

JOHN W. HICKENLOOPER
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF LAW
COLE FINEGAN
CITY ATTORNEY

OFFICE OF CITY ATTORNEY
PROSECUTION & CODE ENFORCEMENT
201 WEST COLFAX AVENUE
DEPT. 1207
DENVER, COLORADO 80202
PHONE: (720) 913-8050
FAX: (720) 913-8010

Wednesday, August 03, 2005

RE: Offer of Assistance on Pit Bulls & Breed Specific Legislation

To Whom It May Concern:

It has come to my attention that your community is contemplating governmental action regarding pit bull dogs in some type of restriction or ban, generically referred to as Breed Specific Legislation (a.k.a. "BSL"). I would like to offer my assistance in this area, as I have obtained a significant amount of expertise in this area as a result of my recent involvement as the lead attorney in litigation on behalf of the City & County of Denver, Colorado against the State of Colorado over Denver's pit bull ban ordinance (enacted in 1989) and municipal home rule authority, in response to the Colorado Legislature's attempts to prohibit BSL in Colorado by enacting HB04-1279 in April of 2004. Denver was successful in its litigation as our ordinance was determined to supersede the state statute as the regulation of dangerous dogs is a matter of pure local concern.

Through this litigation, I have obtained a high level of understanding of not only the legal issues surrounding the constitutionality of BSL, but also the underlying factual issues that provide a legitimate rational basis for BSL. As this issue usually brings a large amount of irrational emotional rhetoric from anti-BSL advocates, it is easy for any governmental official to become confused over what are the relevant facts, and who are the reliable sources of information. I believe I have a number of resources that may be helpful to you along these lines.

First, you have to understand that the anti-BSL pundits organize over a number of web group sites that help distribute mass emails to all of their registered members. While you could find these groups on any major web group site, one I recommend to examine and sign up for is BSL-UPDATES@Yahoogroups.com. I find this site to be a good source of information and strategic intelligence gathering. If you have been targeted by these groups (most likely how I found out about your recent interest in this topic of BSL), that your organization will be flooded with emails, letters, and telephone calls from members of these groups. You should contact your leaders and advise them of this, as it has been my experience the same members will send emails, letters, or telephone calls to each jurisdiction reviewing this issue in hopes of intimidating them into a full retreat away from the issue. I can cite you specific examples where

these groups have promised to bring litigation against local governmental entities, but failed to follow through with the threat when their threats had been called. Many of these emails and letters will have either fake or bad names and/or addresses, as our attempts to respond to them resulted in this discovery.

Second, many of these groups have questionable funding sources, as they are usually willing to take donations without keeping records of the true identity of the donor. For this reason, the rumors of big donations from dog fighting proponents have been unconfirmed. But it would make sense that with all of the money involved in the illegal dog fighting circles, those involved would be donating funds to support their straw man advocates.

Third, most animal control organizations tasked with duties on behalf of local government take a position against BSL. This is to be expected, given two important facts: (1) Many of these animal control personnel have either come from or have been trained by non-profit animal welfare organizations. (2) The ongoing "political correctness" involved within this field would prevent any organization from admitting the obvious truth that "The Emperor Has No Clothes", because these organizations are heavily dependant upon the donations of charitable individuals who are either incapable or unwilling to learn the truth, and are more susceptible to the emotional rhetoric of anti-BSL advocates.

Fourth, there are no known organized groups of victims of dog attacks. Only plastic surgeons, prosecutors, and a few brave legislators appear to be the publicized advocates in favor of BSL.

Fifth, the anti-BSL pundits will attempt to bring illogical emotional phrases such as "breed racism" against BSL efforts or mottos as "it's the deed, not the breed". They will also attack the only statistical studies on dog bites resulting in fatalities as being unreliable. In only the last point do I occur, as BSL is independently justifiably rational on other evidence.

The truth is this: No one can perform a satisfactory reliable statistical study of dog bites to determine the rankings of dangerous dog breeds based upon their probability of biting or attacking human beings or other domesticated animals. However, it is easily proven that SHOULD a pit bull attack a person or other domesticated animal, the attack is significantly more likely to result in serious bodily injury or death. It is not the probability but the severity of an attack that makes pit bulls more dangerous.

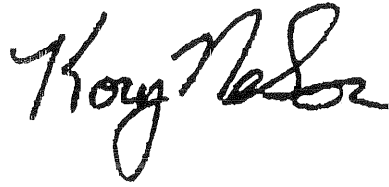
I would invite you to examine two separate web pages for more detailed information and documents that may be helpful to you:

1. The official webpage of the Denver City Attorney's Office regarding our pit bull ordinance and the litigation against the State of Colorado, including a complete historical review of the ordinance and the prior judicial reviews:

http://www.denvergov.org/City_Attorney/54517143template3jump.asp

2. A restricted web group site for local government officials interested in the factual and legal issues involved with BSL and the strategic and tactical issues involved in dealing with the anti-BSL advocates: DangerousDogLaw@Yahoogroups.com

If you have any questions, please do not hesitate to contact me.
Respectfully,

A handwritten signature in black ink, appearing to read "Kory Nelson". The signature is written in a cursive, flowing style with a large initial "K" and "N".

Kory A. Nelson, Esq.
Assistant City Attorney-Senior