

TORONTO STAFF REPORT

January 5, 2005

To: Board of Health
From: Dr. David McKeown, Medical Officer of Health
Subject: Preventing Vicious Dog Attacks in Toronto

Purpose:

To provide policy recommendations and strategies to prevent vicious dog attacks in the City of Toronto.

Financial Implications and Impact Statement:

There are no immediate financial implications due to the adoption of this report.

Recommendations:

It is recommended that:

- (1) the Medical Officer of Health report to the Board of Health, in consultation with the City Solicitor, on amendments to the Municipal Code Chapter 349 to strengthen prevention of dog attacks and on related enhancements to prevention and enforcement programs, as soon as possible after proposed provincial legislation amending the Dog Owners' Liability Act is passed;
- (2) the Medical Officer of Health report to the Board of Health Budget Subcommittee within six months with a detailed strategy for increasing revenue generation from Animal Services;
- (3) the Attorney General be requested to include in the proposed amendments to the Dog Owners' Liability Act a requirement to microchip all restricted pit bulls;
- (4) the Attorney General be requested to ensure that any regulations regarding the final disposition of pit bulls be applied equally to municipalities, humane societies and contracted services;

- (5) the Attorney General be requested to fund 100% of municipal implementation costs related to proposed amendments to the Dog Owners' Liability Act for a three year transitional period;
- (6) this report be forwarded to the Attorney General with a request to consider adopting those strategies with province wide implications; and
- (7) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Following a recent severe dog attack in Toronto, the Board of Health, at its meeting of September 20, 2004, directed the Medical Officer of Health to report on measures that should be taken by the City of Toronto to prevent vicious dog attacks. In response, Toronto Public Health carried out a review of the following:

- (1) How other jurisdictions in Canada and elsewhere have addressed the issue of vicious dog attacks;
- (2) Advantages and disadvantages of various policy options intended to prevent vicious dog attacks;
- (3) Recommendations of recent inquests into fatalities due to dog attacks; and
- (4) Stakeholder consultations

Part One of a research report compiled for Toronto Public Health is attached (see Attachment 1). Part Two of the research report contains detailed background information and is available through the City Clerk. Based on this research, this report outlines strategies for preventing vicious dog attacks in Toronto. Recommendations are also included for proposed amendments to the municipal code and for a public education and promotion program.

On October 24, 2004, the Province of Ontario proposed legislation to amend the Dog Owners' Liability Act (DOLA). If enacted, the new legislation will have a significant impact on animal services in Toronto. This report also contains a summary of the proposed amendments, contained in Bill 132, and highlights potential impacts on Toronto Animal Services (TAS) programs.

Comments:

Defining the Problem:

The majority of dog owners in Toronto are caring, responsible, and live harmoniously with dogs that are affectionate family pets. There is substantial evidence pointing to responsible dog ownership as being central to preventing dog bites and attacks.

Statistics compiled from both Health Canada and Centers for Disease Control and Prevention in the United States indicate that 50% - 80% of all dog bite/attack victims are children under the age of 14. Significantly, in 65%-75% of cases, the offending dog was either known to the victim or was the family pet. Only 15% of dog bites occur in public places.

Community Safety:

Owner responsibility as a key to the prevention of dog bites was identified in consultations with animal experts, animal welfare groups and various municipal animal service departments across Canada. Community safety is seen to have three components with each built around dog owner responsibility:

- (1) **Safety in the Home:** As a minimum, this requires a vigilant and informed owner, a trained dog, instructed children and adult supervision.
- (2) **Safety in Public Places:** Training and education, as well as leashing control by an adult, licensing/microchipping and sterilization.
- (3) **Safety from Dangerous or Potentially Dangerous Dogs:** All of the above measures in addition to confinement, muzzling and other requirements for dogs identified as posing a higher risk.

Data on dog bites and attacks by breed do not necessarily support current popular inclinations to specifically ban pit bulls. For example, Toronto Animal Services data (2001 –2003) indicates that of the 70 breeds reported for biting, nine breeds account for 52% of all bites. German Shepherds account for the highest number of reported bites with Pit Bulls in second place and Rottweillers in third place. Nonetheless, a number of municipalities have banned pit bulls in Canada including Winnipeg, Manitoba, Kitchener/Waterloo, and Windsor in Ontario, and Sherbrooke, Quebec.

Review of Relevant Legislation and Options for Designations:

Generally, municipal by-laws in Canada to control vicious dogs designate high-risk dogs in one of four ways. The four approaches are:

- (1) **Breed-Specific Bans**

As of a certain date, dogs of a specific breed may not legally be owned. Once the ban is in effect, a grandfather clause in the legislation usually places strict restrictions on existing dogs of the banned breed.

- (2) **Breed-Specific Dangerous / Vicious / Restricted Dog Designation**

Selected breeds are designated as dangerous or vicious and subject to numerous control restrictions. Breeds are not banned. A restricted dog designation is also applied to existing dogs of a banned breed after a ban is placed.

(3) Dangerous / Vicious Dog Designation

Aggressive, biting or other behaviour related designation leading to special controls in both public and private places. Controls may include muzzling, confinement in a pen, licensing, microchipping, spaying, owner liability insurance.

(4) Potentially Dangerous Dog Designations

Criteria leading to this designation may include behaviour such as chasing, approaching in a menacing manner, attitude of attack, growling or snarling or a repeat offender at large. Controls may be the same as those for dangerous/vicious dogs.

Attachment 1 contains an overview of the most commonly noted advantages and disadvantages of each option.

The table below is a summarized survey of 41 Municipalities and 2 Provinces across Canada and the type of legislation implemented to prevent and/or respond to dog attacks:

	Ban Pit Bulls	Breed –Specific Restricted/ Dangerous / Vicious Dog	Behaviour Related Dangerous/ Vicious Dog	Behaviour Related Potentially Dangerous Dog
Based on 43 Municipalities and Provinces with legislation by type	12	10	29	3

Attachment 1 also provides a summary of options for control measures or requirements of owners with designated dogs. Options include Muzzling, Confinement, Sterilization, Licensing /Microchipping, Fees and Fines, Liability Insurance. The advantages and disadvantages of each option are outlined in the research report.

Based on the findings of the attached research, key strategies are proposed to enhance the prevention of dog attacks in the City of Toronto.

Proposed Strategies for Preventing Vicious Dog Attacks in Toronto:

Chapter 349 of the Municipal Code, currently requires dog owners to register their dogs annually, keep dogs on leash and not allow them to roam at large. Also, dogs that bite are subject to a muzzling order, which may be rescinded on appeal.

Using the current requirements in the Municipal Code as a base, the following strategies are recommended to increase the safety of the community:

- (1) Designate all dogs that are considered potentially dangerous or dangerous and subject their owners to restrictions that will be established with the goal of safeguarding the community. For example, a potentially dangerous dog would have demonstrated a threatening or aggressive behaviour such as chasing or approaching in a menacing manner. A dangerous dog would have actually bitten or attacked a person or a domestic animal. The resulting restrictions for either or both of these designation may include muzzling, specified confinement, leashed anytime outside of enclosure/home and under the control of a person over 18 years old. The owners of designated dogs may be provided with the opportunity to appeal the designation.

The detailed municipal code provisions would be developed to be complementary with proposed provincial legislation.

- (2) Increase licencing fees for dogs that are considered a higher risk to the safety of the community. Establish new registration categories for these higher risk dogs. Examples of higher risk dogs may include guard dogs, dogs designated as potentially dangerous or as dangerous, and dogs that are subject to muzzling.
- (3) Enhance education programs. Education provides some of the best results in preventing dog attacks. Key stakeholders such as animal welfare groups, municipalities, animal experts and professionals all agree that enhancing education programs leads to reduced dog attacks. Recommendations to enhance education programs are noted in the three recent child fatality inquests conducted in Ontario, New Brunswick and San Francisco. Education should be directed to children in schools, dog owners, and the general public. Currently, Toronto Animal Services has only one officer to provide education on how to act safely around dogs and dog bite prevention.
- (4) Require all owners to ensure that their dogs are sterilized (with exceptions to be defined). This preventative measure will reduce the potential for aggressive behaviours that may lead to potential dog attacks. This will also lead to reductions in the population of unwanted or unadoptable dogs.
- (5) Sterilize all dogs prior to adoption from the City's Animal Centres.

The above recommended strategies will be developed as detailed municipal code amendments and service proposals. In order to ensure effective implementation, final recommendations will be brought forward to the Board of Health once amendments to the provincial Dog Owners' Liability Act are passed.

Dog Owners' Liability Act and Proposed Amendments:

The Dog Owners' Liability Act (DOLA) is a provincial law that places the liability and responsibility for the actions of a dog on the owner. The law stipulates that all reasonable precautions to prevent a dog from biting or attacking a person or domestic animal must be exercised. If there is an attack or biting incident, the courts may order a number of controls the most severe of which is euthanasia of the offending dog. Toronto Animal Services uses the

DOLA frequently when dealing with dog attacks and bites when stricter control measures than a muzzle order are considered in the best interest of community safety.

Following the Board of Health request for a report on strategies to prevent vicious dog attacks, the government of Ontario tabled legislation, Bill 132 (Public Safety Related to Dogs Statute Law Amendment Act, 2004), to amend the Dog Owners' Liability Act. The bill received first reading on October 26, 2004 and second reading on December 8, 2004. The Bill is scheduled to go to Legislative Committee for further discussion. If Bill 132 is enacted unchanged, it will increase fines for biting or attacking dogs, and allow action against owners whose dogs "menace". The proposed legislation also places a ban on owning pit bull type dogs after a certain date and creates a "restricted dog" designation for continued ownership of existing pit bulls.

Key amendments to the DOLA in the proposed legislation include the following:

- (1) Actions against owners of dogs who menace.
- (2) Increased fines up to a maximum of \$10,000 for an individual and a maximum of \$60,000 for a corporation, and jail sentences of up to six months if in contravention of the DOLA.
- (3) The court can order restitution to a victim.
- (4) Banning of pit bulls province wide, i.e. bans ownership (with the exception of existing pit bulls, see below), breeding, transferring, abandoning, importing and training to fight.
- (5) Defines a pit bull as a pit bull terrier, a Staffordshire bull terrier, an American Staffordshire terrier, an American pit bull terrier, or a member of a class of dogs that are substantially similar to the four types of dogs identified.
- (6) Classifies an existing pit bull as a "restricted pit bull" if the dog is owned by a resident of Ontario on the day the legislation comes into force, or if the dog is born in Ontario within 90 days of the legislation coming into force. Regulations regarding restricted pit bulls include leashing, muzzling and sterilizing.
- (7) Places onus on the dog owner to prove that the dog is not a pit bull.
- (8) Provides the power to search and seize dogs under a warrant on private property or without a warrant in emergency situations or in a public place.
- (9) Amends the Animals for Research Act with respect to disposition of pit bulls under that Act.

Microchipping Restricted dogs:

Although absent from the proposed amendments, the requirement to microchip all restricted pit bulls would strengthen the legislation by providing a reliable method of identifying existing pit bulls in Toronto and in the province. Toronto Public Health is therefore recommending that a request be made to the provincial Attorney General to consider the inclusion of a microchipping requirement for all restricted dogs.

Permission to Transfer or Gift Pit Bulls:

The ability of municipal, humane and contracted animal services to transfer pit bulls is determined under the proposed amendments to the DOLA, the Animals for Research Act and related regulations. Under the proposed legislation, where impounded pit bulls are not returned to the owner, humane organizations may be permitted to gift or transfer pit bulls within the province. However, those pit bulls that remain impounded by a municipality will need to be sheltered indefinitely, destroyed or transferred out of the province. It is important to note that there will be significant costs associated with impounding and sheltering dogs indefinitely.

Differentiating how pit bulls can be disposed of will lead to conflict between humane societies and municipal animal control agencies. Toronto Public Health is therefore recommending that a request be made to the provincial Attorney General to ensure that any regulations regarding the final disposition of pit bulls be applied equally to municipalities, humane societies and contracted services alike.

Impact of Proposed Amendments to the DOLA on Toronto Animal Services:

It is anticipated that the proposed DOLA amendments will generate further animal service demands in response to:

- (1) Menacing dogs;
- (2) Pit bull type dogs; and
- (3) Search and seizure actions

Demands on TAS will increase due to intake of complaints, investigations, gathering evidence, filing charges, attending court, special training and working in co-operation with other agencies, such as the police. Shelter resources will also be impacted due to increased housing demands for pit bull type dogs and menacing dogs, while awaiting court cases and possible appeals. As experienced in other jurisdictions, it is anticipated that a number of current owners of pit bull type dogs will surrender their pets if the legislation is passed.

At current resource levels, service delivery may be further strained resulting in potentially longer response times to all non-DOLA requests for service. This may lead to higher levels of non-compliance with By-laws and the DOLA. Historically, increases in non-compliance result in an

increased risk to community health and safety, complaints regarding service delivery and public dissatisfaction.

Resource implications:

Resources required for the implementation of the proposed amendments to the DOLA fall into two categories: transitional costs and long-term costs.

(1) Transitional Costs

The enactment of the proposed amendments to the DOLA will generate an increased demand on service delivery for a transitional period. Costs associated with the transitional period are related primarily to the ban on pit bull ownership and the subsequent need for temporary sheltering, euthanasia and the search and seizure requirements of the legislation. Once the pit bull population is significantly reduced, service delivery demands should stabilize.

(2) Long-term Costs

Long-term costs associated with the legislation are affected by the need for ongoing enforcement of the menacing dog clause and the search and seizure clauses. While both these requirements of the legislation will also have an impact on service delivery for the initial transition period, unlike the requirements related to the pit bull ownership ban which are mainly self limited, the menacing dog and search and seizure clause apply to all dogs and require ongoing service.

Toronto Animal Services continues to be under-resourced for the delivery of effective service. In light of the proposed amendments to the Dog Owners' Liability Act, in addition to the TAS proposed strategies for program enhancements, additional staffing is required to deliver effective field service and increased demands in court, licencing, sheltering services and education.

For optimum service delivery, the recommended ratio of Animal Control Officers is 1 to 45,000. In Toronto, the current ratio of Animal Control Officers to population is 1 to 80,000. The City of Calgary experience, acknowledged as a model of excellence in animal services, further supports this recommendation where the ratio is 1 field ACCO to every 45,454 people. Arguably, the high levels of licencing achieved in Calgary can be attributed to appropriate staffing for the population. Similarly, the City of Winnipeg, which has also achieved above average licencing, has a ratio of 1 field ACCO to every 50,000 people.

Toronto Public Health is recommending that a review be undertaken of the City of Calgary's Animal and By-law Services and their effective revenue generation program in order to develop similar strategies that may aid in offsetting costs for Toronto Animal Services. Details of the proposed review are to be reported back to the Board of Health.

Conclusions:

Preventing vicious dog attacks is key to the safety and well being of Toronto residents. In order for Toronto to continue to protect the community and also ensure the humane treatment of dogs,

enhancements to municipal legislation and education programs are required. Given the projected demands on TAS resources as a result of the proposed amendments to the Dog Owners' Liability Act, sufficient funding is required in order to maintain current service levels while also meeting anticipated service needs. Toronto Public Health also wishes to investigate strategies for generating increased revenues and offsetting costs.

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List of Attachments:

Attachment 1: Preventing Vicious Dog Attacks – A Research Report for the City of Toronto –
Part One – The Options (November 2004)

Attachment 1

Preventing Vicious Dog Attacks

**A Research Report for the
Medical Officer of Health
City of Toronto**

Part One

The Options

Prepared by Tobin Associates
November 2004

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Introduction

On September 20, 2004, the Toronto Board of Health passed a motion asking the Medical Officer of Health to present a report with recommendations on measures that should be taken by the City of Toronto to prevent vicious dog attacks.

The report by the MOH is to include a review of how jurisdictions in Canada and elsewhere have addressed the issue, a review of recent inquests into fatalities due to dog attacks, a review of the relevant bylaws and provincial legislation, as well the advantages and disadvantages of policy options that would be practical and effective.

A series of documents has been prepared to advise the development of the report by the MOH. This document is Part One – the **Options Report** in which the options are outlined and considered in terms of their advantages and disadvantages, their supporters and detractors, based on all the information gathered in this research. This Options Report opens with a brief overview of the statistics on dog bites and attacks and the issue of public safety.

Part Two is the **Background Report** which presents the detail that supports the information and discussion in the Options Report.

In the Background Report, the experience of other municipalities has been gathered, through an analysis of their bylaws and interviews with municipal officials and politicians about bylaw effectiveness, limitations and enforcement. The first section of the Background Report, Bylaws and Legislation, provides the summaries of the bylaws, highlighting the definitions and regulations that municipalities use. The bylaws and legislations from jurisdictions in the United States and internationally have also been presented in terms of their positions and provisions, especially those concerning breed-specific legislation.

To provide a context for the consideration of the issue of dog attacks, the next section of the Background Report provides data on dog bites and injuries to humans from Toronto, Canada and the United States. In addition, statistics on which breeds were the most common biting or attacking breeds are collated.

The third section summarizes the inquest into the death of Courtney Trempe in Stouffville in 1998 which issued 36 recommendations detailing extensive action to prevent dog attacks. Mention is also made of other inquests, one into the death of a child and the other into the death of an adult.

The last section of the Background Report contains the interviews with the municipalities, the Toronto community, and the groups and individuals involved in animal welfare, animal services, and animal health and behaviour, as well as the main points from related documents and policy statements.

The final component of the research is the **supporting materials binder**, with the full text of the bylaws, model legislation, policy statements, research on injuries and victims, and all the other documents analyzed for the Options and Background Reports.

Defining the Problem

As a first step in looking at how to prevent dog attacks that result in human injury, it is helpful to understand who is being bitten, where the attacks occur, the injuries and the breeds involved. The following is a mixture of statistics from different sources in Canada and the US, with most of them from emergency departments of hospitals.

Children under the age of 14 are the most common victims of dog bites/attacks. The statistics indicate that children are victims of 50% to 80% of the attacks.

More than half of the bite wounds requiring medical attention and 70% of fatal dog attacks involve children 10 years of age and under; 50% of fatalities are five and under.

In the vast majority of cases (65% - 75% of the time), the victims of all ages knew the dog, most often owned by the family, relative or neighbour. In children under 4, it is the family dog about 50% of the time.

Bites/attacks most often occur at home or at the homes of family or friends (65% – 70%). Only about 15% are in public places and for children the percent of public attacks is even lower. Most children are bitten, both severe and minor bites, as a result of play with a known dog.

Most adults are bit in the extremities – the hand, arm, foot, leg. With children it is most often the face and neck. Very few, at the most 7% of the injuries, require hospitalization.

About 6% - 9% of bites are work-related with animal workers, delivery people. etc.

In looking at dog related deaths in the US, 58% were caused by unrestrained dogs on owners' property, with 24% by unrestrained dogs off the owners' property.

Of the 238 dog-related deaths over 20 years in the US with breed information, Pit Bulls were responsible for 66, Rottweilers for 39 and German Shepherds for 17. (The authors urge caution with these numbers and do not support breed bans.)

A six Canadian city analysis, including Toronto, show German Shepherds as responsible for the most incidents in four of the cities, and Rottweilers in the other two. However, the Pit Bulls show the highest percent of incidents per licensed Pit Bull. Due to low incidence of licensing, these numbers should be treated with caution.

The Toronto dog to human bite statistics from Animal Services for 2001-2003 show that of the about 70 breeds reported as biting, 9 breeds were responsible for about 52% of the bites each year. German Shepherds had the highest number of reported bites in each year, with Pit Bulls second and Rottweilers third.

Public Safety

In discussions with officials and politicians from other jurisdictions, preventing dog bites is seen, first and foremost, as an issue of public safety, and if this issue is kept paramount, it simplifies the decisions and the public acceptance of the new rules. Animal welfare becomes a secondary concern, although still a valid one.

Although vicious dog attacks are the most feared, it is essential to start dealing with the problem of owner and dog behaviour before a vicious attack occurs. The best solutions start early in the process with strong enforcement of regulations for dogs at large or dogs chasing or harassing people or pets.

The most often repeated message was that preventing dog attacks is more a question of responsible ownership than of breed or even dog behaviour. Any measure that makes the owners more responsible, whether through education and information or fines and prosecution, will have a positive impact on dog behaviour.

One other important consideration is highlighted in the statistics above. The great majority of attacks are in private homes and are by known dogs, and this is where the majority of children are injured and where they are injured most severely. The issue of public safety can be seen as having three components, all of them built around owner responsibility:

- The first is safety in the home, requiring a vigilant and informed owner, a trained dog, instructed children and other factors that contribute to a reduction of attacks by known dogs.
- The second is more focused on dogs in public places, where training and education are still essential, but other aspects such as leashing, control by an adult, licensing/microchipping, and sterilization can contribute to public safety.
- The third strand refers to dogs that have shown themselves to be Dangerous or Potentially Dangerous, and the above measures are regulated and extended to include confinement, muzzling and other requirements.

Most of the interviews in Experiences in the Community did not bring forward any specific recommendations, but a more generalized input that any additional protective and preventative measures would be appreciated.

The options outlined below present the spectrum from breed-specific bans and Dangerous Dog legislation to deal with the severe cases to full agreement on the need for extensive public education. Most of the interviews were completed before the province tabled its new legislation and so some of the concerns and limitations may be addressed in the new legislation. This document does not attempt to link the options below to existing or proposed Ontario and Toronto regulations or assess the legality of the various choices within Ontario. The options are outlined with clarification and strengths and weaknesses as presented in the research.

Options for Designations

Breed-Specific Bans

The Province of Ontario has tabled legislation with a breed-specific ban designating Pit Bulls, as defined in the legislation. The City of Toronto has the option of adding additional dogs to the list of banned breeds. The ban means that only the dogs of that breed living in the city as of a certain date are licensed and permitted to stay in the city as grandfathered animals. No other dogs of that breed may be kept. The dogs of the banned breed that remain in the City are usually designated as Restricted Dogs and are subject to very strict requirements on how they are housed, controlled in public and monitored by Animal Services. Pure-bred dogs of the banned breed registered with a recognized kennel club are sometimes excluded from the ban as a reputable breeder and a kennel club registration indicate that the dog has been bred to greatly reduce aggressive behaviour.

The requirements for the care and control of the grandfathered Pit Bulls are in the section on Dangerous Dog Designation below.

Advantages

The population of dogs with the worst biting/attack records are reduced over time and controlled in public. This is consistent with the justification used for banning Pit Bulls.

Statistics from some places with bans report greatly reduced aggressive incidents involving the banned breeds, such as Winnipeg and Kitchener.

Bans have been used widely in Europe and tend to include numerous breeds. Detail on this is under International Highlights in the section on Bylaws and Legislation of the background report.

Many members of the public respond very positively to the banning of dogs that are perceived to be the most dangerous, such as Pit Bulls and Rottweilers.

Interviews with Gignac from Windsor, Zehr from Kitchener, and Dack from Winnipeg in Experience of the Municipalities, along with Darren Jackson from Local 416 in Experiences in the Community and Luc Lavoie in the Consultation with Animal Experts and Animal Welfare Groups express support for bans.

Disadvantages

Breed bans are strongly opposed as an inappropriate response by all veterinarian bodies, all animal welfare groups, most animal behaviourists, and many of the officials who are enforcing bans in Canada. There are a number of reasons for this, perhaps best expressed in the belief that bans are over-inclusive and under-inclusive. They include many well-behaved dogs that are among the banned breed and they exclude the

many badly-behaved dogs from other breeds. Any bylaw should be based on behaviour of the animal not the breed – and the essential element in this is owner responsibility.

Breed bans are hard to enforce, especially with Pit Bulls, as it is very difficult to determine if the dog belongs to a certain breed, particularly for a cross-breed.

Bans demand enormous resources and take attention away from the other aspects of dog enforcement. Many people surrender their dogs as they don't want to own a Restricted Dog or they can not afford the costs associated with one, such as the Edmonton experience. Animal Services must euthanize healthy animals – up to 80% of which are classified as non-aggressive. City of Toronto unions expressed concerns about the increased work loads and the security of workers faced with furious owners.

Those who want vicious dogs will move onto another breed, or keep the banned breed 'underground'. A number of large and aggressive breeds are being brought into despite being banned or restricted in Europe. Examples of these can be found in the International Highlights section of the Bylaws and Legislation in the background report.

Banned breeds may become part of urban myths, such as the idea that the jaws of Pit Bulls lock. They are strong and determined animals who will hold on very tenaciously, but there is no special 'locking' mechanism in their jaws.

The restrictions placed on the dogs, such as muzzling, can make the dog look more vicious or stigmatize them in a way that brings out negative public responses to both the dog and the owner. Banning itself results in owner and dog harassment, often of dogs not in the banned breed.

Breed bans can punish good owners and have little effect on bad ones. An addition of breeds to a banned list can bring out a very large, negative public response from the owners of these dogs and, on the other hand, can lead to continuous pressure to add new breeds to the ban.

Additional arguments against bans can be found in the interviews in Experience of the Municipalities, including Vancouver, the Windsor Humane Society, Calgary, Edmonton, and Surrey, in all but one of the interviews and policy statements in the Consultation with Animal Experts and Animal Welfare Groups and in the interviews under Toronto Animal Services. The Canadian Federation of Humane Societies, although opposed to bans, stated that Pit Bulls are unlike other dogs and that the traits for which they were bred are alarming and explain the horrific nature of the attacks that have taken place.

Dangerous/Vicious Dog Designation

This designation of Dangerous or Vicious Dog is a feature of all the bylaws and legislation in the summaries, except New Brunswick. Dangerous Dog designation indicates that the dog is subject to special controls in both public and private places and that some aggressive action on its part has led to this designation. The variation is in the definition of what actions lead to being labelled a Dangerous Dog and, to a lesser

degree, how they should be controlled. All the jurisdictions have more or less complex processes in place so that a dog can be declared Dangerous. In most places, the final designation involves a court decision with the opportunity for multiple or lengthy appeals by the owner and in others, like Vancouver, there is no appeal against the designation. Kitchener/Waterloo, Winnipeg and New York City have set up special committees to consider the appeals in strictly limited time periods.

The most common elements of the definitions of Dangerous/Vicious Dogs are that they have injured, attacked and/or bitten a person or a domestic animal. Jurisdictions add many other clauses to the definitions, including that the dog has a tendency to attack, has threatened to attack, is a repeat offender, is kept as a guard dog, trained as a fighting dog, or the dog damaged property. Both Calgary and Surrey have provisions that include repeat offenders of the prohibition against dogs running at large. The recommended or actual mitigating factors that temper this definition vary from the very detailed from the animal welfare groups to the very simple statement of 'without provocation'.

Once an animal has been declared a Dangerous Dog, the control elements include that when on the owners' property, the dog must be kept indoors and under the supervision of an adult or be in a secure pen that keeps the dog in and others out, but provides for the dog's needs in a humane way. There may also be requirements for warning signs. Off the owners' property, the dogs are to be muzzled, on leashes of specified length, and controlled by an adult. In addition, there are varied requirements for licensing, for microchipping, for spaying and neutering, for owner liability insurance, limits on number of dogs, and for reporting of address changes, ownership changes, and breaches of the requirements.

For repeat offenders, for severe and fatal attacks on humans and fatal attacks on other animals, for dogs kept in violation of requirements and other serious offences, there is always a provision for euthanizing the dog. As well, the recommendation of the Courtney Trempe inquest was that any dog ordered destroyed have an automatic restraint order.

Advantages

This approach is seen as the one that focuses on the dogs that are aggressive and on the owners that allow their dogs to be aggressive – i.e. the core of the problem.

Designation of Dangerous/Vicious Dogs and the legislating of specific requirements are supported by all the municipalities, animal experts, animal welfare groups, and community groups that provided opinions, including the City of Toronto unions.

The requirements of owners for the keeping of Dangerous/Vicious Dogs are quite consistent among the various municipalities and, when enforced, have been successful in curbing further aggressive attacks.

The challenge is determining the inclusiveness of the definition of Dangerous, the weight given to mitigating circumstances, and at which point a dog is declared

Dangerous. Calgary and Surrey have some of the most pro-active legislation as they bring in elements of predisposition and tendency to be aggressive or seeming to threaten another dog or a person. Along with the municipal examples, there are numerous policy statements and model legislation from groups such as the National Companion Animal Coalition in Canada and the Humane Society of the US as guides. These are available in the supporting materials binder.

Disadvantages

The disadvantages are problems of enforcement and identification of the dog and owner, rather than about the issue of designating Dangerous Dogs.

The process for a city of fighting the appeals by an owner of a dog designated Dangerous can be very lengthy, costly, and ultimately unsuccessful, and sometimes means that the offending dog is kept in a cage in the pound for the duration, potentially resulting in a dog with greater behavioural problems.

The lack of a clear and consistent care and control package of requirements for dogs labelled Dangerous can complicate court time and result in inconsistent and inadequate requirements for control of the dog. Models for this are available from other municipalities and using these was a recommendation of the Courtney Trempe inquest.

Dogs that have offended, especially repeatedly, should be put under the Dangerous Dogs provisions immediately and the appeal should come later so that the dog does not re-offend in the meantime. Animal Control Officers need strong powers of seizure in public places and of authority so they can respond effectively and get the information that they need. Dogs also need to be easily identified so that owners can be tracked.

One of the most often mentioned problems, especially in Ontario and Toronto, was that Justices of the Peace do not take dog offences very seriously and so the fines and other responses are often minimal.

Breed-Specific Dangerous/Vicious/Restricted Dog Designation

In municipalities that have banned Pit Bulls, all the Pit Bulls that are grandfathered are labelled as Restricted Dogs and are subject to numerous care and control restrictions. In a second approach in other municipalities where there is no ban, certain breeds, mostly Pit Bulls, are automatically labelled as Vicious or Dangerous Dogs (DD) regardless of the behaviour of any individual dog in that breed. Edmonton and Vancouver are examples of this. The Dangerous Dog definition also includes the aggressive behaviour of all other breeds as outlined above and the requirements for the control of the animal on and off the owner's property are essentially the same as above.

Advantages

Where there is a breed ban that grandfathers current dogs and designates them as Restricted Dogs, this designation is the logical extension of the ban as it controls the existing dogs in both public and private places.

This level of designation is a less severe response than a breed ban for a breed that is seen as particularly dangerous and needing special controls. It does not limit ownership of the dogs.

Edmonton City Council sub-committee considered eliminating its breed-specific Restricted Dog classification (not a ban), but decided against it as an issue of public safety.

Winnipeg stressed that good Dangerous Dog legislation is essential for a breed ban to be successful so that the Pit Bulls, in their case, are controlled. The DD bylaw provides regulations concerning other dogs so that their behaviour is also controlled. This legislation can be a partial response to the claim by Pit Bull owners of being victimized as part of the Dangerous Dog bylaw is behaviour-related and so is inclusive of all breeds.

Disadvantages

The disadvantages listed above on breed-specific bans apply to this option as well, including the difficulty of enforcement and the strain on the resources of Animal Services.

Vancouver has stated that they do not attempt to enforce the breed-specific component of their Vicious Dog designation, but instead focus on the parts of the definition that specify the behaviours that result in a Vicious Dog designation. Surrey rescinded their breed-specific Dangerous Dog designation as the identification of the breed was too difficult and distracted attention from behaviourally-Dangerous Dogs.

Some European countries have developed extensive lists of Restricted breeds, and in cases such as Belgium, have abandoned these laws as unworkable.

Potentially Dangerous Dog Designation

The issue of Potentially Dangerous Dogs (PDDs) is handled in different ways across Canada. In Kitchener-Waterloo (K-W), Surrey and Windsor, there is a formal category in the bylaw describing the behaviour and constraints on PDDs. In Edmonton and Calgary, the Vicious Dog legislation includes provisions for repeat offenders and incremental offences. Mitigating factors are also a component of these definitions.

The definitions of PDD may include behaviour such as chasing, approaching in a menacing fashion or attitude of attack, such as growling or snarling, or a repeat offender in being at large. One town includes any dog that has been abused. The

American Kennel Club offers a formula for defining a PDD as any dog that unprovoked, and on two occasions during a specified period, engages in any behaviour that requires a defensive action by any person to prevent bodily harm, except on the owner's property, or a dog than causes a less severe injury.

The restrictions for the PDD may be the same as for the Dangerous Dog or they may be lessened to some extent on the owner's property. The requirements for the muzzle, license/microchip, liability insurance, leash and adult control are all maintained.

Advantages

This is seen as pro-active in the prevention of dog attacks as the problem dogs are spotted early and they are controlled. The dogs are microchipped so that the owner can not deny ownership which raises the level of accountability.

Inclusion of repeat offenders in dogs running at large, especially in Surrey, shows the owner that the bylaw is serious and that there are consequences for not complying.

Calgary has been asked by the courts to extend and differentiate its definitions of attack, bite, and chase/threaten so that the more dangerous offences are immediately designated Dangerous Dogs and others are fined severely and monitored. The Courts find the clarity and staged levels of response more helpful.

Disadvantages

Requires considerable enforcement energy and can result in lengthy appeal processes.

Behaviour such as menacing and attitude of attack are harder to define and prove than an attack that results in a bite or other injury.

Options for Requirements

Banned, Restricted, Dangerous and Potentially Dangerous Dogs are the main categories into which dogs that cause or threaten injury are divided in terms of bylaw designations.

Within the requirements for the care and control of dogs in these categories, there are several provisions that can be examined for their explanation and their effectiveness. These include muzzling, confinement, sterilizing, licensing/microchipping, fees and fines, and liability insurance.

Muzzling

Compulsory muzzling is part of all municipal requirements for Dangerous Dogs, Potentially Dangerous Dogs or any other dog convicted of a biting, attacking or, in most cases, threatening behaviour. The muzzle must be on the dog at all times in public places. The muzzle is accompanied by a leashing requirement, with leash length

defined normally as shorter than 2 meters, and control of the dog by a person over the age of 16 or 18 who is capable of restraining the dog.

Advantages

The muzzle restricts the dog from biting and the leash restricts its movement so that this is seen as one of the best security measures.

Animal behaviourists think that almost all dogs can become accustomed to a muzzle without too much stress if the owner introduces it properly. Most dogs can learn to drink with the muzzle on.

The muzzle can also serve as a warning sign that this dog can be dangerous and should not be approached.

A head halter has been suggested as more appropriate as it is more comfortable for the dog and affords the owner greater control. This does not prevent dog bites in the same way as a muzzle as it is only momentary control and requires the owner to respond to the situation by pulling on the halter, but can be effective when used appropriately.

All municipalities include muzzle requirements in their bylaws, as one of the more effective and straightforward restrictions for aggressive dogs.

The requirement to muzzle, as with other restrictions, may have a time limit for first offenders or a process for appeal of the order based on improved behaviour, training or other indication of owner responsibility and dog behaviour modification. The possible rescinding of the order may encourage owners to work at improving their dog's behaviour as well as their own behaviour towards the dog.

Disadvantages

The dog has little defence if attacked by other dogs, can be the subject of abuse by those who stigmatize the breed or significance of the muzzle, and the muzzle can stress some dogs.

Without microchipping or some form of effective licensing and increased authority for Animal Control Officers, muzzle requirements are very hard to enforce.

The process for muzzle orders needs to be simple and begin at the time of the offence – not after the appeals. The Courtney Trempe inquest recommended that the dog be confined to the owner's property or muzzled both at the owner's and in public during the process to determine if the dog is Dangerous and during the appeal.

Confinement

Confinement limits the dog when it is on the owner's property. The dog must be kept indoors and, in some municipalities such as Calgary and K-W, under the control of an adult. If the dog is outdoors, it is kept in an enclosed pen of specified dimensions and characteristics that is kept locked so that the dog can not escape and no one who is not authorized can enter. In some places, the distance of the enclosure from property lines is legislated. In Edmonton, they allow the DD to be muzzled and chained when outdoors; in others like Chatham-Kent, the owner can not use a chain for confinement. It is also specified that the dog must be kept in humane conditions in the pen.

Advantages

The statistical summary that begins this report provides extensive support for these confinement measures. Children are the victims of dog bites most often, most often at home or by a known dog, and are most severely injured by known dogs. Having a dog that has any history of biting or aggression under the control of an adult while in the home would reduce these injuries, very often inflicted when the dog is alone with the child.

These same statistics and the information of dog-bite related fatalities in the background report supports the provisions for the enclosed, secured pen. Many child fatalities result from the child wandering into the pen or the territory of a chained dog.

The existence of a pen makes the requirement for the dog confinement very visible and can be helpful, as found in Calgary, in having the neighbours be vigilant about the dog being penned.

When designating Dangerous Dogs, the Courtney Trempe inquest recommended that legislation specify for the judges how the dog may be restrained.

Disadvantages

The provisions for being under control of an adult in the house are impossible to monitor. This is one instance when education of the owner and the owner's family might be part of the requirement for returning a DD or PDD to its owner.

The construction of the pen and the measures to secure it may be too expensive or onerous for the owners and so the dogs may be surrendered or abandoned. Some form of identification means that the dogs can not easily be abandoned, but shelters and pounds can be stressed by surrendered animals. Windsor and Edmonton are experiencing this.

Enforcing can require inspections of the pen and spot checks of the properties, which is time consuming and can lead to conflicts with owners.

Sterilization

Mandatory sterilization refers to the spaying or neutering of all dogs, except those used for breeding by recognized breeders. Most animal shelters sterilize animals prior to adoption and the Courtney Trempe inquest recommended this for all adoptions.

Advantages

It is generally accepted that sterilizing dogs reduces aggression by eliminating one of the main causes of aggression. Dogs will still be territorial, possessive, protective and can still be trained as guard dogs, but the aggression associated with mating will be controlled. There are differences of opinion among animal behaviourists about the extent to which overall aggression is lessened, but no debate that there is a reduction.

Responsible breeders will continue to selectively breed the dogs towards more even temperaments. Dogs with aggressive characteristics can be removed from the gene pool.

This would reduce the backyard, unofficial breeders and puppy mills, which do not breed selectively and whose dogs often end up in the wrong hands.

This would also reduce the population of unwanted, abandoned and mistreated animals.

No animals would be available except from recognized breeders or official shelters and pounds, where matching of dogs and owners can take place, training can be provided or recommended and dogs can be returned if unsuitable rather than abandoned.

Limited sources for obtaining dogs also means better opportunities for licensing, microchipping, spay and neutering, behaviour assessment and other factors that contribute to more responsible owners and better tracking of dogs.

The sterilization of Dangerous Dogs, of those in pounds and shelters and all dogs for adoption is supported by animal experts and welfare groups, and some, such as the OSPCA, support broad programs of sterilization.

A study in Denver showed that male dogs were 6.2 times more likely to bite than females and non-sterilized dogs were 2.6 times more likely to bite than sterilized dogs.

Disadvantages

Some owners think that sterilization destroys the character of the dog and they will seek sources of non-sterilized dogs.

Not many places have compulsory spaying and neutering among their requirements, except for DD and PDD. Calgary is looking at adding sterilization to its basic license requirements. Dogs that are not "owned" are spayed and neutered in pounds and shelters.

Sterilization is expensive and so may have to be subsidized. This can run into opposition from vets as having a negative impact on their income.

Licensing/Microchipping

Being able to identify and track the dogs is one of the most recommended methods of preventing dog attacks and increasing public safety. Licensing is the simpler procedure in that it is the registration of the dog by the owner and the issuance of a tag to be worn by the dog at all times, with the information on the dog computerized and extended to include any record of attacks or infractions. Microchipping involves putting a small microchip in the dog that can be used for identification and linked to computer records on the dog. No one interviewed disagrees with either of these – in fact, most of them put this right at the top of their lists for effective measures.

The great difficulty is in getting the dogs licensed. Toronto estimates that about 10% of the dogs are licensed, Vancouver about 20%, and the Canada Safety Council estimates that 20% is about average. The gold standard in licensing is Calgary with about 90%, but the manager stresses that licensing is only a part of a complete system that has to be in place for the licensing to be widespread and effective. Detail is under Experiences of Municipalities in the Background Report. In the Courtney Trempe inquest, it was recommended that provincial systems be put in place to track all dogs throughout their time in the province and to provide a complete and current report on biting dogs and dog bites. As well the municipalities should track all bylaw enforcements and incorporate licensing and tagging with rabies inoculations. The Canada Safety Council has been an especially active advocate for tracking of dog bites and attacks.

Advantages

Licences or microchips mean that the dog and the owner can be tracked and be made to be accountable for the dog's behaviour. Licensed dogs can also be better protected by Animal Services and returned more easily to their owners when at large.

Licensing makes enforcement much easier as the information is on the dog, the history can be connected to the dog, the owner can not substitute another dog or claim that this dog is not the DD or PDD. It is immediately evident if a dog should be muzzled or on-leash or has an aggressive history.

Licensing provides the opportunity for other forms of contact such as information about obedience training, preventing bites, rabies inoculations, and other aspects of animal welfare.

Licensing and tracking gives a context for the assessment of such information as dog bites and attacks as they can be assessed against the actual size of the dog population.

Calgary has turned their licensing into a major source of income that provides \$3 million of their \$3.4 million budget annually (the rest is from fines).

Winnipeg has made licensing a central part of their restructuring as an agency in the “animal control business”. Over a five year period, through advertising and education efforts coupled with significant fines, they have increased the number of licensed dogs from 4,500 to 42,000. They are also working towards significantly reduced reliance on municipal funding.

Disadvantages

Widespread, effective licensing requires a large commitment of resources over time to public awareness, enforcement, providing licenses, recording the data and other tasks. Microchipping can be costly to owners and the databases remain the property of the microchip companies and must be protected in case of company failure.

Fees and Fines

Fees for licensing Restricted, Dangerous or Potentially Dangerous Dogs are higher than those for other dogs in all municipalities, usually between \$200 and \$250. Fines are mostly in the \$1,000 - \$1,500 range for attacks and bites, violations of requirements for muzzling or confinement, and can reach as high as \$5,000 for serious offences or repeat offenders. In Saskatchewan, the fine is \$10,000 or six months imprisonment. In some Ontario towns, future dog ownership is restricted and this was also a recommendation of the Courtney Trempe inquest. In extreme cases, the dog may be euthanized.

Advantages

In Surrey, the impound fee for a repeat offender dog is \$5,000 and very few dogs have been redeemed at this rate. It is much more effective as a way to get DD off the streets than as a source of income.

High fines, when they are imposed and collected, can be very efficient in deterring infractions. The stories of fines collected for non-licensed dogs or off-leash or threatening behaviour spread very quickly in dog-owner communities.

Fines and fees are very straightforward and easily communicated in any public awareness campaign about the responsibilities of ownership and consequences of negligence. Winnipeg's experience is that significant fines, along with education and advertising of consequences, have resulted in massive increases in the numbers of licensed dogs and so better control over the dog population.

The Courtney Trempe inquest recommended that fines under DOLA be significantly increased.

Disadvantages

In some municipalities, including Toronto, dog charges are not treated very seriously by the courts and so fines and restraints ordered are often minimal. This makes enforcement more difficult and does not encourage compliance. The establishment of

high minimum fines provides better guidance for Justices of the Peace, rather than high maximums that are never imposed.

As with other measures, fees and fines mostly deter the more responsible of the dog owners and may serve to educate the uninformed. The 'hard-core' are not affected and may drag out court cases for months.

Liability Insurance

Edmonton, Windsor and Winnipeg all require that the owner of a Restricted or Dangerous Dog have liability insurance, with \$1 million as the most common amount. This is usually as a rider on the house insurance of the owner.

Advantages

The Canadian Union of Postal Workers was particularly concerned about liability insurance as they want to be able to sue the dog owner in case of injury.

This underlines the main advantage - that the victim is not victimized twice by having being injured and having to bear responsibility for associated costs and loss of income.

Liability insurance indicates to the owner the seriousness of having a Restricted and Dangerous Dog and his/her level of accountability for controlling the dog.

Disadvantages

The liability insurance is expensive and can be seen as penalizing the less affluent dog owners. This expense, along with other costs associated with Restricted or Dangerous Dogs, causes some owners to surrender healthy animals to shelters and pounds. These dogs can rarely be adopted out and so must be euthanized.

Some insurance companies, such as Allstate, will not ensure home owners with Restricted, Dangerous and, in some cases, large dogs.

Education

Education is not seen as an option but as an essential activity that provides some of the best results. Although it is often the first activity cut in the face of budget reductions, animal experts, animal welfare groups, municipalities and the juries at inquests have all put it at the top of their agenda.

The inquest into the death of Courtney Trempe was especially inclusive in its recommendations concerning education for everyone involved with dogs, as was the inquest into the death of the four-year old boy in New Brunswick

The first 13 of 36 recommendations from the Courtney Trempe inquest involved education, and the first one addressed the necessity of education in the schools on how to behave around dogs and how to prevent dog bites. Animal experts, other municipalities, literally everyone interviewed agreed with this approach. Calgary has three staff dedicated to education, one of them a former teacher, so that they have been successful in having this as part of the formal curriculum.

The role of the media for public education was mentioned repeatedly – children’s TV, public service announcements, print, bus shelters, and linking prevention information to the stories about attacks.

Dog owners require the most education and this can be provided by veterinarians, family physicians, shelters, breeders, pet stores, community education staff, special events, flyers with bills from hydro, web sites, humane societies, and governments at the provincial and municipal levels. Dog owners need to know about choosing the right dog, acclimatizing the dog and the family, protecting their children, responsible ownership, preventing attacks, and training for their dogs.

The general public, especially parents, can be reached in the same ways about keeping their children safe and appropriate behaviour around dogs.

Veterinarians should receive more training in animal behaviour and learn about assessments using standardized tests about the aggressive behaviour. More information on this can be found in the interview with Gary Landsberg and the National Companion Animal Coalition Statement in the section on Animal Experts and in the documents in the supporting materials binder.

Information and education were also requested by the groups in the community, including school boards and postal workers.

Resources

Adequate resources so that effective enforcement can be put in place was another message that came through without a dissenting voice. The challenges of this were recognized in the face of competing demands for funding, but a serious prevention program deserves serious funding. The Calgary example of a self-funded Animal Services is ideal, but it took eight years to achieve.

Animal Welfare

The humane societies, animal welfare groups, veterinarians, and some of the municipalities made strong links between how an animal is treated and its behaviour. Dogs that are badly treated are more likely to respond with aggression to strangers or uncomfortable situations.

They recommend the strengthening of the animal welfare legislation and its enforcement so that fewer animals are abused or neglected. This includes the elimination of puppy mills and backyard breeders and the ability of pounds and shelters to refuse to return dogs to abusive or neglectful owners.

Animal welfare also requires stronger prohibitions against training dogs for fighting, for security (other than dogs owned by law enforcement agencies) and other aggressive purposes. It demands better control of breeders and trainers, from legislative and enforcement points of view.

In some municipalities, there are limitations on the number of Restricted or Dangerous Dogs that can be kept on any one premises, with two or three dogs as the upper limit. In Edmonton, Restricted Dogs can not be kept in a multiple dwelling. These measures are for public safety primarily, but they also respond to animal welfare concerns.

Diminishing Returns

Every municipality also faces the reality of 'diminishing returns', meaning that all the measures above can be effective with most owners, but there is a hard core of owners who can not be reached or who take pleasure in flaunting the law. The enormous efforts that it would take to find, charge, prosecute and ultimately change the behaviour of these people is beyond the capacity of any city.

These are the people who will move to other, more vicious breeds if their dog is banned, or keep their banned dog unlicensed and unregulated. They might use the choke chain, have their dogs off-leash whenever and wherever they wish, use the dogs for security and to enhance their own image, and encourage their dogs to attack. They may also be the neglectful and abusive owners that have angry, hurt, and frustrated dogs, who may also be hungry and in pain.

Any measures that are put in place are always mindful of this group and ideally will impact them. But no measure should be expected to be widely effective against this group and so must be measured against its possible impact on owners who can be reached and taught or changed.

Conclusion

This Options Report has been prepared to advise the development of a report on the prevention of vicious dog attacks to the Board of Health by the Medical Officer of Health of the City of Toronto. The possible designations of dangerous dogs, their definitions, regulation, enforcement issues, and advantages and disadvantages are outlined, in the context of the experience of other municipalities, Toronto community groups and the multiple groups involved with animal welfare and animal services.

Whatever choices are made, the provisions listed above work best when they are used in a systematic approach, as best exemplified in the Calgary example. Then all the elements of the system can support each other and provide a cohesive approach to enhancing public safety through the prevention of dog attacks. Any system requires substantial resources as it can not be achieved by too few staff and too little support.

The key message that was repeated in almost all interviews, documents and bylaws is that the essential elements for the success of any program to prevent dog attacks are identification, education, and adequately-resourced enforcement. Responsible ownership is the best protection against dog attacks.