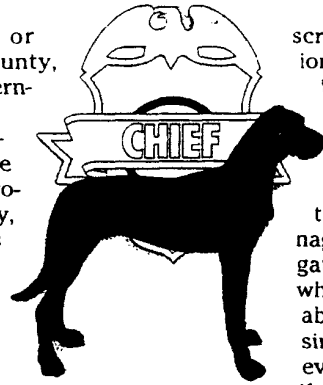


# TEN TIPS FOR DEALING WITH 'DANGEROUS' DOGS

**L**aws aimed at so-called "dangerous" or "vicious" dogs are proliferating at county, municipal and other local levels of government throughout the country.

These measures are not confined to particular segments of the nation. They have sprung up in rural hamlets and major metropolitan areas alike, including New York City, where a particularly odious measure has crystallized public attention to the phenomenon of "dangerous dog" laws. The proposed bill by Mayor Rudolph Giuliani's administration would require owners of pit bulls to obtain \$100,000 in liability insurance and would increase the fines imposed for harboring dogs deemed to be dangerous. In addition, the bill would eliminate the current provision that provides a dog with the defenses of "provocation" or "excused behavior" if it acted aggressively to defend itself from harassment or abuse.

Regardless of the disposition of the dogs they target, these measures pose substantial dangers to responsible dog owners and their canines that far outweigh their salutary purposes. These laws usually have several common features, including pro-



BY MARSHALL H. TANICK

They are spreading from community to community; take steps to provide substitutes for laws before they are passed

scribing certain unprovoked behavior by dogs and imposing sanctions, usually "dangerous" or "ominous" "vicious," upon those that fall within their straits.

The appellation is defined by a series of requirements, the fairly mild requirement that the dog be kept on the premises to the exclusion of obtaining large numbers of dogs, which often are hard to get for dogs that have a "sired" designation. In some cases, even a dog can be put to death, if any, rights for them or their owners.

Animal control of dogs is the ultimate authority afforded scant opportunity for the designation before a neutral adjudicatory body. Animal control personnel play the role of police, judge, jury and executioner under many circumstances. To make matters worse, specific bans often sneak into these places such as New York, where state legislation is required.

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is usually arise in response to a particular event, often involving a child. Governmental personnel brook little resistance in submitting to the politicians who ultimately enact the law by media frenzy.

ce that leads to enactment of these measures by dog owners at a significant disadvantage.

with a strategic conundrum: Should they test the "dangerous dog" laws and risk the enraging their opposition, or should they try to join with the proponents and attempt to mold a new law?

easy answers to this question. Reasonable questions on the approach that should be taken in these circumstances.

While one approach is proposing substitutes for "dog" measures. Giving other options can help to allay concerns, create a less hostile climate and actually bring about constructive changes that will be in the best interests of all concerned.

## OFFER ALTERNATIVES

Here are 10 suggestions that can be proposed to dog owners in an attempt to avert or deter the unnecessary and excessive "dangerous dog" laws:

**1) Educate dog owners.** Provide instructional guidelines regarding responsible dog ownership for individuals, especially new dog owners. The guidelines should be user-friendly and geared to children.

**2) Training sessions.** Require dog owners whose dogs exhibit unduly aggressive or anti-social behavior to attend training sessions.

**3) Community service.** Establish arrangements for dogs that have displayed unacceptably aggressive behavior to participate in the animal control service, such as riding with animal control officers answering calls from the community.

Give citations to individuals whose dogs are a nuisance, requiring them to be answerable in court at a meeting with animal control personnel.

**5) Fact gathering.** Gather information on the number of dog bites and other incidents and the underlying circumstances in order to reach determinations based on data rather than the unfounded assumptions that often characterize these laws. This information is critical for future reference when animal issues in legislation are addressed so policies of law can be based on data and real need rather than conjecture.

**6) Warnings.** Give formal, written warnings to dog owners following anti-social behavior and notify neighbors of the dogs' presence in the community.

**7) Designations.** Require signage indicating the presence of dogs on the premises to be posted at homes and other facilities.

**8) Animal advisory council.** Establish an animal advisory council to address problems concerning dogs and other animals in the community; members can be drawn from diverse sectors, including animal control personnel, elected officials, veterinarians and dog owners.

**9) Enforce existing laws.** Existing laws that are on the books that deal with aberrant animal behavior or irresponsible conduct by an owner should be enforced where applicable.

**10) Alternative dispute resolution.** Encourage the use of arbitration, mediation and other efficient and economic means to resolving dog-related disputes, especially among neighbors.

These 10 steps are not substitutes for responsible dog ownership. But the accountability of dog owners should be balanced against the responsibility for rational action by political figures and legislators. Adoption of these 10 steps might stem the need for unnecessary and excessive dog laws, while curing the problems dogs occasionally can impose in the community.

Not all of these tips will work in every situation, but dog owners should be prepared to advocate some or all of these steps as alternatives to harsh laws that often arise out of hysteria regarding dogs.

*Marshall H. Tanick is an attorney with the Twin Cities law firm of Mansfield, Tanick & Cohen, P.A. He serves as National Counsel to the American Dog Owners Association and other dog-related organizations.*

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