

Dale Emch's testimony opposing House Bill 366
House Infrastructure, Homeland Security & Veterans Affairs Committee
Chairman Steve Reinhard
January 30, 2008

Chairman Reinhard, thank you for allowing me to address this committee on this controversial and important issue. I am testifying in opposition to House Bill 366 because I think it would be a mistake not to keep pit bulls labeled as vicious dogs under the state law. The law provides dog wardens like Tom Skeldon in Lucas County and law enforcement officials throughout the state with a powerful tool to regulate ownership of dogs that have the ability, and apparently the propensity, to cause tremendous harm to people.

I'm here today as an attorney who has dealt with the types of injuries pit bulls can cause in just a matter of seconds. In our Toledo law office, nine of the 23 dog bite cases we're handling involve pit bulls. That's 39 percent, which strikes me as being disproportionately high when you consider how many different breeds of dogs there are in our state. I recognize this is a such a small sampling that it is statistically meaningless in the broader context of this discussion, but it gives you at least a glimpse of what we're seeing. I'll leave it to Mr. Skeldon and his colleagues to provide the statistical information this committee needs to evaluate whether pit bulls should remain labeled as vicious dogs.

I'd like to provide you with some evidence of just how much damage these dogs can do. In the three cases I'll discuss, it's worth noting that none of the attacks were provoked, nor is there any evidence that these dogs were trained to fight or that they were owned by gang members. Something tripped their switch and they attacked.

In the first case, my client is Samantha Hiley, a 2-year-old who was being pushed in a stroller by her parents through her neighborhood when a pit bull jumped its fence, ran directly to her, and bit her on the forehead leaving a significant scar. I'd direct you to Exhibit A, to see a picture of Samantha's injuries. As you can see, she's fortunate the dog didn't injure her eye. She'll likely have a scar on her face for the rest of her life and she faces the possibility of at least one scar

revision surgery. Had this pit bull been confined in a pen with a top on it as required by state law, Samantha would not have been bitten.

In the second case, my client Steve Jennings entered a home where he had done some remodeling work. He had been talking to his former supervisor for some time when a pit bull owned by his former boss suddenly attacked him, doing severe damage to his arm. I warn you in advance that Exhibit B is a graphic example of the types of deep wounds pit bulls can cause. The exhibit shows why Steve was in the hospital for three days and why it's almost a certainty that he'll need plastic surgery to repair his arm.

Finally, in the third case, my client Leonard Vogelsang, 82 at the time of the attack, found himself surrounded by three dogs when he was taking out his garbage. He was alone and terrified that the dogs would knock him to the ground. Of the three dogs, only the pit bull attacked him, leaving puncture wounds in his legs that later became infected. He's fortunate that a neighbor heard his screams and came to his rescue. Leonard's injuries are shown in Exhibit C.

In each of these cases, my clients would not have been injured had the pit bulls been properly confined as state law mandates. So, obviously, the law can be broken and I'm sure it is routinely. But I'm also convinced that the law has prompted many pit bull owners to buy the proper insurance, confine their dogs appropriately, and walk them on leashes sturdy enough to hold them if they lunge at someone.

I urge you both as a lawyer and a citizen to keep this bill from passing out of your committee. The General Assembly already has spoken on this issue and there seems to be no compelling reason to change a law that has the potential to keep people from suffering the types of injuries sustained by my clients. Thank you again for the opportunity to address the committee.