

When a specific breed of dog has been selected for stringent control, 2 constitutional questions concerning dog owners' fourteenth amendment rights have been raised: first, because all types of dogs may inflict injury to people and property, ordinances addressing only 1breed of dog are argued to be under inclusive and, therefore, violate owners' equal protection rights; and second, because identification of a dog's breed with the certainty necessary to impose sanctions on the dog's owner is prohibitively difficult, such ordinances have been argued as unconstitutionally vague, and, therefore, violate due process. Despite such concerns, a number of breed-specific ordinances have been upheld by the courts. 14-16 Another concern is that a ban on a specific breed might cause people who want a dangerous dog to simply turn to another breed for the same qualities they sought in the original dog (eg, large size, aggression easily fostered). Breed-specific legislation does not address the fact that a dog of any breed can become dangerous when bred or trained to be aggressive. From a scientific point of view, we are unaware of any formal evaluation of the effectiveness of breed-specific legislation in preventing fatal or nonfatal dog bites. An alternative to breed-specific legislation is to regulate individual dogs and owners on the basis of their behavior. Although, it is not systematically reported, our reading of the fatal bite reports indicates that problem behaviors (of dogs and owners) have preceded attacks in a great many cases and should be sufficient evidence for preemptive action.

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