

# Man's Best Friend? Houston Ranks 2nd in Dog Attacks

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By Scott Callahan

Dogs. Man's best friend. Givers of companionship, loyalty and love. They grow up with our kids, greet us unconditionally when we come home and ask for nothing in return.



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While dogs are treated like family, they are still animals – although some owners may always jokingly disagree. Dogs can get bored, destructive, anxious, protective or even aggressive.

Sadly, an estimated 4.5 million Americans are bitten by dogs each year, and half of the victims are children, according to the Centers for Disease Control and Prevention. Among children, the rate of dog-bite injuries is highest for kids ages 5 to 9. In addition to children, the elderly and home service providers such as mailmen and meter readers also are among those most frequently bitten.

The U.S. Postal Service recently released its Top 30 Dog Attack Rankings by City. For 2014, topping the list are Los Angeles, Houston, San Diego, Chicago and Dallas. Just last year, 5,767 postal employees were attacked nationwide.

Though owners don't like to hear this, certain breeds are more likely to be connected with fatal attacks. A CDC study over a 20-year period listed the most dangerous breeds as: pit bull, Rottweiler, German shepherd, husky, Alaskan malamute, Doberman pinscher, chow chow, Great Dane, Saint Bernard and Akita.

## **Owner Responsibility**

In Texas, there are several ways in which a dog owner can be held civilly liable for a dog bite or attack:

**Negligent handling.** This may include failing to use a leash, allowing the dog to roam free, failing to maintain a fence, or failing to prevent a dog from leaving an enclosed area. In negligent handling claims, an injured person does not need to prove that the dog was vicious or dangerous.

**Strict Liability.** This means the owner is liable regardless of fault. People who own a dangerous domesticated animal, or a wild animal, may be *strictly liable* for injuries caused. It must be shown that the animal has a dangerous propensity, or tendency, to attack compared to other dogs. For example, a dog that has bitten or attacked before, or has shown aggression, particularly unprovoked, may meet this element.

Negligence *per se*. This means that the conduct is in violation of a statutory duty and therefore automatically considered negligent. Violations of leash laws, local ordinances or the Texas Dangerous Dog Act may impose negligence *per se* on a dog owner.

### **Basic Safety Tips**

If you encounter a threatening dog, here are some tips to keep in mind, as recommended by the CDC:

Stay calm and still. Don't panic.

Avoid direct eye contact with the dog.

Do not face the dog directly, which can appear aggressive to the dog. Stand with the side of your body facing the dog.

Slowly raise your hands to your neck, with your elbows in.

Say "No" or "Go Home" in a firm, deep voice.

While not all bites cause serious damage, here are a few helpful steps if you are bitten:

Wash the wound with soap and water. Seek medical attention if the wound is serious with heavy bleeding; causes extreme pain; exposes muscle or bone; or if the bite is deep and it has been five years since your last tetanus shot.

Take pictures of the dog, area, and injury. Get contact information of witnesses.

Contact the dog's owner and find out if the animal has a current rabies vaccination. Get the name of the veterinarian, rabies vaccine license number, and the owner's name, address, and phone number.

File an incident report with the local animal control agency or police department.

Puncture wounds, nerve damage, tissue loss and permanent disfigurement are some of the more serious injuries from dog bites. However, the emotional trauma victims experience is often equal to or worse than the visible scars.

In addition, there is the risk of disease. Rabies is the most serious but it is fairly rare to get it from a dog in the U.S. these days. It is important to determine if the dog had a rabies vaccination; if not, consult a doctor about whether rabies shots are recommended.

Other infections can include a serious staph infection called MRSA, which is resistant to some antibiotics; tetanus, which causes rigid paralysis; and pasteurella, a type of bacteria seen in over 50 percent of infected dog bite wounds. It causes a painful, red infection but can also lead to more serious symptoms in people with weak immune systems.

Responsible pet ownership means recognizing that dogs have different personalities, tendencies and temperaments. Some say that there are no bad dogs, only bad owners and that debate will likely not end any time soon. However, with proper awareness, education, and preventive steps, dog bites and attacks can hopefully be avoided.

*The information in this column is not intended as legal advice, but to provide a general understanding of the law. Readers with legal issues, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.*

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