if letters from veterinarians or documentation are received to help assure that a dog’s behaviour is safe.

The comments from the police officer were informative in the sense, they gave some insight into his perception of pit bulls. Encountering a dog, during a response to a call, can be a concern for an officer. Dogs that have a reputation of being aggressive or large dogs may alter his procedure and heighten his alertness. The police officer admits to only seeing “the worst of the worst” or the underbelly of dog ownership in the city and in most cases he doesn’t get an opportunity to see responsible ownership. In addition, pit bulls appear to have some sort of status of “machoness”. “The dog almost seems like a Nike logo to a certain segment of the population, which ownership perpetuates” (Anonymous Police Officer, 2005). When dangerous dogs, threaten the public, the police priority is to maintain public safety, even if that requires killing the dog.

The animal behaviour scientist provided a unique perspective into dog aggression. The scientist recommended that an understanding of genetics and psychiatry in dogs

would be beneficial. In addition, “there needs to be methods of identifying medical causes of aggression problems and experts available for consultation surrounding aggression cases” (Anonymous Animal Behaviour Scientist, 2005). Currently, “punishment” methods are used, which may actually instigate aggressive problems. “Society needs to understand and quantify what is an acceptable level of aggression” and more research is suggested (Anonymous Animal Behaviour Scientist, 2005).

Most of the interviewees agree that the media has created hysteria, taking one or two incidents and portraying dog attacks as common occurrences. Most of the interviewees acknowledged that the media has constructed the “pit bull problem” and subsequently the panic that was created. When there are no incidences in Canada, media will recycle news from the United States just to keep it in the minds of citizens (Coren, 2005). Pit bull attacks are newsworthy. They are often graphic, frequently depicting a mauled child or growling dog which is quite effective. Secondly, regardless of the accuracy of the article, “dogs don’t sue” (Coren, 2005).

Nancy Clay of Animal Control, proposed the ideal motto, which focuses on two major factors of the dog bite problem: “walk softly and carry a big stick”. For her, “Walk softly” refers to being supportive of people who are dog owners. She advocates encouraging and promoting responsible ownership by providing people with information, giving them access to places where they can be taught, helping them teach their dogs basic obedience, and giving them whatever they need to be responsible owners. Nancy explained the phrase “Carry the big stick” as relating to heavy enforcement. “There needs to be enough enforcement that when we can deal with offenders directly, it means something” (Clay, 2005). For her, “if your dog bites,

whether it is a pit bull or a Yorkshire terrier, there needs to be serious consequences” (Clay, 2005). That way, the legislation stops targeting breeds of dogs and starts paying attention to those dogs causing the problems or the owners that are causing the problems.

This section presented the opinions and views of BSL by identified claimsmakers in the perceived “dog bite” problem. The participants provided valuable information about their perception of the dog problem and alternative forms of dog control. In addition, most of the claimsmakers acknowledged the influence of the media in the perceived “pit bull problem” and recognized the construction of the panic. I will now continue with the discussion and summary of proponents and opponents of BSL regarding the dog control problem.

CHAPTER SIX

DISCUSSION AND CONCLUSION

A Summary of Proponents and Opponents of BSL

Many of the organizations and associations concerned with the emergence of Breed Specific Legislation have opinions that reinforce the statements and ideas derived from the interviews with local claimsmakers. The diversity of opinions and views were reviewed for this thesis. The following table represents a sample of the views of both proponents and opponents of BSL, which was an attempt to present typical views of concerned organizations and claimsmakers (Table 7).

Table 7. Proponents' and Opponents' Views of Breed Specific Legislation.⁴³

Animal-Related Organization/ or Claimsmaker	Policy Statement & Reasoning
American Canine Foundation	Does not support breed specific legislation. There is no scientific proof that genetics causes a breed to be aggressive, vicious, or dangerous. Irresponsible owner are to blame for the behaviour of dogs that are aggressive, vicious or dangerous. Breed specific legislation is an injustice, as is genocide of a specific breed of dog.
Canada Safety Council	Does not recommend breed bans. Dogs that are well cared for, properly trained and socialized do not pose the same threat as dogs that are abused. Owners of dogs found guilty of dangerous acts should be held accountable in judicial or civil court for the acts of their animals.
Canadian Veterinary Medical Association	Supports dangerous dog legislation provided that it does not refer to specific breeds.

⁴³ Modified from Straka (2005). To supplement this report, information was added from the following websites: from <www.akc.org> and <www.goodpooch.com>. Retrieved May and April 2005, respectively.

Animal-Related Organization/ or Claimsmaker	Policy Statement & Reasoning
American Veterinary Medical Association	Supports dangerous animal legislation by state, county, or municipal governments provided that the legislation does not refer to specific breeds or classes of animals. This legislation should be directed at fostering safety and protection of the general public from animals classified as dangerous.
Centers for Disease Control	Breed specific approaches to the control of dog bites do not address the issue that many breeds are involved in the problem and that most of the factors contributing to dog bites are related to the level of responsibility exercised by dog owners. Furthermore, tethered dogs are more likely to bite than untethered dogs.
Canadian Kennel Club (CKC)	<p>Does not support breed specific legislation but does support dangerous/vicious legislation in order to provide the most appropriate protection for the general public and the innocent dog owner. We are opposed to breed specific legislation in any form, anywhere in this country or internationally. It is both short sighted and unacceptable, anywhere.</p> <p>Opposition to breed specific legislation is based on the fact that a dog's temperament is a product of many factors, not just by breed alone. Thus, BSL may include dogs which are not dangerous, while excluding those which are. The label of "vicious" and/or "dangerous" should be determined by an individual dog's behaviour, and not by the breed or appearance.</p> <p>The CKC believes that dog owners should be responsible for the actions of their dogs, and that laws should impose stern penalties on irresponsible owners, establish a well defined procedure for dealing with dogs proven to be dangerous, which includes, if necessary, the destruction of such animals. The CKC endorses and encourages the enforcement of leash laws; "Running at large" laws; Confinement on private property – childproof from the outside and dog-proof from the inside.</p>
National Animal Interest Alliance & the National Animal Control Association	Opposes breed specific legislation because they studied the issue and recognize that targeting breeds simply does not work
Journal of the American Veterinary Medical Association	Because of the difficulties inherent in determining a dog's breed with certainty, enforcement of breed specific ordinances raises constitutional and practical issues. Many practical alternatives to breed specific ordinances exist and hold promise for prevention of dog bites.
Pit Bull Rescue Central (PBRC)	Fully supports reasonable, non breed specific, dangerous dog laws; laws that will protect responsible owner's rights and promote a safe community for all residents. PBRC does not support any form of breed specific legislation, which targets specific breed(s) for restrictions or bans. We know that BSL is ineffective, costly to residents and unfair to responsible dog owners.
North American Flyball Association	Opposes breed bans. BSL is a band-aid solution and does little to protect the public and only serves to shift the problem to another breed down the road.

Animal-Related Organization/ or Claimsmaker	Policy Statement & Reasoning
BC SPCA	<p>Dog bites are a serious public safety problem. Their interest in this issue relates directly to the goal of creating humane communities where people and animals enrich each other's lives. However, BC SPA opposes breed banning as a strategy for achieving this goal. Rather, it echoes the voices of researchers on the Veterinary Task Force on Canine Aggression, the National Council on Pet Population Study and other reputable groups stating that</p> <ul style="list-style-type: none"> • Breed banning is a simplistic and ineffective solution to a multi-faceted problem • Singling out a few breeds for control only gives a false sense of accomplished that ignores the true scope of the problem • Breed banning is not a responsible approach to protect our communities' citizens and other dogs at risk of falling victim in an aggressive dog attack • Breed banning is highly subjective in nature and does nothing to punish irresponsible guardians who breed and/or raise aggressive animals. <p>The BC SPCA supports a cooperative effort between humane organizations, municipalities throughout BC, and the provincial government to develop a progressive and humane Community Animal Welfare Strategy. Working together we believe we can find an effective and long-term solution to the problem of aggressive dogs in our communities.</p>
Vancouver Dog Owners Association	<p>Believes that it is not breeds that are bad, but individual, poorly trained animals. They do not support a ban on any particular breed at this time, but continue to encourage the City of Vancouver to continue to support the responsible dog owner's program, provide more low cost training programs for people with pets, and to provide more safe areas for dogs to play off-leash without being a threat to other park users.</p>
Pit Bulls for People	<p>Opposes BSL. Crack down on breeders, muzzle dogs, increase fines, license dogs and even dog owners, but don't ban breeds based on headlines.</p>
Humane Society of Canada	<p>Does not support banning dogs referred to as pit bulls because they don't believe it will solve the problem of dog bites and even worse will offer up a false sense of security.</p>
Dr. Nitschke, PhD.	<p>"Variability in behaviour has a wider range within a breed than between breeds. Within the discipline of Psychobiology and Animal Behaviour there is no data from empirically supported studies, published in refereed scientific literature, to support the idea that one breed of dog is "vicious". The adult behaviour of a domestic dog is determined overwhelming by its experiential history, environmental management and training".</p>

Animal-Related Organization/ or Claimsmaker	Policy Statement & Reasoning
HugaBulls	Believes that there are progressive ways to write legislation that satisfy both "camps", namely protecting the public from any aggressive dog, regardless of breed.
American Kennel Club (AKC)	<p>Opposes breed specific legislation for these reasons:</p> <ul style="list-style-type: none"> • Breed specific laws are not the best way to protect communities. An owner intent on using his/her dogs for malicious purposes will simply be able to switch to another type of dog and continue to jeopardize public safety. The list of regulated breeds or types could grow every year without ever addressing responsible dog ownership. Deeds, not the breeds, should be addressed. • Breed specific laws are hard to enforce. Breed identification requires expert knowledge of the individual breeds, placing great burden on local officials. • Breed specific laws are unfair to responsible owners. • Breed specific laws increase costs for the community. Shelter costs for the community could rise as citizens abandon targeted breeds, and adoptable dogs of the targeted breeds would be euthanized at the shelter. • In some instances, breed specific laws have been overturned on constitutional grounds. Because of proper identification of what dogs would be included is difficult or impossible, the law may be deemed unconstitutionally vague. It may also be found to involve the taking of property without due process. • Strongly enforced animal control laws (such as leash laws), generic guidelines on dealing with dangerous dogs and increased public education efforts to promote responsible dog ownership are all better ways to protect communities from dangerous animals. • Since dogs must be unaltered to participate in conformation dog show and other performance events, many responsible dog owners will be forced to give up a sport that both they and their canine companions enjoy.
Alice Knechtel	Owner of a dog who was attacked by a pit bull in Ontario. A pit bull jumped from a car and leaped at my dog. The pit bull threw him around. The owner came and took the dog away. Because the dog was not injured, just scared, the police could not do anything to the dog. I'm for the bill. I want it (Bill 132) passed and I want these pit bulls taken away. It's the most dangerous dog I've ever seen. It really is frightening.

Animal-Related Organization/ or Claimsmaker	Policy Statement & Reasoning
National Companion Animal Coalition (NCAN)	<p>The NCAN does not support breed specific bans as an effective tool to protect the public from vicious or dangerous dogs. Breed specific bans are problematic:</p> <ul style="list-style-type: none"> • There is no objective method of establishing of cross bred dogs which are not registered with a national kennel club. In addition, many municipalities do not have access to qualified persons that could accurately perform breed identification. • Dangerous dogs may exist in every breed and breed cross. • Dangerous temperament and behaviour are products of many factors other than just breed. • This type of ban will result in exclusion of some dangerous dogs, and inclusion of dogs that are not dangerous. • The incidence of dog bites has not been shown to be reduced by restricting the ownership of certain dog breeds.
Marci Grebing, BS Micro Biology,	<p>Professional K9 trainer, American pit bull owner</p> <p>There is no scientific proof that any breed is inherently more aggressive or vicious than any other breed.....</p> <p>Assigning an individual dog to a certain breed is not possible using current scientific knowledge or techniques.</p> <p>Factors that may influence that specific danger of dog bite/attack imposed by an individual dog include</p> <p>(1) the theoretical danger associated with keeping an animal and</p> <p>(2) the particular danger associated with an individual animal, the latter being the result of individual characteristics including temperament, body characteristics of a dog, the individual personality of the dog owner, the accident situation, and the personality of the victim.</p> <p>Dogs that have a history of (1) inappropriate bite, (2) chasing and taking down livestock or game, or (3) aggressively jumping up on people are to be considered particularly dangerous when compared to other dogs with no such history.</p>
John and Donna Trempe	<p>Parents of Courtney. Aren't so sure banning breeds is the answer. "There's always going to be the good and the bad, in any breed.... I don't think you're ever going to ban every dog that's going to bite, you should be responsible for it."</p>

Animal-Related Organization/ or Claimsmaker	Policy Statement & Reasoning
Sylvia Humphries	<p>I'm for the proposed Bill 132 regarding banning pit bull dogs and the proposed stiffer penalties for irresponsible dog owners. My husband, myself and my 12 year old son were in a vehicle that had parked next to a pickup truck in a plaza parking lot. My son started towards the grocery store, and a dog broke open the cap window, ran and lunged at the boy, knocking him down and biting into his upper thigh. The boy's pants were torn and there were six bleeding puncture wounds in his leg. The dog ran loose for several moments until a young girl eventually captured it.</p> <p>They contacted the proper authorities but nothing could be done and inquiries were not answered. From this experience, the Humphries have learned</p> <ul style="list-style-type: none"> • pit bulls are dangerous • pit bulls will attack when unprovoked • there are irresponsible dog owners • the combination of a pit bull and an irresponsible dog owner creates a known threat to society • there appears to be no requirement for a dog owner to have training if he or she owns a dangerous dog • there appears to be no police obligation to lay charges in the case of dog attacks or to provide any follow-up for the attacked person or their family • one must be a self-advocate to report and to initiate an investigation of the attacking dog. There is no automatic procedure • there is no tracking system that would tell us if this dog has attacked before or since, and • there is no requirement for a dog owner to have insurance.⁴⁴

Opponents of BSL, argue that breed bans are costly and ineffective and that they will not achieve their intended goal of increasing public safety around dogs. Many of the proponents and even some of the opponents agreed with the claimsmakers and acknowledged that the perceived “dog bite” problem is a complex issue with no easy

⁴⁴ Legislative Assembly of Ontario, Official Report of Debates (Hansard), Thursday 27 January 2005. Standing Committee on the Legislative Assembly, Public Safety Related to Dogs Statute Law Amendment Act, 2005. Retrieved July 2005 from <www.ontla.on.ca>.

solution. Evidence of the complexity of the problem is substantiated by the multiple potential solutions suggested by the animal-related organizations or claimsmakers. However, most opponents of BSL appear to support the view that dangerous dogs are a product of many contributing factors including inappropriate breed choice for owner lifestyle, a lack of appropriate training and socialization, mistreatment, failure to spay or neuter, and the genetic makeup as a result of inappropriate breeding practices or intentional breeding for aggressive traits.⁴⁵

An Integrated Approach

Many researchers have focused on dog bite prevention as a solution to the dog problem. (HSC, 2004; AVMATF, 2001; Anonymous, 2001; Ozanne-Smith et al., 2001; CFHS, 1999; Cornwell, 1997; Rieck, 1997). Provided below is a compilation of recommendations from Canadian and US municipalities regarding dangerous or vicious dogs and bite prevention.⁴⁶ The recommendations also include alternatives suggested by the interviewed claimsmakers. It appears that the recommendations can be classified into four categories of action strategies: legal remedies, prevention and education, breeding strategies and research.

Most of the recommendations fit in the category of legal remedies. The consensus was for stronger enforcement of existing dangerous dog laws. If laws did not exist, it was suggested to lobby for protection from untrained and unsupervised dogs of any breed or mix. This broad-based effort protects all citizens as any dog can bite and be a nuisance when owned by an irresponsible individual. Those who would deliberately

⁴⁵ Retrieved July 2005 from <www.acf2004.tripod.com>.

⁴⁶ Retrieved July 2005 from <www.acf2004.tripod.com> and <www.pbrc.net/breedspecific.html>.

train a dog to act aggressively towards people or other animals, or to use dogs in the commission of a felony or misdemeanor should face additional penalties. Dog licensing should be based on size. Every dog over an arbitrary size, such as 35 lbs, must attend obedience classes for one year, have to be owned by someone older than 18 years, and the owner must pay additional yearly licensing fees per pound over the arbitrary size.

Any new laws that need to be developed in conjunction with stronger animal welfare legislation will ensure that circumstances of abuse and neglect that often contribute to a dog's aggressive behaviour can also be addressed before the attacks begin. In addition, there should be significant fines for owners of dogs involved in a bite incident. New dog laws should be the result of methodical and unemotional study of the facts and circumstances leading up to a problem. For example, well-established guidelines should be created for professional temperament assessment of a dog as dangerous or vicious. In addition, a protocol needs to be devised that will deal with dogs that have been professionally assessed as dangerous or vicious (e.g., euthanasia or confinement).

Also, the rights of all citizens need to be protected with nuisance ordinances such as anti-barking, pooper scooper regulations and leash laws. Confinement laws need to be enforced including leash laws, running at large, property confinement, and use of muzzles. Animal control or the SPCA personnel should have the right to ensure regulatory inspection, including dog condition and housing and penalties for non-compliance. There should be no transferring of adjudicated dangerous or vicious dogs to another owner or jurisdiction where the previous behaviour is unknown.

Another area of recommendations included prevention and education strategies. Responsible ownership should be encouraged and promoted. Dog owners should have available information, access to places where they can be taught, and whatever else they need to be a responsible owner. In addition, owners need to be aware of the characteristics of the dogs they own and their particular requirements. Also elementary schools should have a standard pet and dog behaviour course, such as “Bite Proofing: The Dos and Don’ts”.

Many breeding strategies were also suggested as alternatives to dog control. There should be significant incentives for owners to spay/neuter, socialize, and train their pets. If a breeder had two or more incidents with their dogs, then the breeding license should be revoked. Hopefully, this would make breeders more responsible for the dogs they are producing and selling. In addition, registered dog breeders should have access to information regarding potential buyers including the owner’s dog history and criminal record.

Finally, most claimsmakers realized the importance of research and evidence in the policy making process. Research needs to be conducted and databases developed. Even if facts and figures are collected in individual communities, it is of no value to others, if it can not be easily located. Experts need to be utilized. A true expert can cite the source of his or her opinions either in professional literature or through their own documented research which conforms to commonly accepted scientific method. There needs to be assessments of the dog. Documentation of the dog’s natural characteristics should be a standard process. In the event of an incident, there would be a record of the dog’s normal behaviour, serving as a baseline and comparison. Methods of identifying

medical causes of aggression should be implemented. There is a need for available experts for aggression case referrals. Finally, society needs to understand and quantify what is an acceptable level of aggression and more research is required.

The preceding compilation represents the diverse opinions and views on BSL, those that frame the debate over which alternatives will be more effective. All alternatives to controlling the dog problem followed four major strategies which included legal remedies, prevention and education, breeding strategies, and research. The call for research complements the need for evidence based policy. Even within the first three strategies: legal remedies, prevention and education and breeding strategies, research was a strong component of most of the recommendations. Once again, the complexity of the dog bite problem is evident. An understanding of all the facets of the problem and all the feasible alternatives must be considered before new policy is implemented.

Conclusions

This thesis presented an exploratory analysis of the emergence and implications of Breed Specific Legislation. The significance of animal human relations in the criminological enterprise was offered. I presented a chronological explanation of why, in some cases, we have gone from man's best friend to a label of "dangerous dog" and hence, the consideration of Breed Specific Legislation.

By examining the history, origin, and prevalence of BSL, an understanding of the legislation and the intended function emerged. In particular, the accusation that Breed Specific Legislation was a quick regulatory response to the media's amplification, the claimsmakers' protest and public outcry over the pit bull problem was explored.

In order to compare alternative dog control methods, three different modalities of delivering “dog problem” control were presented. Calgary’s Non-breed Specific Restricted model, where a dangerous dog has to be deemed dangerous due to the dog’s behaviour and not the breed, provided the ideal dog control methods. In addition to having the most lenient breed specific legislation, it had the highest licensing compliance rate in Canada with 92 % (Anonymous Animal Behaviour Scientist, 2005).

The semi-structured interviews of exemplar claimsmakers provided valuable information about their perceptions of the dog problem and alternative forms of dog control. The compilation of BSL proponents’ and opponents’ views reinforced most of the alternative dog control measures suggested by the claimsmakers.

The little data that exist on BSL demonstrate that it is not very effective. Ironically, breed is the foundation for breed specific legislation; however, the pit bull, which has become defined as the “problem dog” in the media is not a recognized breed. Pit bull is an umbrella term used to describe a number of dogs that have a similar appearance. There is no scientific way to distinguish breeds which makes breed specific legislation very impractical and potentially ineffective at reducing dog bites or improving animal human safety.

In Canada, the number of pit bull attacks is very few. If a national pit bull ban is enforced, for example, the potential dog bites might only be reduced by 3-5% (Anonymous Animal Behaviour Scientist, 2005). Banning or restricting pit bulls would not address the underlying problems that cause dogs to be aggressive. We need to understand what causes dogs to be aggressive which includes research on genetics as well as environmental contexts and impacts.

Most of the claimsmaker interviewees reiterated the same information about the perceived “dog bite problem” and suggested alternative methods. I sensed frustration and exhaustion in the interviewees around this debate. Politicians need to listen to the facts and evidence presented to them by experts; and to use this information when making decisions.

Resorting to Breed Specific Legislation appears to be a knee-jerk reaction. Suitable alternatives to the ban need to be reconsidered. However, recent public outcry over pit bulls, in part, led to a hastily implemented pit bull ban in Ontario, the most extreme form of BSL. The ban was enacted without exhaustive research on its implications and potential effectiveness in reducing harm. Implementation of a breed ban is a repeat of the events which occurred in the UK in 1991 with the Dangerous Dog Act. Many claimsmakers interviewed referred to this slippery slope dilemma. For example, in 1999 in Berlin a half dozen dog breeds were banned and within two years the total of banned breeds was up to 20 (Coren, 2005). We need to focus on the problem: which is dogs that are aggressive and bite. Banning pit bulls is not the solution.

In summary, I explored both the contours of the construction of the “dog problem” and proposed solutions. I focused on BSL, one of the proposed solutions. I argued for the need to deconstruct the offered definition of the problem, especially in relation to the role of media in order to reveal why BSL might not be the most effective policy/practice to address the desired objective of animal human safety. Instead of creating panic, the media could play a more effective role by educating the public on dog safety, as well as conveying research results to the community.

I also offered a survey of opinions and views, which make up the debate over proposed solutions and gave examples of different approaches. In the end, I argued that effective policy and practice can not be divorced from a thorough understanding of how the problem is constructed and how this problem construction dictates solutions. I advocated that a multi-pronged or integrated approach to prevention and reduction of harm must be explored in the context of further research. This approach, the combination of ‘smart’ legislation, a prevention and education foci, breeding regulations and empirical research, is necessary to genuinely impact animal human safety.

**Appendix A. Details regarding each article highlighting key elements of moral panic and supporting statements.
 N=negative, Ne=neutral, P=positive.**

Date	Image	Location	Claimsmakers	Theme #1 Bad Reputation	Theme #2 Bad Owners	Theme #3 Growing Problem	Theme #4 Metaphors
Aug. 6	N	BC	Animal Welfare Officers North Vancouver RCMP Provincial Courts	Guard dogs	Irresponsible owners		
Aug. 14	N	BC	North Vancouver RCMP Provincial Courts	Vicious dog Severity of injuries			
Aug. 27	N	BC	North Vancouver RCMP Provincial Courts	Vicious dog			
Sept. 1	Ne	BC	BC Solicitor General, Rich Coleman	Tenacious – 16 shots required to stop dog	Irresponsible owners	Reiterate previous ON dog attacks	
Sept. 10	N	ON	Victims Municipal Officers ON Attorney-General, Michael Bryant Defenders of Dogs	Severity of injuries, "half of face ripped off", "gruesome attack" Tenacious		Reiterate previous ON dog attacks	Compared to shark in swimming pool

					Theme #1	Theme #2	Theme #3	Theme #4
Date	Image	Location	Claimsmakers	Bad Reputation	Bad Owners	Growing Problem	Metaphors	
Sept. 13	N	BC/ON	Tim Stevenson, Vancouver City Council Municipal Officers ON Attorney-General, Michael Bryant Defenders of Dogs	Trained to attack Dangerous Tenacious Unpredictable	Irresponsible owners	Reiterate previous BC and Manitoba dog attacks		
Sept. 14	N	BC	Pit bull owners	Unpredictable Volatile pet				
Sept. 15	N	BC/ON	ON Attorney-General, Michael Bryant Tim Stevenson Vancouver City Council	Aggressive Horrendous damage "Dismembering children" Unpredictable History of mental instability	Irresponsible owners	Reiterate previous dog attacks Growing problem "Lose of limb before we do anything"	Like weapons	
Sept. 17	N	BC	Christy Clark, Liberal Government	Aggressive Tenacious – known for attacking Premier and other NDP heavy weights			Her sound bites always had teeth	

Date	Image	Location	Claimsmakers	Theme #1 Bad Reputation	Theme #2 Bad Owners	Theme #3 Growing Problem	Theme #4 Metaphors
Oct. 11	N	BC	CFL	Tenacious	Tough guy image		Intimidating mold - he's a pit bull
Oct. 23	N	BC	Any dog owner	Bigger appetites Sharper teeth Unpredictable (Like 2-year old)			
Nov. 5	N	BC	City bylaw supervisor RCMP		Owner living at Strafford Motel		
Nov. 6	N	US	[Cletis] Republican voter	Unpredictable	Tough guy image "red neck"		
Nov. 8	N	BC	Parents Dog owners	Unpredictable			"Bites the hand that feeds them"
Nov. 8	N	ON	ON Attorney-General, Michael Bryant Liberal Government Victim Toronto Humane Society	Vicious dogs	Irresponsible owners		

Date	Image	Location	Claimsmakers	Theme #1 Bad Reputation	Theme #2 Bad Owners	Theme #3 Growing Problem	Theme #4 Metaphors
Nov. 10	P	BC	HugABulls Advocacy Group				
Dec. 28	N	BC	RCMP Ministry of Children & Family	Severity of injuries		Reiterated previous dog attacks	
Dec. 29	N	BC	RCMP Ministry of Children & Family SPCA Animal Advocates Society	"Ideal victim" - child	"Ramshackled home" "Broken family"	Growing problem	
Dec. 30	N	BC	American Veterinary Medical Association City of Vancouver	Unpredictable Dog fighting	Indicative of unstable home life	Reiterate previous dog attacks	Like "loaded hand guns"
Dec. 31	N	AU		Tenacious			Wobbegong shark known as "the pitbull of the ocean"

					Theme #1	Theme #2	Theme #3	Theme #4
Date	Image	Location	Claimsmakers	Bad Reputation	Bad Owners	Growing Problem	Metaphors	
Jan. 12	Ne	ON	Dog Legislation Council of Canada Advocates of the Underdog Local Humane Society		Irresponsible owners		Transportation of banned pit bulls "like an underground railway"	
Jan. 14	N	US	US Attorney State Police US Department of Agriculture Humane Society of US	Dog fighting	Promotes violence Degrades community Dog fighting big business	Growing problem		
Jan. 17	N	BC	Eron				Brian Slobogian was believed to be the pit bull -- fierce and mean	
Jan. 22	N	US	NBA Oregon Human Society Clackamas County Circuit Court	Dog fighting	Tough guy image	Growing problem Dog fighting is "in every state, it's on street corners, it's nationwide"		

Appendix B. Introductory Letter for Interviewees

Dear Claimsmaker,

I would like to introduce myself. I am Niki Huitson and I am a graduate student in the School of Criminology at Simon Fraser University. I am conducting research on Breed Specific Legislation (BSL). You have been identified as a stakeholder regarding this issue and I am seeking your participation in an interview.

The title of this project is “An exploratory analysis of the emergence and implications of Breed Specific Legislation: Knee-jerk response or warranted response?”. The purpose of this research is to describe the emergence, prevalence and impact of Breed Specific Legislation (BSL). The goal of the study is to explore whether current policies concerning pit bulls, such as BSL, is panic driven or evidence based. The benefits of this research include an analysis of the BSL debate, an exploration of the opinions of major stakeholders, and an examination of alternative methods of animal control.

Your participation in this project will allow me to gain valuable insight into the perceptions of key claimsmakers regarding BSL. The interview may be up to one hour in duration; it will be taped recorded and subsequently transcribed. I will also take notes during the interview.

Any information that is obtained during this study will be kept confidential to the full extent permitted by law. Since you occupy a key position within the public domain relevant to the BSL debate, I would prefer you to be identified within the research; however, if requested confidentiality will be guaranteed.

I hope that you will consider participation in this study. My intention is to conduct interviews in August. You will also receive a hard copy of this invitation in the mail. If you have any question, please feel free to contact me at nrh@sfu.ca or 604-268-6662. I will follow up with a phone call to answer any of your questions and to schedule potentially an interview at your convenience.

Thank you very much for your time and consideration.

Niki Huitson, M.A. student
School of Criminology
Simon Fraser University
Burnaby, B.C. V2V 7G9
604-268-6662

Appendix C. Informed Consent by the Subjects to Participate in a Research Project

The University and Niki Huitson, the principle investigator, subscribe to the ethical conduct of research and to the protection at all times of the interests, comfort, and safety of participants. This research is being conducted under permission of the Simon Fraser Research Ethics Board. The chief concern of the Board is for the health, safety and psychological well-being of research participants. The information in this form is given to you for your own protection and understanding of the procedures.

Should you wish to obtain information about your rights as a participant in research, or about the responsibilities of researchers, or if you have any questions, concerns or complaints about the manner in which you were treated in this study, please contact the Director, Office of Research Ethics by email at hweinber@sfu.ca or phone at 604-268-6593.

Your signature on this form will signify that you have received a document which describes the procedures, possible risks, and benefits of this research study, that you have received an adequate opportunity to consider the information in the documents describing the study, and that you voluntarily agree to participate in the study.

Any information that is obtained during this study will be kept confidential to the full extent permitted by law. To ensure confidentiality, the interviewee's name will not appear on the interview cassette tapes, notes, or transcriptions and these items will be held in a secure location. The principle investigator is the only person who will have access to these materials. All materials that could identify a participant will be destroyed after completion of study. All interviewees occupy a position within the public domain significant to this study; therefore, identity of each individual is preferred by the researcher; however, the wishes of the interviewee will be guaranteed.

Having been asked by Niki Huitson of the School of Criminology at Simon Fraser University to participate in the research study, I certify that I have read the procedures specified in the document. I understand the procedures to be used in this study and the personal risks to me of taking part in the study. I understand that I may withdraw my participation in this study experiment at any time.

I also understand that I may register any complaint I might have about the research with the researcher named above or with Dr. Robert Gordon, Chair of the School of Criminology at Simon Fraser University (604) 291-4305.

I may obtain copies of the results of this study, upon its completion, by contacting Niki Huitson at the School of Criminology, Simon Fraser University, 8888 University Drive, Burnaby, B.C. V5A 1S6 or (604) 268-6662.

I have been informed that the research will be confidential unless I agree to be identified as indicated below.

I agree to be identified _____ Yes _____ No

NAME (please print): _____

SIGNATURE: _____ **WITNESS:** _____

DATE: _____

Appendix D. SFU Ethics Feedback Form

SIMON FRASER UNIVERSITY

UNIVERSITY RESEARCH ETHICS REVIEW COMMITTEE
SUBJECT FEEDBACK FORM

Completion of this form is **OPTIONAL**, and is not a requirement of participation in the project. However, if you have served as a subject in a project and would care to comment on the procedures involved, you may complete the following form and send it to the Chair, University Research Ethics Review Committee. All information received will be treated in a strictly confidential manner.

Name of Principle Investigator: Niki Huitson

Title of Project: An Exploratory Analysis of the Emergence and Implications of Breed Specific Legislation: Knee-jerk Reactions or Warranted Response?

Dept./School/Faculty: School of Criminology

Did you sign an Informed Consent Form before participating in the project? _____

Were there significant deviations from the originally stated procedures? _____

I wish to comment on my involvement in the above project which took place:

(Date) (Place) (Time)

Comments:

Completion of this section is optional

Your Name: _____

Address: _____

Telephone: (w) _____ (h) _____

This form should be sent to the Chair, University Research Ethics Committee, c/o Office of the Vice-President, Research, Simon Fraser University, 8888 University Drive, Burnaby, BC, V5A 1S6.

Appendix E. Interview Questions

Introductory questions

1) How long have you been a _____ (role or interest)?

2) As a _____ how much experience with dogs or animal control, do you have?

3) Are you a dog owner?

_____ yes _____ no

If yes, which breed _____

More specific questions on familiarity and experience with BSL

4) What does Breed Specific Legislation (BSL) mean to you?

5) When was the first time you heard of BSL?

6) Where do you think BSL came from? Catalysts? Origins?

7) Do you feel that there has been more attention to BSL as of late?
_____ yes _____ no

If yes, do you think there has been an increase in prevalence or use of BSL?

C. and D. Evaluation and Elaboration

8) What do you think the objectives of the BSL are?

9) Do you feel BSL will accomplish these objectives?
_____ yes _____ no

If yes, how

If no, explain why it will not work

10) Do you feel BSL is warranted?
_____ yes _____ no

If yes, why

If no, explain why not

11) Can you suggest any alternative models for perceived animal control issues?

E. Media Influences

12) Has the media influenced your opinion/perception of BSL?

_____ yes _____ no

If yes, how

F. Closing

13) Has this debate about BSL or BSL affected you and in what ways?

Any other comments

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