

Panic Policy Making: Canine Breed Bans in Canada and the United States

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Panic Policy Making: Canine Breed Bans in Canada and the United States Susan Hunter and Richard A. Brisbin, Jr.* Department of Political Science West Virginia University Morgantown, WV 26506-6317 Contact: Susan. 304-293-3811 ext. 5292 Prepared for delivery at the 2007 Annual Meeting of the Western Political Science Association, Las Vegas, NV, March 8-10, 2007 *The authors thank the Canadian Embassy in the United States and the Office of the Dean, Eberly College of Arts and Sciences, West Virginia University, for supporting this study and Brett Wilson for research assistance.

Abstract Panic Policy Making: Canine Breed Bans in Canada and the United States Although dogs have bitten humans for millennia, in recent years state, provincial, and local governments have responded to incidents of dog bites with legislation or administrative rules that ban the ownership of dog breeds such as American Staffordshire Terriers, Rottweilers, and American Pit Bulls. In this paper we examine if a framework of “panic policymaking” can explain the passage of breed bans. The paper first develops a framework to explain panic policymaking that builds upon and modifies psychological theories of decision making, the sociological literature on moral panics, the analytical and case study literature about critical junctures in policy paths, behavioral economic studies of responses to risks, and the empirical studies of punctuated policy equilibria. Using data from a survey of the Canadian and U.S. public and interviews with interest group activists and public officials in locales that considered and defeated or passed breed bans, we then assess the predictive value of the concept of panic policymaking. Finally, we consider how breed bans indicate the scope and limits of the concept of animal rights.

Panic Policy Making: Canine Breed Bans in Canada and the United States Dog bites man, man kicks dog is a story repeated through the ages. Although dogs and humans have lived together for more than twelve millennia, only in the past two centuries have canine attacks on humans and human abuse of animals—along with animal husbandry practices, hunting, and the management of the welfare of wildlife—become a political issue. Human abuse of animals has become a topic of interest to many lawyers and scholars of public policy, but human responses to dog attacks is a subject—as with many aspects of the broad field of animal policy—that has drawn limited scholarly attention (see Hunter & Brisbin 2007).

Until the 19 century belief in the hierarchical role of humans in the Great Chain of Being permitted persons to respond at will to dog attacks. With the reconception of domestic animals as property, which became the dominant intellectual paradigm in the 19 century, the victims of dog attacks had to prove the negligent control or nuisance behavior of a dog by its owner to secure compensation for injuries. The state also could control some behaviors of dogs through its police power or general power to protect the public health, safety, and welfare. Such powers, for example, could be used to seize, quarantine, and destroy rabid dogs that attacked or threatened to attack persons (Hunter & Brisbin 2006). However, beginning in the late 1980s, a new twist appeared in the policing of dogs. Instead of controlling dogs that might attack through confinement or muzzling regulations, criminally or civilly penalizing the owners of dogs that bite, requiring owners of some breeds of dogs purchase liability

insurance, or establishing a fund to compensate victims of attacks, some provincial and local governments in Canada and the United States have banned certain breeds of dogs. The bans prohibit the ownership, possession, and breeding of American Pit Bulls, American Staffordshire Terriers, Rottweilers, cross-breed dogs physically similar to these dogs, and other dogs thought to pose the risk of attacking humans. What is on face confusing is the development of breed bans in a period marked by the emergence of the idea of animal rights and more extensive legal protection of the care and treatment of animals (see Finsen & Finsen 1994; Hauser, Cushman, & Kamen 2006; Hunter & Brisbin 2006; Jasper & Nelkin 1992; Singer 1975; Sunstein & Nussbaum 1994).

Despite the advance of animal rights and animal welfare in law and ideology, there are three political preconditions that influence the adoption of breed bans. First, the supporters of the legislation adopt the traditional legal definition of animals as property—not as entities with a modicum of rights. As with other property, the ban on dog breeds reflects a trend in Western policy making toward policies that insure against risks, especially subjective risks to personal safety and property (Beck 2002; Baker & -2-Simon 2002; Lodge 2001; Lodge & Hood 2002). Second, the breed ban is a form of policymaking that is often more a symbolic reaction—a palliative rather than a cure—for an emotional fear or anxiety (Edelman 1964: 22-29). It deals with the potential of catastrophic injuries and promises to provide reassurance of safety and security (Haggerty 2003). It informs people that a dangerous category of animal behavior exists, but the public is left to “embrace” the risk of bites or to seek protection through the purchase of liability insurance, the tort litigation, dog repellent chemicals, fences, or other alternatives (Ewald 2002). Finally, and central to this paper, the adoption of breed bans occurs in a relatively unusual political context. Unlike adoption of some palliatives for risks, breed bans appear in circumstances marked by great emotionalism and limited inquiry into the sources and probability of a risk and limited consideration of alternative policies. Especially the alternatives suggested by animal rights and animal welfare advocates appear to be ignored. Therefore to address how dog breed bans have come about this paper proposes a framework to explain panic policy making. Unlike a theory, this framework is a guideline that organizes inquiry and uses partial theories about the influence of ideas and political mechanisms to evaluate generalizations about policy change (Scharpf 1997, 30-34, 37).

Although policy change most commonly occurs through “drift” or the incremental, marginal adjustment of existing policy, we hypothesize that dog breed bans are a form of policy “revision” or the formal reform, replacement, or elimination of an existing policy (Hacker 1994: 246-49). Revision occurs with a degree of speed at “critical junctures” that replace a path dependent policy (Pierson 2004; for an application see Brisbin 2002), or, as “punctuations” of a policy equilibrium (Baumgartner 2006; Jones & Baumgartner 2002, 2005: 87-203; Jones, Baumgartner, & True 1998; Jones, Larkin, & Sulkin 2003). Also, the literature on critical junctures and policy punctuations presupposes that conflict about policy options and negative feedback about policy outcomes accumulates over time to a point of revision or rupture of a stable policy path. However, we additionally hypothesize that there is a subset of policy revisions that transpire in a much more limited time frame, without the intrusion of new information, and without an

accumulation of increasing conflict or negative feedback about a policy (contrast Jones 2001: 131-59; Jones & Baumgartner 2005; Kingdon 1984; Pierson 2004: 133-44).

We identify this subset as situations of panic policy making. In this paper we first present a framework to explain panic policy making. After a description of the context of public opinion and knowledge of animals in Canada and the US, we evaluate the viability of the panic policy making framework using case studies of the adoption and rejection of dog breed bans by governments in the two countries.

1. Panic Policy Making Defined; What is panic policy making? It is the speedy creation of new laws and regulations or new duties for governmental and private institutions in a situation of sudden, unreasoning, and excessive fear. Panic policy making also has features that differentiate it from other synoptic revisions or replacements of policies. Indeed, it is more closely akin to an individualized rather than an organizational or institutional policy making process. In this section we present a framework to explain the stages of panic policy making: recognition, choice, and implementation. Figure 1 depicts these stages. Figure 1 here Recognition: Opening the Policy Window The recognition and definition of a panic is marked by a conjunction of injurious events and emotions. Also, unlike some policy process models that presuppose a “pre-problem” stage, panic policy making is about issues or activities that have drawn little attention from interest groups or experts (contrast to Downs 1972: 39). Intrusive injurious event.

A “panic” policy is the result of the sudden onset or recognition of an injurious event. John Kingdon (1984:99-105) has argued that issues or problems need “a little push” to become an item on the political agenda. The push is sometimes a “focusing event” “like a crisis or disaster.” However, he also finds variations in focusing events. One of those variations is an intrusive injurious event. The attributes of the intrusive injurious event, however, are not quite those generally described in policy studies (contrast to Jones & Baumgartner 2005:68). It has two dimensions. First, it can be an unexpected, sudden, or unusual occurrence that persons have not experienced or consciously recognized in the past. The event can occur in one of two ways. It can be a quasi-natural occurrence, such as the death of a child as the result of a fatal dog attack or the poisoning of a source of water that results in death (see Lodge & Hood 2002: 5, 8). Or, it can be a manufactured occurrence. For example, the event can be defined as an intrusive new danger by policy entrepreneurs, such as Bush administration’s assertion of a threat from Iraqi dictator Saddam Hussein. Therefore, the intrusive injurious event is not a stage in a long-term historical sequence of modifications of policy. The event also is not a relatively common natural disaster, such as a fire, hurricane, or flood, that invokes a repertoire of alternatives used to cope with similar past disasters. Second, some individuals construe the intrusive injurious event as information—an alarm—that signals immediate severe, catastrophic, or dreadful consequences for human life or social order. There is little ambiguity or uncertainty about the event, including its costs and the future risks it signals (see Downs 1972: 39; Slovic, Fischhoff, & Lichtenstein 1979; Slovic, Lichtenstein, & Fischhoff 1984).

Figure 1: Aspects of the Process of Panic Policy Making
Recognition: Opening the Policy Window
Characterization: The Spread and Rationalization of a Panic
Choice: Elites and the Formulation of Policy
Implementation
Intrusive Injurious Event: Natural or Manufactured Construction and Interpretation of

the Intrusive Event: Fear, anxiety, and panic Contagion Emotional Assessment of Alternatives Media and Communication of a Collective Panic Information Cascade Rationalization of Responses Elite Use of can readily perceive the danger the event signals because of their innate emotional predispositions toward some dangers to themselves and their family. Construction and Interpretation of the Intrusive Injurious Event: Fear, anxiety, and panic. We propose that a panic is constructed as an individual's immediate emotional response to an intrusive injurious event. Especially fear or an emotional system that detects danger to the person in the injurious event and produces survival responses, takes over the control of individual actions. Often it is followed by anxiety or the anticipation of danger because of the recall of unpleasant experiences in similar situations (Rachman 2004: 1-24).

A panic is a pre-cognitive affective reaction of fear and anxiety in response to the onset or perception of an unexpected injurious event. An emotion, it features sensations of terror, threat of death, loss of control, and possible insanity. As one author has noted, "The threat of a serious motor accident can provoke it, as can an attack by a vicious dog (Rachman 2004: 96, 95-99). However, as an emotional response, panic is often out of proportion to the injurious event's objective magnitude or the individual's prior or future attention to similar events (Lowenstein & Mather 1990: 171).

Although a panic is an individual's "visceral" emotional response to an intrusive injurious event, it is not irrational (Lowenstein 1996). Rather, panic is an emotionally determined, impulsive, non-cognitive assessment of an immediate sensation of a threat to personal well-being. Panic is thus a self-interested action determined by an emotion-laden calculation of probabilities (Lowenstein et al. 2001). Contagion. Although panic is an individualized reaction to an intrusive injurious event, it is often conditioned by an emotional category of behavior shared with others—a fear of contagion. A contagion or contamination is the spread of the ill-effects of an injurious event from physical contact with a disease (AIDS), people with an "immoral" taint (drug addicts), locations (a saloon), or an object (pit bull dogs). Studies of contagions describe them as socially constructed through learning, gradual social adaptation, and emotional enculturation (Haidt 2001; Rozin, Markwith, & McCauley 1994; Rozin & Nemeroff 2002).

Fear of contagion thus develops as learned response to a perceived negative intrusive injurious event in which the individual has contact with a dangerous object. To avoid loss from the contact with the perceived source of the contagion—such as dangerous dogs—the individual reacts by making rapid decisions to avoid contact with the contaminant. Often avoidance of the contaminant or danger is the most common decision in this context (Nemeroff & Rozin 1994; Rozin 1999; Rozin, Markwith, & McCauley 1994; Rozin & Royzman 2001).

Emotional Assessment of Alternatives. As indicated, as panic becomes a contagion, individuals will assess information and make choices on the basis of difficult to verbalize affective reactions to the intrusive injurious event and the threat of contagion that develops with a social group. Panic and fear of Heuristics or Rules of Thumb Extremely Bounded Identification of Alternatives Institutional Structure Lack of Foresight Lack of Attention Neglect of Resistance Neglect of Sunk Costs contagion often causes the overestimation of the risk of infrequent events, especially of a lethal nature, and the underestimation of the frequency of common events (Alhakami & Slovic 1994; Lichtenstein et al. 1978; Rachman 1994; Taylor & Rachman 1994). In accordance with prospect theory and its modifications, the

result is the mass public thinks that unexpected injurious events seem highly probable when they are not (Kahneman & Tversky 1979; Tversky & Kahneman 1992; Hertwig et al. 2004).

Thus, people focus on the worst possible outcome of events and miscalculate the probability of the repeat of the injurious event (Lichtenstein et al. 1978; Lowenstein & Mather 1990: 171-73). Having misestimated the probability of injury, and the recurrence of the intrusive injurious event, people choose to react by following certain repertoires or typical patterns of response. They do not rationally assess a range of alternatives and choose the course of action with the greatest utility to address an event (Damasio 1999: 35-71; 2003: 27-80; Dijker & Koomen 1994; LeDoux 1996; Lowenstein et al. 2001; Marcus, Neuman, & MacKuen 2000: 28-44; Slovic et al. 2002). Therefore, individual's affective "liking" of alternatives is shaped by an affective prediction of panic from future dangers and an anticipation of the worst possible future (Rottenstreich & Hsee 2001). Characterization: The Spread and Rationalization of a Panic and fear of contagion might create the opportunity for policy making: the recognition of a problem, its placement on the political agenda, and a discussion of alternative ways of addressing the problem. But, to be politically meaningful, panics need to be characterized as a catastrophe—a calamitous subversion of the normal order of their world—and recognized as a catastrophe by the public and political leaders. Then leaders and political organizations can then offer a policy alternative to rescue the public from the event and rationalize how a public policy can confine or eliminate that the catastrophe.

Media and Catastrophe. Panic policy making requires the communication of the emotions of collective panic and a fear of contagion associated with an injurious event. The communication of the panic and fear to a mass audience, however, is not the consequence of activities by organized political interests, public officials, or events occurring over time along a "policy stream" (Kingdon 1984: 152-72) or "policy path" (Pierson 2004) that upset a policy equilibrium. Instead, the "policy window" opens quite suddenly—often within days or months rather than years of the event. Although Kingdon (1984: 173-204), the moral panic literature (see Goode & Ben-Yehuda 1994; Jenkins 1998, 1999; Thompson 1998), and other studies of sudden behavioral change (Schiller 2005:56-105) often associate the opening of a policy window with changes in a political administration, changes in party control of government, national mood shifts, interest group lobbying, litigation, or publicity campaigns or the actions of policy entrepreneurs, we propose that the media opens panic policy windows. Various studies (summarized in Kasperson, et al.: 2003; Eldridge & Reilly 2003) indicate that the institutionalized media practices can amplify panic and fear of contagion about an injury or death into a catastrophe through their decisions about how to describe an event or problem. Especially because the emotions associated with panic and contagion are easily manipulated for a naive audience, the media can spread some individual's overestimation of the frequency of an injurious intrusive injurious event (see Slovic 1986: 404-5).

The media practices include, first, the desire to sell newspapers or increase television ratings that encourages reporters' coverage of violence and sex, including deaths by homicide, accidents, and natural disasters that can create panic and fear of contagion (Bennett 2005: 74-101, 151-72; Combs & Slovic 1979; Iyengar & Kinder 1987: 34-46). Experience has informed the media that

“vivid” and “fresh news” of such topics draw the most attention from readers and viewers. However, the emphasis on fresh news means that over time reportage of an injurious event is fragmented and decontextualized. Further, editors and headline writers can adjust reporters’ stories. Also, because news organizations often lack the personnel or the expertise to investigate and critically assess injurious events, they rely on the definition of such events by others—for example the Associated Press, police, office holders, and corporate or interest group public relations personnel (Cohen & Richardson 2002: 289-91).

Second, the media also define the characteristics of a catastrophe. Reporters are taught to provide exciting, direct statements of the who, what, where, when, and how of events in a narrative that can be interpreted by a mass audience. Pictures of dramatic events or even misleading pictures highlight the catastrophe (see Cohen & Richardson 2002: 291-94). Often this practice means that they reduce complex patterns of causality or omit certain facts to provide a simple definition of the source of a hazard. This practice can result in the communication of a causal explanation that associates a single agent (person, being) or variable (product, technology) with a significant threat to a cherished value, such as the security of children, or a threat of crime or injury. The media, third, can amplify and attenuate the perception that an event is a catastrophe with ramifications for the personal lives of readers or viewers. Reporters choice of language and their attention to the “human interest” aspects of an issue or event plus editorial decisions about headlines, story placement, follow-up coverage can spread the belief that the problem has great significance for the lives of readers or viewers, the cause of the event can be readily prevented, and prevention of similar events needs immediate attention.

Finally, to reinforce their definition and amplification of an injurious event into a catastrophe, the media often employ imagery that stigmatizes the causal agent or variable they have identified. The stigma might articulate cultural norms that inhibit use of data—such as notion that an animal’s misbehavior is “in the blood” so that blame or injuries falls on the beast and not the owner who is legally responsible for the control of animals she owns. For individuals accustomed to thinking in bipolar or adversarial terms such a battles between good and evil, stigmatization of the causal agent or variable provides a ready identification of origins of a catastrophe and its possible outcome for their personal lives (Bennett 2005: 36-73; Eldridge & Reilly 2003; Graber 2006: 86-147; Haltom & McCann 2004: 47- 81; Iyengar & Kinder 1987: 16-63; Kasperon, et al.: 2003). Therefore, the sense of panic and fear of contagion might be abetted by media coverage that implies chaos and catastrophe might result from an intrusive injurious event. Such coverage implies the event threatens authority and order. For example, the story might take the pit bull, a dog associated with combat in the minds of media editors and police, provide dramatic text and pictures about the dog’s attacks on police, deliver the information in a fragmented fashion that ignores the context of the attack, and argue for the normality for such abnormal behavior by such dogs (Cohen & Richardson 2002: 294- 95). The reportage need not be accurate. The reportage an injury or event, even if based on limited facts, stereotypes, or urban legend, can produce a catastrophe. In terms of decision theory, media coverage influences individual’s application of an “availability heuristic” or a ready means of picturing or constructing the likelihood of an uncertain outcome. By simplification or exaggeration of an injury, the media provides individuals with

a ready, simple item of information that can be easily recalled and relied upon for the prediction of future injuries (Tversky & Kahneman 1973: 208; Schwarz & Vaughan 2002).

Second, the media characterizes the intrusive event as representative of the behavior of a person or animal. For some individuals, this evidence serves as a “representativeness heuristic” or an effortless fear being directed toward public officials, as in some policy making models (Kingdon 1984: 106-8), it is further amplified by media messages to a mass audience. This process can be described as an information cascade. An information cascade “occurs when the information implicit in predecessors’ actions ... is so conclusive that a rational follower will unconditionally imitate them, without regard to information from other sources” (Hirschleifer 1995: 191). If the media’s message simplifies the causality of a unexpected injurious event, the message is intense and frequent, the message appeals to the fears and anxieties of groups and individuals, and the message associates the injury with a stigmatized or object or group of people (the “other”), it can initiate a chain of communications that amplify the collective panic (Kasperson et al. 2003). Other interpretations of the event are overcome, the deviancy of a contagious object or persons is solidified, and the definition of the causes of injuries and the source of a contagion become self-reinforcing (Hirschleifer 1995: 192-93; Schiller 2005: 157-160).

Informational diversity, essential to synoptic rational choice, is lost. Indeed, an information cascades can make people aware of the significance of intrusive injurious events, define the consensus, and stimulate uniform emotional reactions to these variables (Schiller 2005: 161-71). The result of information cascade following an injurious event is its characterization or the definition of its attributes as particularly dangerous or in need of a public solution—especially its suppression or elimination. Then to eliminate their negative reactions to attributes of the problem, individuals react by supporting policies that generate the most favorable or consensus emotional sensation (“choosing by liking”) or that first comes to mind (“choosing by default”) (Frederick 2002). Although emotions might guide their consideration of the policies they “like” to address an injurious event, panic policy making more commonly features individual’s default to habitual practices that might reduce their fear, anxiety, or emotions of dread about an event (see Marcus, Neuman, and MacKuen 2000: 45-140; see also Downs 1972: 39). Choice: Elites and the Formulation of a Policy Most studies of policy making depict numerous organized participants and political entrepreneurs in policy development and choice (e.g. Kingdon 1984: 23-74).

However, panic policy making features limited participation, elite control, and groupthink in the formulation of a response to the catastrophe. Consequently, policy making avoids possible veto points. The elite often is an elected executive and staff or the majority membership of a small legislature, such as a city council. Policy formulation by this elite has four features of importance. First, the selection of a policy alternative is a cognitive process, but the elites employ heuristics rather than an elaborate assessment of alternatives. Second, the elite possesses an extremely bounded rationality and little attention to policy consequences as it sorts through information about policy alternatives.

Third, means of detecting risks through the association of attributes of events (Tversky & Kahneman 1983: 295). For example, if the media reports a Rottweiler attacked a person, individuals assume the attack is representative of Rottweiler’s behavior. Additionally, the media provides an “anchoring and adjustment heuristic.” It provides initial evidence that individuals employ when evaluating the likelihood

of future injuries (Tversky & Kahneman 1974; Epley & Gilovich 2001; Chapman & Johnson 2002). For example, if the media associates or “anchors” pit bulls with violent dog bites, individuals might “adjust” the anchor assess the likelihood of future dog bites with the presence of “pit bull types” and other large dogs. The media thus encourages emotional assessments of injuries and events Information Cascade. As the media communicates a collective panic and fear of contagion, it often amplifies fear the event will be repeated, perhaps even with more significant costs. However, rather the elite spends little time thinking about the consequences of choices. It exhibits little foresight. Fourth, the elites have institutional means to ensure their control of policy making, such as the authority of a prime minister and his key cabinet ministers to define the issues under consideration by a party and to require party line votes or the ability of two to five members of a small council, commission, or board to adopt legislation with limited public input. The following sections provide more description of these features of panic policy formulation.

Elite Use of Heuristics or Rules of Thumb. The sudden intrusion of emotional reactions to an event or problem and calls for its remedy into the public sphere can create a need for the elite to sort through an often extensive, complex, and contradictory body of information. However, given the cascade of emotional calls for problem resolution using habitual practices, the normal use of heuristics to index and sort information is usually bypassed when there is a collective or moral panic (contrast Jones & Baumgartner 2005: 55-85). Instead, they rely on a simple “availability heuristic” or their most familiar experience (Tversky & Kahneman 1973). History has taught many officials that there might be an electoral advantage from decisive action in a crisis and defeat from a slow response that ignores the alternative most highly valued by the public. The assessment of the utility of immediate action as an act of political precaution and loss aversion short circuits information searches and assessment. Again as suggested by prospect theory, in a situation of possible loss (of office or power) the official is willing to gamble on a policy they might not propose if their position were secure (Kahneman & Tversky 1979).

Extremely Bounded Identification of Alternative Policies. Although representative of mass characterizations of an event or problem, the rationality of their choice to address a panic is exceptionally bounded. Emotions and aversion to challenge popular demands encourage an informational myopia on the part of policy makers. They consider the intrusive injurious event and collective panic in isolation and misjudge the odds of the injurious event being repeated. Their subjective confidence—share with the mass public—is that the problem has one dimension and one utilitarian solution. They infer the problem is the association of one variable (for example, a pit bull) with a second variable (a dog bite) when the sample of data is skewed or no information is provided about their combination (Fiedler 2000; Kahneman & Lovallo 1993; Meiser 2006).

Panic policymaking thus is at an extreme end of a continuum of the amount of knowledge of the alternatives used to formulate a policy. Especially it is marked by official’s overconfidence, or trust in their reasoning or sensory discrimination from limited or skewed data or because of their positive self-image (Dawes 2001: 141-43; compare Juslin, Winman, & Olson 2000). Or, it can result from their hindsight bias, or reliance on historical analogies and assessment of past experiences with policies (see Winman and Juslin 2006). The result is biased group impressions or stereotypes of events (groupthink)

that might preclude even marginally informed choice among alternatives or the consideration of more than a single policy alternative.

Lack of Foresight. Although intuitive thinking and extremely limited searches for knowledge of policy alternatives can be powerful and accurate in some circumstances, they can be ineffective or inefficient in reducing the fear of future injuries. If the decision maker's knowledge of options is limited by the desire to respond to the panic speedily, reliance on habitual options, a limited range of information, or emotions, the correction is framed as a policy change that often fails to provide a utilitarian means of policy correction or revision (see Kahneman 2003). Consequently, although their choices might satisfy a popular demand for action, they are symbolic assurances to reduce anxieties, not necessarily cures that prevent future injuries and panics.

Institutional Structure and Elite Policy Dominance. Nearly all studies of American public policy making emphasize its competitive inter-institutional environment and the role of external organizations in shaping policy. This description normally does not characterize panic policy making. Instead, it occurs in an institutional context marked by: a small cadre of officials and their advisors; a lack of opportunities for competitive institutions or interests to participate in policy formulation, and a lack of access for groups or individuals who might provide policy alternatives or information that challenges elite knowledge and values. The upshot of the consideration of alternatives and process of policy choice is that the policymakers' attempt and often succeed in managing the panic. In so doing, they can create a reelection dividend, establish a reputation for representing or responding to public concerns, validate its support from social or interest groups, or satisfy a personal desire to make what they regard as sound policy.

The result is new policy, but policy that maintains and reinforces the power of established political elites (see Lodge & Hood 2002: 3-4, 10-11). Implementation of a "Panic" Policy For several reasons, implementation of a response to an intrusive injurious event is of little concern during the formulation of panic policies (see Lodge 2001: 75-76). Although this paper will focus on breed ban policy formulation and will not address implementation of the policy, the formulation process affects implementation and often makes the policy more a symbolic palliative rather than an instrument for changing human behavior.

Lack of Attention to Implementation. Because of the lack of limited calculation, planning, and assessment of the utility of a choice in a condition of public panic, officials often fail to consider how the policy will be implemented. In the haste to act they can fail to forecast the resources of personnel and money necessary to enforce the policy. Consequently, the policy is hollow; it becomes a symbolic gesture and promise that satisfies mass sense of concern in the short-term (see Edelman 1964).

Neglect of Sunk Costs. Because existing institutions often implement panic policies, there are often low set-up costs for enforcing the policy. However, conditions that cause path dependence by implementing agencies, including learning how to employ the new policy and dealing with new externalities created by the panic policy, might delay or frustrate its implementation. More importantly, agencies might adapt

the new policy to serve their interests, producing unanticipated responses to the policy from implementers (see Downs 1972: 40; Pierson 2004: 24).

Neglect of Resistance. The rapidity and exclusionary nature of panic policy making often precludes comprehensive participation in policy formulation. Questions about the motives of officials, the consideration of alternatives, and the reasonableness of the panic therefore usually arise post-decision. Relying on a reassessment of the injurious event, groups or persons bearing the costs of the panic policy might attempt measures to reverse or resist it. They might choose resistance in the form of litigation, publicity campaigns, lobbying for legislative reconsideration, or and social protest to derail the implementation of the policy. The resistance can be belligerent. It can impugn the reasonableness or motives of the policy makers, evaluate elite behavior in harsh terms, and perceive themselves as victims. This distortion of elite behavior or “devil shift” undervalues the importance of loss aversion in officials’ decision making and overstates the stupidity or evil of their actions (Sabatier, Hunter, & McLaughlin 1987). Consequently, the panic policy decision can predicate an ongoing adversarial political conflict.

Cooling the Panic. Because a panic is an immediate emotional response to the stimulus of an intrusive injurious event, as time passes and the vent recedes in memory, the public’s emotions cool, people become discouraged or neglect their demands for policy change, and their demand for action recedes. With its emphasis on immediate newsworthy stories, the media moves on to other issues. The panic thus “fades” and can move into a “prolonged limbo” (see Downs 1972: 40-41; Kingdon 1984: 108-10). II. **Evaluation of the Panic Policy Making Framework: Sources of Information** Our primary hypothesis is that breed bans are the result of panic policy-making in response to a natural or created crisis and with little to no debate or consideration of alternative policies. The formulation of policy thus excludes animal rights and animal welfare advocates, such as dog owners, breeders, veterinarians, and kennel clubs. To test this hypothesis, we first undertook a study of the preconditions and context of breed ban legislation in Canada and the United States.

We adopted a multifaceted approach involving a mail survey to mayors of municipalities with breed bans across both countries, interviews with elected officials, interest group representatives, and reporters in Missouri, West Virginia, Ontario, New Brunswick, Nova Scotia, and Newfoundland; examination of public documents, and a public opinion survey of Canadian and U.S. residents. All interviews and surveys were conducted between April and November of 2006. We also conducted a search for communities in Canada and the United States that had either passed or considered breed specific legislation. We developed a list of 70 Canadian municipalities and mailed a survey to thirty mayors for whom we could obtain addresses in June of 2006. Officials representing ten cities responded.

During August 2006 we traveled to Nova Scotia to interview officials from the Canadian Kennel Club, representatives of the Dog Legislation Council of Canada, breeders, reporters, representatives of the New Brunswick government, mayors, and dog owners. During the interviews and in public documents officials from all ten responding cities and government leaders in Missouri, West Virginia, Ontario, Nova Scotia and New Brunswick contended that their breed ban legislation was a response to longstanding public demand for action. Their

comments asserted that breed bans were the product of routine, rational policy making supported by a popular majority. In their mind, breed bans were not panic policies driven by emotional thinking. To assess this assertion, we conducted an Internet opinion survey during the fall of 2006. Survey Sampling International provided the sample from a panel of 235,990 Internet users they recruited. The survey ran for one week. Survey Sampling International sent out the invitation to take a survey, and respondents visit a website developed and maintained by the researchers.

Data from this survey was analyzed using SPSS to further understand the preconditions and context of breed ban legislation. Also, from these interviews, the survey, newspaper reports, and documents, we compiled case studies of the political conflict about breed ban legislation in Missouri, West Virginia, Ontario, New Brunswick and Nova Scotia. We employ the case studies to evaluate the idea of panic policy making and the framework we developed above.

In 2004 New Brunswick and Ontario considered bans on pit bulls. Guysborough County, Nova Scotia, became involved in litigation over its attempt to enforce its ban against pit bulls in 2005, and in 2006 the Union of Nova Scotia Municipalities established a committee to investigate a province wide breed ban option. The different experiences of these jurisdictions will be used to provide insight into and an initial evaluation of the key components of the framework of panic policy making. These components include whether an attack creates a policy window, the rapidity of policy formulation or the rejection of a policy, and the importance of the institutional setting in which elites make policy. They also include the importance of opponents efforts to offset the popular panic or legislative action. Therefore, we examine how the owners of pit bulls and other breeds tried to manage the perceived risk by avoid the contact of their dog with the general public, blaming the problem on bad training and immoral owners, or communicating the peaceful characteristics of the breed (Twining, Arluke, & Patronek 2000). III.

Breed Bans as Panic Policy Making: Preconditions and Context Policy making occurs in a space and time constituted by historical institutional arrangements, laws, and experiences with policies, technical expertise and knowledge, and public opinion, assumptions, and preconceptions. As a prelude to breed bans, this context deserves consideration. It can provide an environment that encourages panic policymaking.

The Development of Breed Bans: Policy Experience and Learning As best can be discerned, a pit bull breed ban legislation first appeared in Hollywood, Florida in 1980; however, a county judge later ruled it was unconstitutional. Nonetheless, during the past two decades, dozens of American municipalities or counties have adopted local variations on pit bull breed bans (Burstein 2004; 2005-2006 Legislative Review 2006; National American Pit Bull Terrier Ass'n 2007), and other communities and some state legislatures have considered adopting a ban on pit bulls and other breeds such as American Staffordshire Terriers, American Bull Terriers, Rottweilers, cross-breed dogs physically similar to these dogs, and wolf-dog hybrids. These bans vary greatly in the specific language used to define breeds and in provisions that permit the ownership of specific "dangerous" breeds under "grandfathering,"

muzzling, and confinement provisions and special licensing and dog show provisos. Usually in the face of takings clause, due process, or void-for vagueness challenges, American judges have adjudicated several cases about the constitutionality of such breed specific laws.

For example, courts in Kansas (Hearn v. Overland Park 1989) and Missouri (City of Pagedale v. Murphy 2004) have held breed specific (usually pit bull) bans to be constitutional, but judges in Kentucky (Bess v. Braken Cty. Fiscal Ct. 2006) and Ohio (Ohio v. Cowan 2004) concluded the bans violated constitutional rights of owners. After serious dog bite incidents involving pit bull-type dogs in Winnipeg, Manitoba enacted the first Canadian breed ban in 1990. An official from Winnipeg noted that there had been attacks in which children and adults were badly hurt, and criminal drug activity involving pit bull dogs (confidential interview 2006; Winnipeg 2006). There were 28 serious biting incidents by pit bull types in 1989 alone. Because the owners did not license or control their dogs, and the police and animal control had serious problems bringing the animals under control, the city administration decided that higher licensing and other restrictions would not address the problem. They felt that dangerous dog legislation would not prevent attacks and that the owners of these breeds would not comply with any by-law. Therefore, they felt their only recourse was to remove the breeds from the city. Manitoba Association of Dog Owners asked that Canine Good Dog Certification be used to establish owner responsibility and good temperament of any pit bull type dog, but this alternative was rejected (Winnipeg survey data). Subsequently Winnipeg (2006) has adopted addition, very strict animal control legislation. The city allows only three cats or three dogs per residence, has a differential licensing system that doubles the license fee for unaltered animals, allows stray animals not redeemed by owners to be sold at auction, and bans all dogs on school grounds and in public parks. All cats over six months of age must be sterilized and all cats and dogs must be identifiable (name tag, license, tattoo or microchip). The view of city officials is that pit bull-type owners have already shown themselves to be irresponsible, criminals have used the dogs to protect criminal activity, and the potential danger from the dogs is sufficient to warrant strong action. Officials noted that they have seen no reason to weaken their bylaw, but are unlikely to add breeds due to the additional political and economic costs that would be incurred.

The Winnipeg by-law is often a model for other Canadian jurisdictions, including the other two communities in Manitoba that ban pit bulls. Additionally, 36 Canadian communities and one province have followed suit. In British Columbia six communities ban pit bull-type dogs. Two communities in Alberta ban pit bull types and a third, Sherwood Park, repealed its breed specific legislation in 2006 because "the county has done away with the restricted dog classification because it isn't the breed of dog that determines its temperament, it's how the dog was raised by its owner" (Wilf Gillis, By-Law Supervisor, quoted in Gillis, 2007).

Saskatchewan has breed bans in three small communities. Ontario has a province wide ban on pit bull type dogs and ten communities have their own bans. Six communities in Quebec ban pit bulls; two communities in New Brunswick ban pit bulls and Florenceville also bans Rottweilers. One community in Nova Scotia bans pit bulls, and Guysborough County bans pit bulls and Rottweilers. One community on Prince Edward Island bans pit bulls and Rottweilers, and one community in Newfoundland bans Rottweilers. The Ontario ban is under appeal and the Guysborough County, Nova Scotia ban was dealt a blow by a judicial finding that their law was vague and overreaching. No breed specific legislation is

found in the Northwest Territories, Nunavut, or the Yukon. Vancouver repealed its breed specific legislation in 2005 (Canadian Breed Specific Legislation 2006).

Why were these bans enacted? Elected officials from Kitchener-Waterloo, Windsor, and Midland Ontario, Prince George and Fort Nelson, British Columbia, McDonald and Winnipeg Manitoba, Montague, Prince Edward Island, and Edmonton, Alberta responded to our request for information about breed bans with copies of their by-laws. All but one official stated that the breed bans were passed as a result of public demand for action. In the exceptional municipality, there had been no attacks and no public outcry. That community decided to ban several breeds, including pit bulls, to prevent any possibility of attacks. In two other communities, no actual attacks had been noted, but people were fearful because of events in nearby communities. One official referred to it as “paranoia regarding certain breeds,” but also mentioned that there had been 68 dog bites in their community in 2005. One community did have a pit bull attack in which the owner was forced to kill the dog to prevent further damage, but in most cases there was no actual evidence of danger from pit bulls.

Edmonton, Alberta had a pit bull attack in 1987, which led to a bylaw restricting ownership of pit bulls. It did not involve a fatality. The Edmonton law did not ban any breeds, but set high licensing fees for restricted breeds, required muzzling, and instituted fines for noncompliance. The community strengthened its bylaw in 2002 to add pit bull type breeds. They revisited the issue in 2003 and considered an outright ban on pit bull-types, and also considered adding other breeds that had been involved in biting incidents. All public testimony and written comment provided in 2003 came from opponents to the bylaw. Veterinarians, dog owners, dog breeders, and kennel clubs submitted letters and provided testimony opposing the original by-law as well as any additions to it. The administration decided against adding breeds because it would cause political outrage from the 8,000 owners of these proposed breeds and it would “lock the City into continuous amendment and increase of the restricted breeds.” The city finally decided to keep the by-law as amended in 2002 because “information from cities that do not restrict this breed shows that there are more attack incidents than from cities where they are restricted” (Confidential interview).

These scattered incidents of municipal legislation and opposition to breed bans provided officials and interest groups with examples of ban legislation and knowledge about the responsiveness of public officials to challenges to the adoption of the legislation. Consequently, the municipal legislation initiated political learning for the policy elites who might engage in breed ban debates in other jurisdictions. Especially the justifications for breed ban legislation and the message of the political opposition to bans took form. Knowledge about Dog Bites Although political experience and policy learning can shape the context of policy making, so too does knowledge about the issue.

Regardless of public perceptions, given the limited data, any knowledge of the risk from dog bites is problematic. The ability of policymakers to address dog attacks is clouded by two “knowledge problems.” First, the reporting of the frequency of dog bites, including fatal attacks,

is not recorded in any central governmental archive according to any single set of criteria. Much as with criminal victimization, underreporting of bites is probably common, and the context of the incident is usually not recorded. This might produce the reporting of only unusual attacks, such as those that include many dogs or severe maiming of a victim. Consequently, most academic studies of Canadian and US dog attacks employ data that is limited or unreliable (for an example, see Lang & Klassen 2005; Sacks et al 2000). However, despite the limited data, apparently the risk of severe dog bites is rare. In the United States approximately 25 persons—mostly young children—die directly or indirectly from dog bites each year (Polsky 2007). There have been no pit bull fatalities in Canada. There is, on average, one fatality per year across Canada from dog bites. Only one has been attributed to a mixed breed with perhaps some pit bull characteristics. Second, the ability of persons to report accurately the kind of dog involved in a biting or attack incident is unreliable. As with humans' race, a dog breed is a social constructed rather than a scientific mode of categorization. No DNA studies have differentiated subspecies of *canis familiaris*. Moreover, the limited popular knowledge of dog breeds and the prevalence of a large population of “mixed breeds” means that the identification of a dog is not often a reliable social construction. These problems mean that dog regulatory policy and public opinion is often based on extremely limited and imprecise information.

Popular Support for Breed Bans The final aspect of the political context of policy making is the nature of public assumptions about an issue and its saliency. Has popular support for breed ban legislation existed in Canada and the United States? To address this question, we analyzed the survey responses from 1,094 Canadians and 1,030 U.S. residents. Respondents were asked their views on breed bans, several other animal-related policies, the concept of rights, what rights they believe animals have, the reasons they believe communities pass breed bans, their pet ownership, and their beliefs about dogs. Respondents were also asked to identify the province in which they lived, their religion, the type of area in which they lived (urban versus rural), their age and their income level (copy of questionnaire can be found in the appendix). Close to forty-three percent of the respondents in Canada were from Ontario; fifty-seven percent were female; ninety percent were Caucasian; and fifty-four percent were between ages of 41 and 65.

In the United States, ninety-two percent were Caucasian, sixty percent were female, and fifty percent were between the ages of 41 and 65. As Table 1 indicates, there is general support for breed bans in both countries. Over forty-five percent of the general public support breed bans, while less than thirty percent oppose them. The percent who are undecided range from twenty one percent for Canadian males to over forty percent among young people and African Americans. Black, young, and female respondents are the least supportive of bans. Canadian males are the strongest supporters of breed bans in our sample. Also, people who use words describing animals as property or pets rather than family or friends or more likely to support bans. If you remove the “unsure” respondents from the analysis, over fifty percent of those with opinion in both countries support bans (62% in Canadian and 55.8 percent in the US). This

provides a background that allows breed ban policy to develop quickly, and without significant opposition in many cases.

Table 1 here Respondents were also asked why they believed communities passed breed bans. As Table 2 indicates, around ten percent believe breeds are banned because criminals use them, close to forty-five percent believe it is due to media reports, close to twenty percent attribute the passage of the bans to community panic, and around twelve percent say all of these factors contribute to passage of breed bans. Overall, over sixty percent attribute the adoption of breed bans to media reports, which we might assume fuel community panic.

Table 2 here We also asked what the respondents believed about dogs in general. Although the majority believes that any breed will bite when provoked or owners make the dog dangerous, Table 3 shows that over thirty percent of the respondents in both countries, believe that all dogs will bite if sufficiently provoked. This suggests that most people do not believe that pit bulls or Rottweilers are inherently dangerous. Whether respondents lived in urban or rural areas did not affect this attitude, nor did age. However, women and contributors to animal welfare organizations were significantly less likely to believe that some breeds are inherently dangerous or more likely to bite than men and non-contributors.

As shown in Table 4, of the respondents who believe some breeds are dangerous, over seventy five percent of respondents support bans, and fewer than four percent oppose them. For those who believe owners make dogs dangerous, less than thirty percent support bans and over forty percent oppose them. Clearly a latent or even overt belief that some breeds are dangerous is fueling the push for breed bans. Unfortunately we failed to ask why people hold this belief.

Tables 3 and 4 here We asked respondents about their support for several different policies, but found little relationship between support for animal welfare policies and breed bans. Even support for anti-tethering legislation was not related in the United States, although it was slightly ($p < 0.05$) in Canada,, despite data that indicates that 25 percent of all fatal attacks were by chained dogs (Delise, 2002). As Table 5 indicates, the only policy related to breed bans in both countries was differential licensing. Because differential licensing is an animal control policy, as is a breed ban, it is reasonable that these two policies have similar support. Age and gender were also found to significantly affect the likelihood of supporting a breed ban in Canada; however, gender was not significant in the United States. The younger the respondent, the more likely they were to oppose breed ban legislation. Conceptions of rights seem to be related to attitudes about breed bans in Canada but not in the United States, where ideas about rights are more strongly held. The belief that progress requires humans to use animals as they see fit is highly correlated in both countries, reflecting an instrumental view of dogs as property. The strongest relationship between beliefs about rights and beliefs about breed bans is the belief that animals have no rights, again reflecting an instrumental view of animals. There are some clear differences between the two countries, particularly on support for various policies.

Canadians are more significantly likely to support breed bans but significantly less likely to believe that God gave man dominion over animals, and less likely to believe that only humans have rights or animals have no rights. Table 5 here The data suggest that there is a tendency, particularly among the elderly, to fear some breeds of dogs. People who own dogs, contribute to animal welfare organizations, or believe that owners create dangerous dogs are likely to oppose bans. Overall, however, only 14.9 percent of the respondents strongly support bans, 26.0 percent somewhat support bans, and 31.3 percent are undecided. This suggests that people are unlikely to oppose a breed ban, but there is unlikely to be a push for breed bans among the general population, without some triggering event.

Even in the Maritimes of Canada where a fatal dog attack had occurred, and **Ontario, Canada where the Attorney General and the media had highly publicized dog attacks, support for a ban did not reach 50 percent. It is clear that any elected body choosing to address the issue of dog bites with other policies would not suffer in the polls but also that support for a ban is unlikely to influence election outcomes, either.**

Implications In a context in which the public is undecided on the need for breed bans, the adoption of bans is associated with media attention, support for animal rights and welfare is not linked to breed bans, and fear of dogs exists, both the potential for a panic, elite creation of a panic, and elite policy making might occur. The information about the context of breed ban legislation indicates that municipal officials have often developed by-laws to ban pit bulls, largely with limited political opposition and with unsubstantiated claims of public support. There is a dearth of information about the risk of dog bites, especially from the breeds the municipalities have singled out for banning. Public support for the bans is not overwhelming and conflicts with its perspectives on animal rights and animal welfare. **Breed bans thus seem to emerge more from panic, supposition, and guesswork rather than from a rational analysis of the issue.**

The following case studies further explore how politics, public opinion, and information shape the adoption of breed ban legislation. III.

Case Studies of Breed Ban Laws In a context in which breed bans might be an acceptable policy, does the panic policy making framework explain the passage of breed bans? To provide more insight into the process making this policy, we apply the panic policy making framework in case studies of three efforts to legislate a breed ban. These case studies address events that occurred in two provinces and a county during the period after 2003. They transpired, therefore, after the initial political learning about the bans and during the period of our survey of public attitudes. In this situation, we anticipated that panic might be offset by more rational assessment of a range of alternatives. Consequently, we examine whether our hypothesis about panic policy making will hold true even after initial efforts to create a policy.

Ontario Although the record of events in Ontario is difficult to construct because of behind-closed-doors decisions that respondents would not describe to us, **the fate of breed ban legislation in the province evidences a specific version of panic policy making.**

Recognition Although a few publicized violent dog attacks had transpired in Ontario in the decade prior to 2005, including attacks that resulted in the death of a child and assaults on police, these attacks produced no immediate public outcry or media demands for the control of dangerous dogs. However, in August 2004 the media had covered how Toronto police had to fire more than a dozen bullets to kill two pit bulls who had turned on the man walking them and how a pit bull had attacked a man in London, Ontario who tried to protect a puppy from the pit bull's attack (CBC News 2004). In late August 2004 the Ontario Liberal Party's Attorney General, Michael Bryant, decided to legislate a ban on the ownership of pit bulls. Critics of the Liberals—the majority party in the Legislative Assembly or “the government”—have suggested that the ban was a tactic manufactured by the Liberals to deflect criticism of the growth of crime and gang activity, especially in Toronto (confidential Interviews). Opposition Progressive Conservative and New Democrat legislators also thought that he proposed the ban to deflect media attention from other issues and unpopular policies bedeviling the Liberal government. In their eyes, the identification of the pit bull problem was “all political.” It was a manufactured intrusive event. Soon Bryant held news conferences to tout the proposed ban and link it, by inference, to criminals, outlaw bikers, and urban gangs—groups with members often drawn from ethnic minorities.

Although a reporter showed Bryant a photo array of dogs and he was unable to identify a pit bull, his party nonetheless pushed ahead in its promotion of what became a series of amendments to the Dog Owners' Liability Act. It held a series of “consultations” with police, animal law enforcement officers, humane societies, and what it called a “broad spectrum of stakeholders” that it selected (Ontario 2005: 929). Therefore, the government had engaged in the construction of the intrusive event. However, as supported by our survey data, no evidence exists that the event created a contagion of fear of pit bulls and a moral panic. Also, no emotional assessment of alternatives appears to have generated an unwillingness for the general public to consider other policies, such as the effective dangerous dog law of Calgary (Calgary 2004) supported by national animal interest groups. Characterization The Liberal government used press releases and media interviews with Attorney General Bryant in an attempt to orchestrate public support for a pit bull ban. Bryant characterized the dogs as a “menace” and a “loaded weapon.” Press releases cited municipal officials, including the Mayor of Toronto, the Chief of the Toronto Police Service, the Mayor of Kitchener, and the Mayor of Wawa, as supporters of the ban. The government also arranged for press statements from victims of attacks about the extent of their injuries and the Animal Services Agency of peg about the effectiveness of their pit bull ban. These comments and releases emphasized the danger pit bulls posed for children and conveyed horror stories of their behavior (author's observations on media reportage). Anti-breed ban advocates argued that the proposed law was a result of a “moral frenzy” or “moral panic” created

by the government and the media. In particular they accused the media of ignoring dog bite stories not involving pit bulls. They described pit bulls as “the dog of choice” in media reports of crime and pit bull stories as evolving into “urban myths” (Ontario 2005: 1010, 1029, 1100 ff, 1410 ff, 1440ff, 1640 ff). Consequently, they described a media-generated information cascade to misportray as vicious pit bulls and other breeds. Additionally, Attorney General Bryant attempted to rationalize his call for a breed ban by reference to support for it from a range of interest groups. He asserted he had consulted with a range of interest groups, including the groups that opposed the ban (Bryant 2006).

3 Alternatives and Choice: Attorney General Bryant and his staff then prepared legislation that it introduced in late October 2004. The search for a policy largely drew on the language of the Winnipeg by-law in its definition of pit bulls (Winnipeg 2006), but it did not include the Canadian Kennel Club definitions and pictures of the banned breeds found in “Schedule B” of the Winnipeg law. Sections of the Winnipeg by-law that addressed licensing, owners’ responsibility, dangerous dogs, cats, and restrictions on the number of pets did not appear in the Ontario amendments. Thus, rather than broadly defining the problem animal issue, the government decided that the issue was pit bulls. They appear to have assumed that either the ban on pit bulls would be a ready solution to dog attacks or that banning pit bulls would symbolize their efforts to curtail crime. They therefore ignored recent events that had resulted in the rejection of a pit bull ban in New Brunswick and its replacement by a dangerous dog law. They also ignored other animal problems, such as feral cats and the dangers posed by imported exotic animals and fish. Therefore, the government’s proposed amendments had several features. These proposed amendments (Ontario. Public Safety Related to Dogs... 2005):

- Banned the owning, breeding, transferring, abandoning, or importing of pit bulls, American Pit Bull Terriers, American Staffordshire Terriers, and Staffordshire Bull Terriers, and dogs that have an “appearance and physical characteristics that are substantially similar to” these breeds. The ban on importing the breeds did not apply to certain dog shows or flyball tournaments;
- Required that pit bulls and other banned breeds currently in the province had to be muzzled in public and sterilized. These became known as “grandfathered” or “restricted” pit bulls;
- Applied the definition of pit bulls using standards developed by Winnipeg, Manitoba in 1990;
- Expanded provincial powers to initiate criminal action against owners, including actions that could result in the destruction, sterilization, or confinement of their dog, when their dog posed a “menace” to the safety of people or animals, not just animals that bit or attacked;
- **Placed the “onus” the burden of proof the animal was not a pit bull or a menace on the dog owner (apparently contrary to the assignment of the burden of proof to the prosecution that applies to almost all crimes in English-based legal systems);**
- Allowed peace officers to enter buildings and dwellings with a warrant or without a warrant in “exigent circumstances” to prevent “imminent bodily harm or death” from a dog (a provision that also permitted the seizure of drugs and other evidence of crimes);
- Increased criminal penalties and provided for civil negligence action against owners of dogs that menaced or injured people.

The government revealed these dimensions of their legislative proposals when legislative procedures required their public scrutiny. In January and February 2005 the Committee on the Legislative Assembly held four days of public hearings on the amendments in Toronto, Barrie, and Brantford. Much of the questioning of witnesses rested with pro-legislation David Zimmer of the Liberals, while Joseph Tascona of the

Progressive Conservatives and Peter Kormos of the New Democrats provided the opposition to the amendments. **Overall, most of the 106 witnesses or sets of witnesses representing organizations opposed the amendments. All of the groups associated with animal welfare, animal rescue, and animal training as well as some local officials, kennel clubs, and veterinary associations opposed the amendments.** Supporters included the Ministry of the Attorney General, victims of animal attacks, a few local officials, and Toronto police. Attorney General Bryant, who testified on the last day of the hearings, stressed the law would result in fewer pit bull attacks, could be effectively implemented, and would stem an “increasing proliferation and population of pit bulls” (Ontario 2005: 1010). Also, he stressed that the government would increase funding to the Society for the Prevention of Cruelty to Animals and that **municipal fines would pay the costs of the implementation of the ban.** Pro-breed ban advocates made the following claims: • Municipal law enforcement officers can define a pit bull, and in the words of one witness, “Most people in Canada know the appearance of a pit bull” (Ontario 2005: 1550); • Pit bulls posed an unusual threat to the safety of the public and its companion animals because of their unpredictable temperament and/or their nature of attacking the neck or hanging onto victims; • Personal single-case accounts and media reports indicated that pit bulls commonly inflict serious injuries and deaths and might carry rabies, and pose a significant danger to children; • Criminal elements use pit bulls to abuse, threaten, and intimidate law-abiding citizens; • Pit bulls endanger police and hamper their arrest of criminal suspects; • Pit bull bans in other jurisdictions have worked to decrease serious dog attacks but a province-wide ban will avoid a patchwork of local regulations; • Penalties for attacks by dangerous breeds and compensation for victims of attacks are inadequate and enforcement of existing laws has been lax. **The opponents of the ban challenged the heuristic or rule of thumb assumptions about pit bulls and dangerous dogs generally. Also, they argued that, because the bill reflected a lack of scientific and practical expertise about canines, it ignored better alternatives. Finally, because of the devolution of implementation to municipal officials, they charged the government with a lack of foresight about enforcement problems caused by limited local expertise and ability to fund enforcement.** Specifically, among their contentions were that: • No Canadian kennel club or animal organization recognizes a definition of pit bull, there is no science-based definition of a pit bull, and **municipal officers will make mistaken identifications of dogs as pit bulls resulting in innocent dogs being euthanized; There is no scientific evidence that pit bulls and related breeds are prone to attack and can inflict more serious injuries than other breeds** • The evidence of the danger of American Staffordshire Terriers and Staffordshire Bull Terriers is non-existent; • The shift of the burden of proof in the law is unconstitutional; • The amendment might encourage the purchase of other breeds or the creation of cross-breeds that can be trained for aggression by criminal elements; • There exists a need for animal licensing enforcement and a broad dangerous dog law to curtail dog attacks, with reference to the “Calgary by-law” ; 4 • The data that a pit bull breed ban works in cities where it has been adopted, such as Winnipeg, is incomplete, is collected in analytically unusable ways, or reveals the danger is not from pit bulls; • Because the amendments provide no funding, local governments and private

shelters lack the funds, staff, and physical capacity to locate and hold pit bulls and other breeds pending an adjudication; • There is no compensation for a decision that places the legitimate breeders of the banned breeds out of business; • **People will complain about pit bulls as a means of settling scores with neighbors or claims a dog is a pit bull will result in street encounters, harassment, and threatening actions toward responsible non-pit bull dog owners** (Ontario 2005). **Strikingly, one of the opponents of the breed ban was the mother of Courtney Trempe, a nine-year old child killed by a Bull Mastiff. She asserted that the breed ban would not have protected her child. Instead, she pointed to the failure of the law to address the 35 recommendations from the inquest into the death of her daughter. These included recommendations for governmental support of public and owner education about dogs, required canine training, tougher criminal penalties for irresponsible dog ownership, better reporting of dog bites, comprehensive dog licensing, and controls on dog breeding and puppy mills** (Inquest Recommendations 1998).

Ms. Trempe argued especially for a tougher criminal law to penalize the owners of dangerous dogs (Ontario 2005: 1435ff). Although the amendments also included changes that (1) permitted peace officers to search buildings and seize dogs without a search warrant in “exigent circumstances” such as a threat of “imminent bodily harm or death” to a person or animal and (2) made minor adjustments in the Animals for Research Act, these provisions drew little attention from witnesses—only two objections to the search and seizure provisions. No participant offered any extensive legal or political arguments couched in the language of animal rights, but many of the opponents of the ban implied that animals had a special status or required special respect. Thus, to critics the law developed from an extremely bounded identification of alternatives and a lack of foresight about implementation costs. For whatever reasons, the Liberal majority on the committee rejected any effort to rewrite the breed ban. After sharpening the definition of “menacing” it reported the bill, they reported it to the floor of the Assembly. **The Liberal majority leadership then used parliamentary procedures to compel party members to vote for the bill or face a general legislative election, but many Liberals absented themselves from the final vote.** Without a separation of powers and with institutional procedures permitting the large Liberal majority to push through legislation, no institutional means existed for the opposition to derail the breed ban.

Implementation Even before the adoption of the amendments, a coalition of five animal interest groups hired Clayton Ruby, a celebrated Toronto cause lawyer, to challenge the constitutionality of the breed ban. After the adoption of the ban, Ruby had its implementation enjoined pending a decision on whether the law violated the Charter of Rights and Freedoms. Although this move forestalled implementation, the government’s willingness to defend the ban indicated it had assumed it could overcome legal resistance to the law. In choosing this tactic, the government appeared to be politically steadfast in its policy commitment. However, the tactic also imposed costs on the opponents of the legislation, who had to pay hundreds of thousands of dollars in legal fees “one T-shirt sale at a time” (confidential interview). Indeed, the costs resulted in auctions, raffles, and the production and sale of a calendar in which female guardians of Staffordshire Bull Terriers appeared nude with their dogs (Winston 2006: F1). During the litigation, the government provided evidence by testimony of victims of

four pit bull attacks and six police officers who had to shoot the dogs to protect themselves and documentation and affidavits, data, and academic articles about the victims of attacks and the danger posed by pit bulls. They also argued that veterinarians, animal control and humane society officers, and laypersons could identify the pit bull. Legally, the government cited an extensive body of case law to contend that these facts and proved the breed ban law was not “overbroad,” “vague,” in violation of the presumption, of innocence, or an interference with the federal government’s powers (Cochrane v. R. 2006).

The litigation thus delayed implementation and the questions of the costs and administration of the law for local governments and semi-private or private humane organizations such as the Ontario Society for the Prevention of Cruelty to animals.

New Brunswick Recognition In New Brunswick in March 2003 three Rottweilers dogs attacked and killed a four year old boy named James Waddell. The three male dogs were placed in their owner’s back yard to keep them away from a female in heat brought to the home by the female’s owner who was also the child’s father. The father and the owner of the home left the child and the female dog alone in the house while they went to the basement. The child went outside unsupervised and took the female dog with him. The males became very aggressive to each other, the child got into the middle of their fight and was killed. The coroner’s inquest findings recommended that child welfare services review their procedures, as the child had been under their protection. Dianne Kelly, Coroner, also recommended that dog laws be strengthened to prevent such injurious events. However, there was no evidence of a contagion of fear or moral panic or calls for a breed ban from groups or private opinion leaders. Although the horrible death of this child could have lead to widespread demand for a breed ban, the government and the media jointly worked to contain the hysteria. Thus, any emotional assessment of alternatives did not occur (confidential interviews).

Characterization This event received extensive of media attention in the province. However, unlike Ontario, the Conservative government used press releases and the media to deflect the discussion of dangerous dogs to one of responsible pet ownership and responsible parenting. Although relatives of the child demanded more action, media stories brought up problems with the child’s care by his family, questioned the role of Social Services in leaving the child with this family, and printed assessments of the animals that described them as gentle and well-behaved. The newspaper reports also noted that the animals had been appropriately confined, but the child was left unsupervised. The media did not attempt to create a panic environment nor did elected officials. No cascade of calls for a breed ban occurred. Also, the media focused on the issue of Social Services involvement because the child was under care, the owner immediately euthanized all four of his dogs despite evidence that they were normally very sweet animals, and the opposition member agreed to pull his bill. As a result, media attention virtually disappeared and no public outcry occurred (authors’ review of media reportage). Instead, a legislator supplied a rationalized policy alternative. Kelly Lamrock, a Liberal Party (opposition) member from Fredericton introduced private member’s bill, Bill 55, in May of 2004 to ban Rottweilers, Staffordshire Bull Terriers, American Staffordshire Terriers, and Akitas. The ban would only have applied to unincorporated areas because the Municipalities Act gives incorporated areas the right to develop their own animal legislation. The Progressive Conservatives had a one member majority, and the

Attorney General, Brad Green, did not support a breed ban. Public hearings, held in November of 2004 found support for a breed ban from relatives of the child who was killed and letters from the general public supported the ban. The New Brunswick SPCA, breeders, Humane Societies, the Canadian Kennel Club, Veterinarians, and dog trainers all testified against the ban. Letters from Ontario residents opposing the ban, and feedback from owners of other breeds helped convince the legislature to drop Bill 55 and establish a Task Force to study the issue (confidential interviews).

Alternatives and Choice Because the parties in the Legislative Assembly were nearly equal in membership, neither party had the votes to pass legislation. Also, Brad Green, the Progressive Conservative Leader, was opposed to breed bans. Thus, institutional conditions for the passage of the ban did not exist. Also, the Legislative Assembly was willing to consider alternative policies. Rather than describing the issue as a problem with particular breeds, Brad Green and the Progressive Conservatives redefined the problem as one of irresponsible ownership. Because the Progressive party did not support a breed ban, the Parliament was closely divided between Progressives and Liberals, and the Liberal Party (Mr. Lamrock) was willing to work on legislation that would achieve his goal of protecting people from dangerous dogs, the legislature established a standing committee on law amendments to make a recommendation regarding Bill 55. The committee issued their report on December 16, 2004. The recommendations were based on a report, "Financial and Social Implications of Breed Specific Legislation" prepared by their committee staff (New Brunswick 2004). The report recommended that Bill 55 be dropped and that the legislature consider a Responsible Dog Owner Act. The matter was referred to the Department of Environment and Local Government in 2005. Subsequently, with agreement from Kelly Lamrock, the member who introduced the bill, the Assembly designated a Task Force to study the issues of dangerous dogs and irresponsible owners. This Task Force has recommended penning of dogs rather than tethering, removal of animals if the owner is irresponsible with euthanasia only if the dog was determined to be irredeemable. It also recommended that any animal sufficiently abused to become aggressive should be removed. Courts would be given authority to review each offense and decide whether the situation met the criteria for removal. The Task Force report made twenty four recommendations. Some of the recommendations from the Task Force were: • **Tougher penalties for negligent owners**; Euthanasia only for animals found to be irredeemable and owner did not control; placement with SPCA for animals removed from owner and found to be redeemable; • Penning rather than tethering and the use of short leashes to maintain control for animals that have been classified as dangerous; • Removal of dogs from negligent owners; • Removal of animals abused to point of aggressiveness with court to make decision; • Tougher licensing and codes in place for breeders and pet establishments; • Persons with repeat conviction or attacks loses the right to own a dog; • Leash and muzzle requirements will be consistent with veterinary standards; • Mandatory licensing; • **Increased efforts in education and enforcement**; • Proof of rabies vaccination required for licensing. Therefore, unlike Ontario, elites collected information on other policy alternatives. However, no policy choice has yet to occur. The Speech from the Throne, 2005, noted that the Task Force

Report and stated that a bill would be introduced to implement the recommendations. This action had not occurred as of February 2007. The Provincial government has also taken no action on Responsible Pet Ownership. The issue has apparently been allowed to die. However, member Kelly Lamrock, has taken action to modify the Fredericton by-law to address responsible pet ownership. **He has made public statements to the effect that he has no desire to punish good dogs, just irresponsible owners** (confidential interviews). The lack of a choice also is, in a way, unusual because two serious dog bite incidents occurred in New Brunswick during the summer of 2006. But, neither political party made any mention of them, and the media paid little attention. The actions of the legislature in holding hearings and appointing a Task Force apparently satisfied the general public. Neither party has a statement about dangerous dogs in their party platform, nor has the issue been addressed by the Legislative Assembly. No public figure has made a statement about dog attacks, and the issue is apparently being ignored.

Reasons for the Lack of a Policy Choice In New Brunswick, an injurious event did occur, but the event was interpreted as one of poor parental supervision and irresponsible dog ownership. The media did not call for a breed ban. Although one member of the legislature did call for a ban, he dropped his bill when the leadership agreed to examine alternatives. Public concern did not lead to demands for a ban. Officials in New Brunswick attributed their ability to develop more reasonable policy options to media restraint and the closely divided legislature (27-28) that did not allow for restriction of policy alternatives by a dominant party.

Guysborough County, Nova Scotia In Nova Scotia there have been both local and province wide initiatives to restrict pit bull type dogs and Rottweilers. **For example, the Halifax Regional Municipality (HRM) moved from breed specific legislation to responsible dog ownership.** The former county segment of the HRM had breed specific legislation restricting ownership of pit bull type dogs, although the other municipalities in the HRM did not. When the regional government was established the Regional Council had to harmonize by- laws and formed, in 1997, the Ad-Hoc Animal Registration Committee to do so. This committee was composed of Animal Control Officers, veterinarians, SPCA representatives and others. The committee agreed unanimously that a breed specific by-law should not be recommended to the regional council. The recommendations submitted on October 23, 2001 noted the mixed results from breed bans elsewhere, enforcement issues related to identifying breeds, misleading dog bite statistics, and expert evidence that genetics, upbringing, living environment, health status, and training all interact to determine an individual dog's aggressiveness. **The committee found that no breed is inherently dangerous. They recommended stronger legislation to control dangerous dogs and make owners liable for their animals' behavior** (confidential interviews, Halifax Regional Municipality 2001). Halifax represents a community in which no intrusive injurious events occurred. The process of changing the law from breed specific in one municipality to responsible dog ownership for the HRM occurred through committee activity with no media attention and no communication of panic. We have been unable to determine the reasons behind the ban in one municipality, but did learn that the municipality did not raise objections to the move to a responsible dog owner policy. The second Nova Scotia example occurred the county and municipality of Guysborough. This case is also one in which there was no evidence of panic. Recognition No violent dog attacks occurred in the 1990s in

Guysborough County or Nova Scotia. No local event was even manufactured, although the threat of such an event was implied within the council. Instead, Warden Lloyd Hines of Guysborough became heavily involved in attempts to pass breed specific legislation in his community. He was a vocal proponent of bans, possibly due to his personal fear of large dogs (confidential interviews). In 1995 he introduced a proposal to ban pit bulls, citing the need to prevent attacks like those in Ontario. He thus effectively constructed the danger (confidential interviews).

Characterization There was no evidence of a contagious public fear of some dogs, no panic, and no emotional calls for a ban from local groups or the public. Virtually no media attention was given to the issue, there was no cascade of dangerous dog information in the press, no public hearings were held to detail any public fears, and no local opposition to the ban appeared. No other officials or groups voice proposals, and Hines did little to rationalize the reasons for his proposal in a public forum (confidential interviews).

Alternatives and Choice The county of Guysborough quietly passed a breed specific ban covering Pit Bull Terriers, American Pit Bull Terriers, American Staffordshire Terriers, and any breeds mixed with these breeds. The 1995 ban did not allow pit bull type breeds to live in the district. Because the media paid virtually no attention to this issue, most residents of Guysborough were unaware of the new law. Apparently without public support or, to the contrary, outrage, the county amended the by-law in 2004 to ban Rottweilers (the amendment contained a grandfather section to exempt Rottweilers already living in the county). The ban on Rottweilers was passed after the New Brunswick attack that led to the death of the four year old child. Warden Lloyd Hines was active in pushing for these bills, and he has been threatening to push a breed specific ban through the Union of Municipalities (confidential interviews). His aide, however, described the Hines proposal as a province-wide dangerous dog law rather than a breed ban. No one has been able to see a copy of the proposal (confidential interview). However, the Union of Nova Scotia Municipalities is currently compiling a report that is not yet available to the public (Goldberg 2007).

Implementation The case of Zeus brought national attention to issues surrounding the implementation of Guysborough by-law. Mark Gosby, the Superintendent of Public Works and By-Law Enforcement visited the Marilyn and Willard Cameron residence on May 1, 2005 in response to a call about a dog running loose (Factum). The owners identified one of their dogs, Zeus, as a pit bull mix. Zeus was thirteen years old, in poor health, and never left the Cameron property. They were informed of the by-law at that time, according to Mr. Gosby. On May 15, 2005, Mr. Gosby returned to the Cameron residence with a warrant to take both of the Cameron's dogs. The Camerons allowed Zeus to be examined by Dr. Bruce Robb, who determined that Zeus fit the general conformation of a Pit Bull-type. The Camerons refused to move Zeus or surrender him for euthanasia, claiming that he was ill, and a change of residence would kill him. Councillor Brad McLeod attempted to get an amendment through council to exempt pit bulls owned prior to the ban, but he was unsuccessful. The Camerons then sued to protect their dog. The local newspaper ran a report on May 19, 2005 that was supportive of the

Cameron family (Hobbs 2005), but it did not cover the story after that. The Dog Legislation Council of Canada publicized the issue on their website, and it raised funds to support the Camerons' lawsuit.

Subsequently, the court's decision of December 11, 2006 in the disposition of Zeus called into question the constitutionality of Guysborough's ban (R. v. Cameron 2006). **Judge Robert A. Stroud issued a finding that: there is no such breed as a Pit Bull Terrier or an American Pit Bull Terrier and there is no blood test that can be performed to make such a determination. How then, is it possible to prove beyond a reasonable doubt that any particular dog meets that description for purposes of a quasi-criminal prosecution? I therefore dismiss the charges against the Defendants and find them not guilty. In an Addendum Judge Stroud noted that the by-law was vague and overreaching. He referred to case law that asserts that, "A vague provision does not provide an adequate basis for legal debate" (R. v. Nova Scotia Pharmaceutical Society 1992).**

In the matter of Zeus, Stroud stated that, In my view the reference to a breed of dog or dogs as intrinsically dangerous in the absence of a clear legal standard to determine the existence of or characteristics of the breed meets the constitutional test of vagueness and, since there is a potential for deprivation of liberty by virtue of s. 25 of the by-law, I believe it infringes s. 7. of the Charter and cannot be saved by s. 1. I also believe the by-law is overreaching because it deems the breeds referred to in s. 1(d)(3) to be fierce or dangerous. It is a fundamental principle of statutory construction that if the general language of a statute can be read narrowly to avoid an ultra vires effect, that should be done. Judge Stroud further noted that the decision to grandfather Rottweilers was discriminatory against the other breeds in the by-law. Rottweilers were grandfathered under the by-law but pit bull types were not. Warden Hines has made no public statement regarding this finding. The Guysborough Journal is waiting to receive comments from Warden Hines and the council before writing another story on the issue. Although media reports from Ontario may have contributed to the level of concern, it is clear that the media did not create a sense of panic in Nova Scotia or in Guysborough County.

Implications In Nova Scotia the issue of breed bans has been largely raised by one or two people in positions of power. The media have paid very little attention to the issue, and the local news reports in Guysborough were supportive of dog owners. There have not been vicious dog attacks to arouse public interest. The event was a manufactured potential one rather than an actual event and was created by one person in power who apparently suffers from an irrational fear of large dogs. The most important event was the attempt to enforce the breed by-law. This did receive both media and legal attention. Although the Nova Scotia legislature has not addressed the issue of dangerous dogs or breed bans, the same individual, who also sits on the board of the Union of Nova Scotia Municipalities, has pushed for a province wide action, so the future of breed bans in the province remains in doubt.

Kansas City Metropolitan Area In the United States, several states have banned breed specific legislation, but breed specific legislation usually addressed in municipalities and a few metropolitan counties. The Kansas City area (both Kansas and Missouri, and surrounding suburbs) have been debating the issue over the past two years. Kansas City-Wyandotte County, Kansas has had a ban on pit bulls for sixteen years, but the issue reached the agenda in Kansas City, Missouri and surrounding suburbs for a

variety of reasons. Recognition Two major incidents occurred in the summer of 2006. Three dogs left abandoned in a house in Independence, Missouri, escaped and apparently attacked a man mowing his lawn. The dogs were chased away by a neighbor but then attacked a cross-dressed prostitute, before approaching a third man in a friendly way. The first person was hospitalized. These dogs were very large mixed breed dogs. A month later an abandoned dog (the owner was in prison) escaped from its yard, terrifying a neighbor who suffered a heart attack (probably from fright) and died. This dog was either a boxer or a pit bull. The news media reported criticism of the city for not vigorously enforcing its 16 year ban on pit bulls (confidential interviews) and ran constant ads calling on people to turn in their pit bulls. Although other dog attacks occurred during the summer of 2006 the dogs were not pit bulls, so limited media attention was given to these other attacks. Characterization Sources in Missouri indicated that there is a latent fear of pit bulls in the community. One source also claimed that the media always mentioned pit bulls whenever a dog bite occurred, and they put pit bull bites on the front page, while other attacks may not even make it into the paper or onto the nightly news. Their perspective was that the media in the Kansas City metro area kept the heat on city governments and helped spread the contagion of fear of pit bull. This information cascade reinforced and repeated the stories of local dog attacks during 2006. From July through October a major paper, the Kansas City Star, published stories or letters to the editor about pit bulls and breed bans almost daily, and numerous local and national stories about pit bulls were broadcast on television. Channel 9 repeatedly 6 showed footage of the results of an alleged dog attack that had actually taken place several years earlier. In July 2006, a Chris Hill established an on-line petition to ban pit bulls in Independence, Missouri (Ban Pit Bulls 2006).

Alternatives and Choice Despite attacks by Rottweilers, German Shepherds, and Chows, public officials defined the canine bite problem in the Kansas City Metropolitan area as a pit bull problem. **One council member in a suburb even noted that pit bulls were far more dangerous than his Doberman that had already bitten three people.** Perhaps the most interesting example is that of Independence, Missouri, a poor community adjoining Kansas City (Independence 2007). Independence was the site of the attacks by three large mixed breed dogs that were called pit bulls by animal control. Allegedly, one council member who was having an affair with a fireman, decided that she could win the office of Mayor by pushing a breed ban. She had lost a previous race for Mayor. She managed to get the Firefighter's Union behind her, but the council rejected the ban on the first vote. Not deterred, the council woman introduced the bill again as an emergency measure, and obtained signatures on a petition (an illegal activity while she was a council member). She then declared that she had enough to bring up the bill as an emergency measure. The petition signatures were never certified. However, this council member allegedly blackmailed several members of the council. One reported that she was told she would be turned in to animal control for owning four dogs instead of the allowed two if she voted against the ban. Although the councilwoman had been the only member to vote for the ban on the first vote, only the blackmailed member voted against it the second time. The City Manager, who normally would have provided some guidance did not participate because he owned a pit bull mix. Independence officials did not discuss other alternatives, but it did provide for the licensing and control of pit bulls already in the city rather than their exclusion or destruction. According to confidential sources, the population is not politically active and non-council members mounted no opposition to the breed ban with the provision on existing animals. Also, breed specific legislation was introduced in Leavenworth, Kansas, Olathe,

Kansas, Overland Park, Kansas, Lee's Summit, Missouri and approximately another dozen communities in response to the two attacks in Kansas City and Independence (Allen 2006; Ekey 2006; Pulley 2006). One man in Olathe who lived next door to a pit bull mix that was never loose and had a Canine Good Citizen certificate petitioned city council for four months to ban pit bulls. A realtor in Grandview who took over Animal Control there introduced breed specific legislation to help property values. Oak Grove, Missouri revisited the breed ban issue after a dog bite attack; Grayton, Kansas had a dog bite attack and considered a breed ban. Kansas City, Kansas is considering mandatory spay/neuter for all pit bulls. Raytown and Lee's Summit, Missouri and Wichita, Kansas all considered breed bans on pit bulls in response to what they considered to be a rash of vicious dog attacks (confidential interviews, Kansas City Star, KMBC-TV). Olathe sent their bill to a committee to study, listened to experts, and decided that a breed ban would not work. Lee's Summit also decided against a ban after listening to testimony from experts and citizens. Oak Grove, Missouri considered a ban but decided against it. Grandview, Overland Park and Independence all had individuals who decided to push breed specific legislation as a political issue. In Overland Park and some of the other affluent suburbs, these political leaders associated meth labs and trailer parks with pit bulls to convince the public that banning pit bulls would keep certain types of people out of their communities as well. Implementation Limited information exists about the enforcement of breed bans in the Kansas City area. After exempting existing dogs from destruction, it was reported that Independence registered 380 such dogs (Burnes 2006). Reports of an increase in the abandonment of pit bull type dogs at shelters and on the streets also surfaced. An amnesty program in Kansas City, Kansas took in 178 dogs by August 2006 (KMBC-TV). Implications In several communities policy entrepreneurs saw the issue as one that would help their political careers. In other communities, where councils were reacting to the fear but no one had a special interest, they were more amenable to alternative approaches to the problem, such as limiting tethering, and stronger dangerous dog legislation. Abigail York (interview) of the Dog Advocates Council expressed the view that city council members were generally not receptive to public demonstrations by dog owners, but were usually receptive to expert testimony, and to personal contacts. She also indicated, however, that many communities were anti-academic, so local citizens opposed to bans had to become involved through calls and visits to their council members.

Wheeling, West Virginia On January 16, 2006 the Wheeling, West Virginia city council enacted breed specific legislation that required all owners of pit bulls, Staffordshire Bull Terriers, American Bull Dogs, Canary Dogs and all mixes to spaying or neuter their dogs, erect elaborate fencing, purchase high liability insurance, and secure special registration with the city by April 1, 2006. Recognition The legislation was introduced because a loose Rottweiler knocked a woman down on the walking trail and a loose pit bull mix killed a pet rabbit. Both dogs had violated the city's leash law, but neither owner was cited. There were no serious dog attacks on humans by any breed of dog in 2006. However, the city council had considered a similar law in 2004 that would have included Rottweilers. That proposal was never acted upon, due to opposition from local residents. When the issue was revisited, the problem was interpreted as a potential threat from vicious dogs.

Characterization Because there was no precipitating event, there was no media coverage and no vocalized public or interest group support for or opposition to a breed ban. All available evidence

indicates little attention to the issue outside of official circles until the ban was introduced to city council. Alternatives and Choice The city council members supporting the breed ban legislation in 2006 declared it to be an attempt to promote the public health and safety of the citizens of Wheeling. The Police Chief had asked a member of city council (Barry Crow) to introduce the ordinance. Crow was planning to run for Mayor on a “tough on crime” platform and felt he could present this issue in that light. He convinced another council member, Michael Nau, to co-sponsor the bill, which declared several breeds of dogs to be inherently dangerous. Nau was originally persuaded by Crow that the rabbit incident was an indication of the potential danger. Crow further contended that the leash law did not protect people against dangerous dogs. Councilwoman Gloria Delbrugge also spoke for the ban, arguing that a child could be mauled if they did not act first. Delbrugge and Crow characterized the issue as a serious threat to area children and to the elderly who walked the city trails. Nineteen people testified during the public hearing, including a veterinarian, the city animal control officer, and members of the local humane society. Nau, who had introduced the bill, was swayed by the information and took an anti-ban position after the hearings. Wheeling does not have their own animal control shelter, and county officials publicly stated they would not enforce the ordinance. Most of those testifying supported legislation to protect citizens from dangerous dogs, but they opposed the breed specific portions of the ordinance. In this case, one city council member and the city manager were strongly supportive of breed specific legislation. Both contend that these breeds are inherently dangerous. Although some council members voiced concerns that the ordinance was not enforceable, was discriminatory, and was not necessary, the strong push by two council members and the city manager pushed it through (Hanson 2006b). Although City Council members hoped that suburban areas governed by the Ohio County Commission would agree with their assessment of the threat, that did not happen. The local news media did not provide favorable to city council on this issue, and instead printed editorials against the ban both before and after it was passed. They consistently pointed out that no serious attack had occurred in the city or county. One news heading illustrates the media position “Registration of So-Called Dangerous and Vicious Dogs Begins April 1” (Hanson 2006a). News reports cited council members who expressed concerns about the ordinance, and reported enforcement problems in several articles. The local newspaper printed letters of opposition to the ban on a regular basis for at least two months after the ordinance was passed. In this case, the media attempted to provide a forum for thoughtful consideration of the issue, but was ignored by policymakers.

Implementation It is unclear what will happen with this ordinance. City Manager Robert Herron has attempted to compile a list of addresses where the designated breeds or mixes may live and has urged people to report their friends and neighbors who own these breeds. He has said his office would be responsible for enforcement of the ordinance. The Police Chief originally pushed for the ordinance and has made it clear he intends to enforce the ban. They may not receive help from other officials however. The County Assessor has indicated that he is not sure he is even legally able to release that information. Herron insists that city police officers will enforce the ordinance and he planned to hand out pictures of the breeds to officers. He said officers would check for proper fencing and would investigate every report of a banned dog. Because the ordinance calls for up to \$1,500 in fines and thirty days imprisonment for failure to comply, many owners have dumped their dogs to avoid being caught with them, while a dozen or so have registered their dogs and attempted to comply (Rich 2006).

Ohio County Animal Control Officer Doug McCroskey said he would have no involvement in the city ordinance and County Administrator Greg Stewart explained that animal control officers would not have a role in enforcing city ordinances (Blum 2006). McCroskey was concerned that people were bringing pit bulls to the county shelter and the dogs would crowd the shelter and force them to euthanize many healthy animals. County Commissioners declared that there had been no problem of loose dogs or dog attacks in Ohio County and they had no intention of passing a breed ban or even stronger dangerous dog legislation (Novotney 2006). The Commission's position was that current leash laws were working. Confidential sources indicate that the Wheeling ordinance is likely to be challenged in the state courts. West Virginia has strong dangerous dog legislation, but it is generally protective of owners' rights.

Implications of the Case Studies The case studies indicate a wide variety of fears and anxieties as well as entrepreneurship by public officials affects the adoption or rejection of breed bans. Although the panic policy making framework provides an instrument for exploring the rapid adoption of policies as an emotional response to injurious events, it does not capture the idiosyncrasy of local policy making. As with some other "stages" models of policy making, the panic framework overemphasizes sequence, the role of the media, and, to an extent, the role of the public's fear and anxieties in policy choice. The case studies suggest that public officials have more independence for action or inaction, capacity to consider, neglect, or selectively assess information, or freedom to act on their personal emotions than a stages model implies. Rather than responding to public demands, officials' try to win electoral credit, respond to their personal fear of dogs, or incorporate the views of informed persons. Breed bans proposals and policies therefore emerge through often unique combinations of emotions and political ambitions.

IV. Conclusions Breed ban laws illustrate the limitations of animal rights and animal welfare ideology. Although people tend to support some rights for animals, there is little relationship between support for rights and attitudes about particular policies. This is particularly clear regarding breed bans. People who support procedural rights for animals are as likely to support breed bans as to oppose them. Also, despite the scientific evidence linking chained dogs to vicious dog attacks, even policies such as anti-tethering legislation are not related to support for breed bans. Therefore, no specific, uniform body of knowledge held by the public—or additional scientific data—support breed bans. Instead, the evidence indicates that support for breed bans stem from the galvanization of a latent fear of pit bull type dogs and fear of criminal behavior related to owners of these dogs. Thus, in part, the panic policy making framework provides a useful guide to understanding the adoption of breed ban policies. However, it is too simplistic to capture the range of events that open a policy window. Fear and injury can induce policy action, but the framework ignores the ability of one or two powerful people to manufacture a danger and push legislation through a municipal or even a provincial government with little real evidence to support the need for the policy.

The lesson is that there are many policy "solutions" to the dangerous dog problem that result from an extensive array of causal events in diverse institutional and historical contexts (Katznelson & Weingast 2005, 4-5). Evidence from the case studies buttresses this conclusion. **In the characterization of risks from dogs, the role of the media is apparent in all of our case studies, but it is not always a source of an information cascade** that, as in Toronto or Kansas City, expands the fear of some dog breeds. In New Brunswick, the media reported factual information and did not attempt to create a sense of panic. In

Guysborough, the media ignored the issue, allowing a single person to push through a policy with little Survey Sampling estimates that 69 percent of Canadians have internet access. Their Canadian sample is 70 percent female. We oversampled for males. 2. Although evidence of the origins of breed bans is difficult to locate, available evidence suggests increased attention to dangerous dog laws, often related to increased media attention to dogfights, occurred during the second half of the 1980s. The authors have not located a specific breed ban ordinance in the United States prior to 1979 (see Clifford, Green, & Watterson 1990:vi, xi). 3. Members of some of these groups have suggested the consultation did appear to involve a serious effort to consider alternative policies (confidential interviews). 4. City of Calgary (2004) provides for stiff fines for dogs out of control of owners or that become nuisances or engage in unprovoked vicious behavior, lack rabies vaccination, are unlicensed, or rare transported in the bed of a truck unless properly secured. The city also has developed procedures that aggressively enforce dog licensing.

5. The Dog Legislation Council of Canada, Advocates for the Underdog, Golden Horseshoe American Pit Bull Terrier Club, American Staffordshire Terrier Club of Canada, Staffordshire consideration. **These cases demonstrate the role the media could play in the development of thoughtful policy, as well as the role it can play in creating a panic and pushing for ill-considered policies.** The case studies illustrate the power of elites, but they also indicate the need to include citizen apathy in the process of policy choice. Even in Ontario and some Kansas City metro communities, **where the media created a sense of panic, you do not see it expressed in the public opinion data. The public will accept panic-based legislation, but they will not become active and provide overwhelming support for it.** A few fearful people, who happen to be in a position of power, and an apathetic general public provide sufficient conditions to develop a panic and a policy. **However, when an attentive public and experts become involved, the additional information can change not just the range of policy options but the very nature of the issue.**

For example, as New Brunswick officials interacted with experts and the public, the issue changed from being about the danger of pit bulls and Rottweilers to the behavior of dog owners. Finally, despite the limitations of the panic policy making framework, the analysis of breed ban policy making raises important questions for scholars of politics in representative governments. Do officials enact many policies that ignore scientific knowledge and instead rely upon the demands of a few, uninformed or prejudiced constituents? Do their emotions cause them to fail often to consider a range of policy options? **Under what conditions is the media likely to support thoughtful consideration of issues? Can the governmental process be made more open to the public, responsive, and informed?**

Endnotes: Bull Terrier Club of Canada. 6. The news archives of television station KMBC-TV, for example, contains dozens of stories from May through December 2006.

Appendix SURVEY ON ANIMALS This is a survey of people's attitudes about animals that are commonly considered to be pets. We are trying to determine the variety of views that people hold about animals in the United States and Canada. You may leave any question blank, and may also provide comments anywhere you would like. We are not interested in knowing specifically who you are, but do ask some demographic questions at the end to use for analysis purposes.

This research is being conducted through the Department of Political Science at West Virginia University. If you have any questions, please feel free to contact me. Thank you for completing this survey.

First, could you please tell us where you live: Country: _____ State or Province: _____ Community: _____

1. In what type of area do you live? Please check the description that is closest to describing yoursituation. Do you live: _____1. on a farm _____2. in a rural area but not on a farm _____3. in a suburb or small town _____4. in a medium sized town or city _____5. in a large urban area _____6. other: Describe: _____

2. Do you own or keep any animals (pets, livestock or other) _____1. NO _____2. YES -----> IF YES: Please list the type of pet (bird, cat, dog, ferret, etc;) and number of each type: Please list up to five words you often use to describe your relationship with your animals(s).

3. We are trying to understand the way in which the word “rights” is used in various countries and even local areas. Could you please tell us what this word means to you? Who or what has rights, and what rights do they possess?

4. Which of the following statements comes closest to describing your feelings about animals? Please check only one. 1. God created all creatures and gave them all rights that people must respect. _____2. Because animals feel pain and suffer, government has a duty to protect their welfare. _____3. Humans exist as part of a natural community in which all members, including animals, must be treated with respect. _____4. Human progress requires the use of other species as we see it.. _____

5. Animal welfare laws are a violation of my right to free property. _____

6. God gave dominion over animals to use as people see fit. _____

7. Only humans have rights. 5. What rights, if any, do you think animals should have? Please check all that apply. _____0. No rights _____1. Adequate food, water and shelter for survival _____2. Sufficient food, water, shelter for safety and comfort and freedom from pain _____3. Companionship and socialization- freedom to interact with others and to be loved _____4. Exercise and freedom of movement sufficient to sustain mental and physical health. _____5. Right to respect and dignity _____6. Procedural rights: Legal rights to have a guardian seek protection of their welfare from the Courts 6. Of the following laws that have been enacted in various areas of the U.S., please tell us how likely you would be to support them for your area: LAW Very Likely to Support; Somewhat Likely to Support; Might or Might Not Support; Somewhat Likely to Oppose; Very Likely to Oppose; 1. Laws to ban 24/7 permanent tethering or caging with no exercise. 2. Laws against using animals for non-medical research 3. Laws to prohibit the use of animals in research whenever an alternative is available. 4. Kennel licensing and inspections for everyone with ten or more animals (including rescue groups, breeders, boarding kennels, and pet owners with a large number of animals). 5. Expansion of cruelty laws to

include livestock and poultry. 6. Puppy Protection legislation to require that all puppies or kittens sold or placed for adoption have a health certificate signed by a veterinarian, up to date vaccinations, and a refund requirement for sick animals. 7. Expansion of cruelty laws to cover research animals 8. Differential licensing to encourage spay/neuter 9. Restrictions on factory farming practices such as debeaking chicken, feedlots, 24/7 confinement in small areas with no exercise.

Breed specific bans have been introduced in many communities and even at higher levels of government, to completely ban some breeds or types of dogs from the community. We would like to understand your feelings on this issue. 7. First, how do you feel about breed specific bans? ____1. Strongly Support bans ____2. Somewhat Support bans ____3. Unsure ____4. Somewhat oppose bans ____5. Strongly oppose bans. 8. If you support bans, what breeds or types should be banned? 9. Why do you think communities pass such bans? ____1. Belief or evidence that these breeds are used by criminals, especially drug dealers ____2. Media reports that certain breeds are naturally vicious. ____3. Panic in the community over an isolated serious biting incident. ____4. Other: please describe: _____ 10. Which of the following statements best describes your belief about dogs ____1. Some breeds or types of dogs are naturally vicious ____2. Some breed of dogs are more likely to bite when provoked. ____3. Virtually any breed will bite if provoked sufficiently ____4. Owners are what make dogs dangerous. 11. Does your community ban any breeds or types of dogs? ____NO ____YES: What breed, and what led to the ban? Please be as specific as possible. 12. Which of the following best describes your beliefs about human existence: ____1. Man was made in God's image and given dominion over all the earth. ____2. Man was created by God and was given responsibility to care for all the earth ____3. All creatures are formed of the same spirit and fit together into the oneness of being ____4. Humans evolved over many eons and are now able to conquer nature to achieve great ends. ____5. Humans evolved but our continued existence requires us to live within and show respect for the ecosystem and all its inhabitants. The following questions are for analysis purposes only. You may refuse to answer any or all of them. 13. Please describe your primary ethnic makeup: ____1. Caucasian ____2. Asian ____3. Hispanic ____4. Native American ____5. African ____6. Middle Eastern ____7. Other 14. With what religion, if any, are you affiliated? ____0. No organized religion ____1. Roman Catholic ____2. Orthodox Christian ____3. Protestant ____4. Jewish ____5. Islam ____6. Buddhist ____7. Hindu ____8. Charismatic or Pentecostal ____9. Other: _____ 15. Your Gender: ____1. Male ____2. Female 16. Your Age ____A. 18-25 ____B. 25-40 ____C. 40-65 ____D. Over 65 17. Income ____A. Under \$25,000 ____B. \$25,000 - \$60,000 ____C. \$60,000 - \$100,000 ____D. Over \$100,000 THANK YOU FOR YOUR ASSISTANCE WITH THIS PROJECT. HAVE A GREAT DAY

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Table 1: Overview of Attitudes about Breed Bans in Canada and the United States Demographics Percentage in Support of Bans Canada US Percentage Undecided Canada US Percentage Oppose Bans Canada US Ethnicity Black Other 25.0% 44.1 22.6% 35.8 25.0% 34.0 45.2% 36.5 50.0% 22.0 32.3% 27.7 Gender Male Female 54.6% 39.9 37.4% 33.8 21.0% 29.8 33.8% 38.4 24.5% 30.3 28.9% 27.0 Lifestyle Rural Semi Urban 43.7% 41.8 48.5 31.1% 34.9 39.5 32.2% 36.3 29.8 39.5% 37.9 31.4 24.1% 21.7 21.8 29.5% 27.2 29.1 Age Under 25 25-40 41-65 Over 65 23.3% 38.0 49.3 49.0 11.4% 30.4 35.3 43.9 41.4% 37.8 30.6 32.4 45.7% 38.7 35.1 36.3 35.4% 24.2 20.3 18.7 42.9% 30.9 29.5 19.7 Contribute to animal organizations No Yes 44.1% 43.5 36.1% 33.2 35.8% 29.3 39.3% 33.0 20.1% 27.2 24.5% 33.8 TOTALS 46.1% 45.2% 26.1% 36.9% 27.9% 27.8%

Table 2: Reasons for Support of Breed Bans Reasons for Support Canada (n = 1052) United States (n = 976) Belief that criminals use certain breeds 9.9% 10.6% Media Reports 45.3 40.6 Community Panic 19.7 15.6 Other reasons 6.6 5.3 All of the Above b 10.6 13.3 Don't Know 8.0 14.7 All of the Above is used when respondents checked all three of the stated options - belief re: criminals, b media reports, and community panic. Chi Square 32.4, df = 5, p .000

Table 3: Canadian and US Beliefs about Dogs Beliefs Canada (N= 1058) United States (N = 990) Some Breeds are Dangerous 18.5% 14.8% Some Breeds are More Likely to Bite 16.9 17.1 All Breeds Bite if Sufficiently Provoked 33.7 35.9 Owners make dogs Dangerous 30.8 32.2

Table 4: Support for Bans by Belief About Dogs Attitude about Bans Personal Beliefs about Dogs Some breeds are dangerous Some breeds are more likely to bite All breeds will bite if sufficiently provoked Owners make dogs dangerous Support Bans 75.8% 52.5% 29.9% 27.7% Unsure about Bans 19.6 35.0 35.0 30.6 Oppose Bans 3.6 12.6 35.1 41.7

Table 5: Variables That Influence Support for Breed Bans VARIABLE CORRELATIONS WITH SUPPORT FOR BREED BANS Canada United States Differential licensing of altered animals 0.113 ** 0.187** Belief in man's dominion over animals 0.142 ** 0.039 Belief that progress requires use of animals ashumans see fit 0.120 ** 0.096** Ownership of dogs 0.168 ** 0.144** Age -0.187 ** -0.151** Contribution to animal welfare orgs. 0.068 0.079 Gender 0.120 ** 0.015 Belief

that animals have right to companionship 0.081 ** 0.039 Belief that animals have no rights at all -0.077
** 0.007 Ban on permanent tethering -0.062* 0.008 Personal beliefs about dogs 0.441** 0.334** **
Significance of 0.001 or less * Significance of 0.01 or less

ENDING AT page 21. START again at page 22.