

Ban on some dog breeds encouraged

By Nathaniel Hoffman

CONTRA COSTA TIMES

MARTINEZ - In the wake of several high-profile dog attacks, some Contra Costa County officials want to re-examine a state law that prevents counties from regulating specific breeds of dogs.

The Board of Supervisors has requested a stronger dangerous-animal ordinance within 60 days, but some members say it may be time to look at banning pit bulls and other dogs often associated with attacks.

"Sometimes you strike when the iron is hot," Supervisor John Gioia said.

With a fatal pit bull attack on a San Francisco boy fresh in people's minds, and several well-publicized maulings in Contra Costa in the past year, supervisors hope momentum is building to revisit the state law that bars banning specific breeds of dogs.

In the meantime, Animal Services is working with county attorneys to put more teeth into the county dog catchers' toolbox.

Animal Services director Glenn Howell on Tuesday suggested a litany of changes to the local ordinances that would toughen penalties for bad dogs and bad dog owners. The supervisors strongly supported all of them.

Within 60 days, Contra Costa supervisors intend to consider an updated animal ordinance that could force owners of potentially dangerous and dangerous dogs to spay and neuter them, register them, take them to obedience school, mark them with special tags and microchip identifiers and keep them under control at all times.

Howell also plans to meet with San Francisco's director of animal services to talk about how that county intends to tighten its animal regulations after the death of 12-year-old Nicholas Faibish, mauled by his family pit bulls Friday.

Many counties have two-tiered dangerous-animal ordinances.

For minor offenses and bites, dogs can be deemed "potentially dangerous." In Contra Costa County, that results in a letter being fired off to the owner with certain recommendations on how to control his or her pet. Compliance is voluntary.

"It's totally left to the owner," Howell said. If potentially dangerous animals act in a more aggressive manner they can be declared dangerous, subjected to a hearing process and possibly destroyed.

Animal Services officials want the power to inspect an owner's property to ensure fences are adequate and to institute other controls before the dogs really hurt someone. For JaQuan Rice, 12, the proposed ordinance is a few months too late.

Rice was attacked in March by two "potentially dangerous" pit bulls in Concord. His family has notified the county that they intend to sue on the grounds that the county should have done something to prevent the attack.

DeSaulnier said Tuesday that the owner, Jeffrey Bray, a felon who allegedly had a gun and drugs when he was arrested after the attack, should not have had the dogs. But Animal Services may not have had the authority to take the dogs prior to the attack, he said.

"I'm not convinced that we, under the current laws, had the ability to do that," DeSaulnier said, adding that a court will determine that. "From my perspective, I just want to make sure that these things don't happen again."

Gioia asked Howell to find a way to restrict dog ownership by felons on probation.

Supervisor Mary Piepho proposed implementing escalating fines for repeat offenders.

"Some of these dog owners are bullies, and they like to strike fear in their neighbors and their neighborhoods," she said.

Supervisor Federal Glover said Antioch, with its own animal control district, should coordinate with the county in updating the law.

Supervisors and District Attorney Bob Kochly have spoken with Sen. Tom Torlakson, D-Antioch, about introducing a bill in the next legislative session that would limit ownership of dogs by felons. They will also ask Superior Court judges to consider prohibiting dogs as part of the conditions of probation for some convicted criminals.

But a local representative of the Humane Society cautioned supervisors not to narrow the rules to certain breeds of dogs.

"Those dogs, whether they're a Chihuahua or a pit bull, if the (owners) are dealing drugs, that dog gives warning to flush it," Virginia Handley of El Sobrante told the board. Retired state Sen. Art Torres attempted to regulate dangerous dogs in a 1989 bill that originally included a detailed description of pit bulls and even a picture.

"I agreed to amend it so that it couldn't be breed-specific," Torres, then a Los Angeles senator and now a San Francisco resident and chairman of the state Democratic Party, said in a telephone interview.

The breed-specific prohibition, backed by the American Kennel Association, has stayed on the books, but some lawmakers and some neighbors of pit bulls are ready to challenge it.

Many agencies, including San Francisco, are now looking at ways to control certain breeds, including pits, a common sight behind the bars at animal shelters across the state.

One way to control them is through efforts to limit breeding.

"The pit bull is so overbred, there are so many of them and they are not the dog of choice for people who come into animal shelters," Howell said.

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