

# Dangerous/Vicious Dog Law



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## About Us

### Position Statement on Dangerous Dog Laws

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#### Background

The ASPCA recognizes that there are dogs who by virtue either of training or lack of training and socialization—especially in combination with a genetic predisposition to be wary of strangers, aggressive toward other dogs and/or predatory toward other animals—may pose serious threats if inadequately supervised and controlled by their guardians. In order for dogs to live harmoniously with people and with other companion animals, it is critical to hold guardians responsible for the proper supervision of their dogs and for any actions on their part that either create or encourage aggressive behavior. At the same time, laws that target “dangerous dogs” must be mindful of the rights of pet guardians and afford them due process. These laws should target only those dogs who truly pose a serious risk to other animals or to people. They should also take into account the fact that there are situations in which aggressive behavior is justified, such as when a dog is protecting himself or herself, her guardian, her offspring or her home from harm or when the dog has reason to fear a person or animal who has harmed her in the past.

#### ASPCA Position

The ASPCA believes that dog guardians should be held responsible for unjustified harm or damage done by their pets. Guardians who breed dogs known to possess strong aggressive tendencies or who train dogs to be aggressive should be liable not only civilly for damage done by their dogs, but also under criminal provisions that prohibit such conduct. The ASPCA opposes “dangerous dog laws” that designate specific breeds of dog as “dangerous,” “vicious” or potentially “dangerous” or “vicious” without regard to the temperament or behavior of the individual dog. There is no credible evidence that breed determines or predicts dangerousness. Dangerous dog laws should be narrowly drawn to define dangerous dogs as those who have either attacked a person or another animal without justification, causing injury or death, or those who exhibit behavior that strongly suggests the risk of such an attack, as determined by a Certified Applied Animal Behaviorist, a board-certified veterinary behaviorist or another trained and experienced animal behavior expert.

Dangerous dog laws should focus on the behavior of individual dogs and all of the circumstances surrounding an event, including those that may justify a dog’s aggressive actions. Once a dog is deemed dangerous and according to the criteria listed in the paragraph above, the court should require the animal’s guardian to take all of the following actions:

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- Evaluation by a Certified Applied Animal Behaviorist or a board-certified veterinary behaviorist and completion of any training or other treatment as deemed appropriate by that expert
- Spaying or neutering
- Secure, humane confinement in a manner that prevents escape and unsupervised contact with the public, permits the dog adequate exercise and provides protection from the elements
- Direct supervision by an adult 18 years of age or older whenever the dog is on public property
- Restraint on a leash whenever the dog is in public
- Muzzling in public in a manner that prevents the dog from biting people and other animals but does not injure the dog or interfere with his vision or respiration
- Muzzling

Euthanasia or permanent confinement of the dog are extreme remedies and should be utilized only when the dog has attacked a person or domesticated animal without justification and has caused serious physical injury or death or when a qualified behaviorist who has personally evaluated the dog determines that the dog poses a substantial risk of such behavior and that no other remedy will make the dog suitable to live safely with people.

Dangerous dog laws must accord pet guardians adequate opportunity to challenge charges brought against their pets. Guardians should have the right to be heard, to appeal a dangerous dog finding and to call for a stay of the disposition pending such appeal.

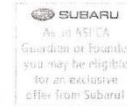
Enforcement of dangerous dog laws is ultimately the responsibility of local government authorities, and it is important that they exercise their responsibility with vigor and discretion to protect both the public and responsible pet guardians.

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