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Dog Fighting Detailed Discussion

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I. Introduction: What is Dogfighting?

Dog fighting is an insidious underground organized crime that deserves much legal and political scrutiny. The blood sport, once sanctioned by aristocracy, embraced by medieval gentry and later promoted by colonial and Victorian miscreants, is now completely outlawed in the United States. Notwithstanding the absolute prohibition in America, it has reached epidemic proportions in all urban communities and continues to thrive in many rural areas as well. The collective American conscience has long been repulsed by the undeniable brutality within the culture of dogfighting, but the law enforcement community has been regrettably lax in appreciating the full scope and gravity of the problem. Historically, the crime was erroneously classified as an isolated animal welfare issue, and as such has been predominately disregarded by law enforcement. The communities that have been morally, socially and culturally scarred by the menacing pestilence of dogfighting have paid dearly for the apathy of the legal community. From a very early age, children are routinely exposed to the unfathomable violence that is inherent within the blood sport. Even seasoned law enforcement agents are consistently appalled by the atrocities that they encounter at dog fights, yet the children that grow up exposed to it are conditioned to believe that the violence is normal; they are systematically desensitized to the suffering, and ultimately become criminalized. Dog fighters are violent criminals that engage in a whole host of peripheral criminal activities. Many are heavily involved in organized crime, racketeering, drug distribution, or gangs, and they arrange and attend the fights as a forum for gambling and drug trafficking. Within the last decade, enlightened law enforcement agencies and government officials have become cognizant of the clandestine culture of dog-fighting and its nexus with other crimes and community violence. Many individuals continue to deny the existence or scope of dogfighting in America, or they maintain that it is merely an isolated animal welfare issue; however, it is increasingly difficult to defend such an archaic notion in the face of overwhelming legal and empirical evidence to the contrary.

This paper will examine the history of dogfighting as well as the cultural and sociological aspects of this crime. In addition to detailing the laws that directly prohibit dogfighting, an examination of the peripheral criminal activity and laws that can be used to directly curb dogfighting and its secondary effects are discussed. The paper concludes by analyzing the impediments to enforcement and how multi-jurisdictional task forces can be instrumental in eradicating this urban plague.

A. The Dogs

In the United States, there are several fighting breeds that are generically referred to as "pit bulls." The American Kennel Club does not recognize pit bulls, but registers breeds such as the American Staffordshire terrier, Staffordshire bull terrier, bull terrier, and bulldog. The United Kennel Club, American Dog Breeders Association, and National Kennel Club do recognize the American pit bull terrier as a unique breed, quite distinct from the aforementioned breeds. Quite recently, the United Kennel Club has recognized the American bulldog and Presa Canario, both of which are often mistakenly referred to as pit bulls as well. Breeders and professional level dogfighters are very particular about the pedigree of the dogs, but the great majority of the American fighting dogs that are referred to as "pit bulls" tend to be an amalgamation of the various breeds. Regardless of the official title, these dogs are arguably among the most loyal and most abused of all dogs in American culture. They have been selectively bred as fighting dogs due to their unique capacity to fight to the death whereas most other dogs retreat once they have exhausted themselves.^[1] The immensely powerful dogs are genetically predisposed to inflict maximum damage on an opponent and once incited do not respond to the natural signals to cease fighting. Generally, pit bulls are remarkably gentle and are fiercely loyal toward humans. This quality has made them particularly attractive to dog-fighters because they will withstand considerable abuse and neglect at the hands of their owners and will remain loyal and non-aggressive toward humans. As with all living creatures, these dogs have a threshold for abuse and neglect, albeit a very high one, and once that threshold is crossed they can become extremely aggressive to humans as well. The rising popularity of "super-breeds" such as Bullmastiffs and Presa Canarios, that are much larger than pit bulls and were traditionally bred to be tenacious guard dogs, should be of great concern when placed in the wrong hands. In some urban areas, these breeds have been crossed with pit bulls to create larger and more ferocious fighting dogs. Unfortunately, they do not share the pit bull's gentle demeanor toward humans and once trained to be aggressive could inflict grievous damage on both animals and humans.

B. The Training

All fighting dogs are conditioned from a very early age to develop what dog-fighters refer to as "gameness." The scope and method of training varies dramatically depending on the level and experience of the dog-fighter. The following implements and techniques are commonly used to train the dogs:

Treadmill: Dogs are run on the treadmills to increase cardiovascular fitness and endurance.

Catmill/Jenny: Apparatus that looks like a carnival horse walker with several beams jutting out from a central rotating pole. The dogs are chained to one beam and another small animal like a cat, small dog, or rabbit, is harnessed to or hung from another beam. The dogs run in circles, chasing the bait. Once the exercise sessions are over, the dogs are usually rewarded with the bait they had been pursuing.

Springpole/Jumppole: A large pole with a spring hanging down to which a rope, tire, or animal hide is affixed that the dogs jump to and dangle from for extended periods of time. This strengthens the jaw muscles and back legs. The same effect is achieved with a simpler spring loaded apparatus hanging from tree limbs. A variation of the springpole is a hanging cage, into which bait animals are placed. The dogs repeatedly lunge up toward the cage.

Flirtpole: A handheld pole with a lure attached. The dogs chase the lure along the ground.

Chains: Dogs have very heavy chains wrapped around their necks, generally in lieu of collars; they build neck and upper body strength by constantly bearing the immense weight of the chains.

Weights: Weights are often affixed to chains and dangled from the dogs' necks. This builds neck and upper body strength. Generally, dogs are permanently chained this way. However, sometimes the trainers run them with their weights attached.

Bait: Animals are tied up while the dogs tear them apart or sometimes they are confined in an area to be chased and mauled by the dogs. [\[2\]](#)

Drugs/Vitamins/Supplements: Dogs are given vitamins, supplements and drugs to condition them for or to incite them to fight. Commonly utilized vitamins, supplements, and drugs include: iron/liver extract; vitamin B-12; Provim; Magnum supplement; hormones (testosterone, Propionate, Repotest, Probiotic Oil); weight-gain supplements; creatine monohydrate; speed; steroids (Winstrol V, Dinabol, Equipose); and cocaine.

The dogs are trained against one another and against older, more experienced dogs. In the early stages of training, the dogs are incited to lunge at each other without touching and engage in quick, controlled fights called "rolls" or "bumps." Once the dogs appear match ready, they are pitted against stronger dogs to test their "gameness"[\[3\]](#) or tenacity in the face of exhaustion and impending defeat. If the dogs pass the test, they are deemed ready to fight.

C. The Fight

The dogs seemed to explode out of their restraints, two projectiles flying into the air toward the center of the pit. They met under the gas jets and, leaving a trail of spittle and hair, collapsed in an entangled, heaving heap onto the dirt...

The dogs tumbled on their sides and Crib broke free. He dove back onto Butts, catching the back of the brindled dog's head. Butts shook and jiggered, arched his back, tried to loosen Crib, the fine hair of his skull blushing gruesomely. Crib threw his head back, yanking Butts up. He whipped his head down. Butts hit the ground hard, his legs splaying like the splatter of an overturned pie. But Crib had lost his grip. Butts twisted his trunk around, swiveled onto his back, front paws revolving, back legs churning in the air. Crib leapt toward his exposed throat. The crowd bellowed, prepared for, anticipating, the blood...

The dirt was turning to syrup around the dogs' tethered heads. The bloody skulls thrashed in a terrible unison, Butts's muzzle gaping helplessly up at the gaslights, Crib grinding downward...

Now the crowd got what it came for. The blood cascaded down Crib's breast. Butts worked his jaws, deepening and

widening the wound, aided by Crib's jerks and jumps. They lurched together across the pit to the atonal music of the surrounding chorus, Crib's muzzle propped on Butts's probing skull...

Stamping, applauding, whistling, yelling, the men demanded their due. Winners or losers, they hungered now for a glorious, fatal finish--a magnificent kill was imminent![\[4\]](#)

Dog fights are staged in a variety of settings. In rural areas, they are often staged in barns or outdoor pits. In urban areas, fights are staged in garages, basements, warehouses and abandoned buildings. Professional fighters have very specific rules for the matches[\[5\]](#), while street fighters are far less organized. Among the professional and mid-level circuit, matches are arranged months in advance. The locations, referees and participants are carefully selected to ensure maximum secrecy, and spectators are closely scrutinized to weed out infiltrators. The pits themselves are generally 14 to 20 feet square and 2 to 3 feet high and are often wood but may be constructed from a variety of materials. Diagonal 'scratch lines' are drawn on opposite corners of the pits, behind which the dogs must remain until the referee commands them to be released. Before the match, the dogs are weighed and washed to ensure that they are not covered in poison. During the match, the dogs quietly maul each other until a 'turn' is called. A 'turn' refers to the act of one dog actually turning away from his opponent without trying to grab a hold of him. When this occurs, the dogs are separated briefly and returned to their handlers. The dogs are repositioned behind the 'scratch lines' and the match resumes once the referee orders that the dog that turned be released. The dog must then 'scratch' his opponent, or run to the opposite corner and attack the dog that is still being held by the handler. If this happens, the opponent is released and the fight continues, if not the match is over. The process of separating the dogs continues each time there is a turn or if both dogs fail to grab hold of each other for a specified amount of time. Matches end when a dog quits or dies, when a handler pulls a dog from the ring, if a dog jumps out of the pit, or if the fight is raided by the police. The latter scenario does not deter the match permanently however; according to rule 19 of Cajun Rules, "Should the police interfere the referee [is] to name the next meeting place."[\[6\]](#)

II. The History of Dogfighting

Dogs have been the unwitting victims of exploitation for blood sports since ancient Roman times when they fought against other animals in the Coliseum. The practice of pitting dogs against other animals, such as bulls and bears, continued through medieval times in England until it was outlawed in 1835 by the Parliament in the Humane Act of 1835. Around that time, the Staffordshire Bull terrier was developed and modern dog-fighting was born. The dog was brought to America in 1817 and dogfighting became part of American culture.[\[7\]](#) The "sport" was endorsed by the United Kennel Club, which actually formulated rules and sanctioned referees. Although dogfighting had become illegal in most states by the 1860's, it continued to flourish as an American pastime through the early twentieth century.[\[8\]](#) It was so popular in fact that in 1881 the Ohio and Mississippi railroads advertised special fares to a dog-fight in Louisville between Lloyd's Pilot, owned by 'Cockney Charlie' Lloyd and Crib, owned by Louis Krieger.[\[9\]](#) Public forums such as Kit Burns' Tavern, "The Sportsman's Hall" at 273 Water Street in Manhattan, regularly hosted matches[\[10\]](#) and the sadistic culture became immortalized in the annals of American history[\[11\]](#) and folklore.[\[12\]](#) By the 1930's and 1940's, the blood sport had been driven further underground as high profile organizations such as the United Kennel Club withdrew their endorsement. Although dogfighting was outlawed in all the states by 1976, it did not begin to receive serious law enforcement attention until recently. By all accounts, dogfighting continues to surreptitiously thrive in America: its prosperity due in large part to the chronic apathy of and denial by the legal system. Today, it is a felony in 48 states as well as the District of Colombia, the Virgin Islands, and Puerto Rico.

III. The Scope of Dogfighting

The Humane Society of the United States estimates that there are at least 40,000 dogfighters in America, though that number seems to underestimate the epidemic of street fighting in urban areas. In 2003, the city of Chicago alone recorded and responded to 1093 animal fighting complaints. Virtually all children in high crime urban areas are exposed to dogfighting in their own neighborhoods[\[13\]](#) while American hip/hop culture glorifies the blood sport.[\[14\]](#) Rap singers and urban clothing and toy manufacturers promote dogfighting through their products and advertisements.[\[15\]](#) Dog fighting occurs all over the United States and throughout the world. It has become quite popular in Eastern Europe, where the Russian Mafia has discovered the lucrative potential of the blood sport.[\[16\]](#) A 1999 article chronicling the rise of dogfighting in Russia highlights its popularity among "New Russians." Public fights take place around the country and for many, they are family events. "We mustn't hide bloodshed from our children," said one father who regularly brought his five year-old daughter to the fights, "Life is a battle and they must get used to it. The strong survive and the weak are killed."[\[17\]](#) Evidence of dogfighting has been reported in England,[\[18\]](#) Afghanistan,[\[19\]](#) South Africa,[\[20\]](#) Canada,[\[21\]](#) and Australia.[\[22\]](#) In Italy, dogfighting is a huge industry for the Italian Mafia. The nearly \$500 million a year enterprise is extremely abusive, "when dogs are young, they place them in a sack and beat them. The sack is later opened in front of a cat or small dog, which is attacked so the 'fighter' gets a taste of blood."[\[23\]](#) Many blame the loose regulations for the influx of dogfighting in Italy.[\[24\]](#) In Honduras, the blood sport is legal as well as in Japan, where it has been sanctioned for centuries by military leaders and aristocrats.[\[25\]](#) Although several countries have banned dog fighting, its pestilent influence, like many violent crimes and social diseases, continues to fester throughout the United States and worldwide.

IV. The Culture of Dogfighting

The culture of dogfighting is as diverse as America itself. Dogfighters come from virtually all walks of life and engage in the blood sport at vastly different levels. Some fighters operate on a national or even international level within highly clandestine networks. These fighters are professionals that breed generations of skilled "game dogs," take a great deal of pride in the lineage of their dogs and charge tremendous stud fees to breed their champions. They publish trade journals for distribution to dogfighting enthusiasts around the world.^[26] The journals, with names like *Your Friend and Mine*, *Game Dog Times*, *The American Warrior*, and *The Pit Bull Chronicle*, include information on recent fights including the winners and losers, and advertisements for training equipment and puppies.^[27] One of the largest and most widely recognized, *The Sporting Dog Journal*, circulates over 10,000 copies worldwide.^[28] Because the professional fighters are so geographically dispersed, they also utilize the internet to communicate with one another. The "cyber-dogmen" maintain websites that to the untrained eye appear to be networks of breeders or "game dog" fanciers. They often go so far as to publish legal disclaimers on the websites, maintaining that they do not condone dogfighting and the information should be "viewed as fiction" and utilized "for entertainment purposes only."^[29] The websites typically include specific information on the lineage of the dogs, historic accounts of dog-fighting that glorify anonymous, deceased, or 'retired' dog-men, and message boards for enthusiasts to discuss everything from buying and training champion fighting dogs to veterinary tips on treating wounded dogs.^[30] Professional fighters are wealthy and experienced, often investing thousands of dollars on buying and training their dogs, and on transport to the fight venues.^[31] The fights are extremely well organized and difficult for law enforcement to find.^[32] Participants and spectators are often not told where the venues are until moments before the fight. "Gaining access to these circles is extremely hard," says Eric Sakach, Director of the West Coast Regional Office of the Humane Society of the United States.^[33]

The professional fighters are demographically diverse and geographically diffuse, unlike the mid-level dog-fighters who operate primarily within specific regions. The mid-level fighters are considered hobbyists,^[34] enthusiasts, or fanciers. They typically remain within a specific geographic network, are acquainted with one another, and tend to return to predetermined fight venues repeatedly.^[35] There are both urban and rural networks of dogfighting enthusiasts and the fighting subcultures largely depend on the culture of the larger regional community. The enthusiasts, like the professional dogfighters, typically have extensive criminal backgrounds, but they may appear to be highly respected community figures.^[36] Spectators at the fights range from hard core criminals^[37] to high profile public figures^[38] and from law enforcement agents^[39] to families with children.^[40] The fights themselves are generally of the depraved carnival variety, set in remote barns or warehouses. Refreshments, entertainment, and gambling provide a backdrop for the bloody main event. Drug dealers distribute their illicit merchandise, wagers are made, weapons are concealed, and the dogs mutilate each other in a bloody frenzy as crowds cheer on. The gambling that is inherent at dog fights amplifies the already violent atmosphere. Violence often erupts among the usually armed gamblers, as debts must be collected and paid.^[41]

No type of dog fighters are more violent however than the third group, the street fighters.^[42] Dog fighting is an extremely common blood sport in all urban areas. Dog fighters are violent criminals, often gang members, who conduct and attend organized fights as a forum for gambling and drug trafficking. "Drugs, gangs, dope, dogs...they all go together."^[43] Within the gang community, fighting dogs compete with firearms as the weapon of choice; indeed, their versatile utility arguably surpasses that of a loaded firearm in the criminal underground. To the gang members, the dogs are an extension of each member's status; the fights are championship matches that aggrandize the gang leader's supremacy and intimidate younger members. It is extremely easy for urban criminals to acquire fighting dogs. They buy fighting dogs for a few hundred dollars or more commonly, they breed their own or steal them.

Dogfighting is an insidious underground organized crime and all dog fighters, regardless of their level, embrace many peripheral crimes and gang activities including drug dealing and consumption, gambling, theft, and violence against humans.^[44] Dogfighting is an incredible source of income for gangs and drug traffickers. In fact, the average dog fight could easily net more money than an armed robbery, or a series of isolated drug transactions. Organized dog fights are staged by leaders of the drug trade as forums to distribute narcotics. Many recent dog fighting raids, include those in Flint, MI (2003), Buffalo, NY (2004), Port St. Lucie, FL (2004), Jones County, GA (2004), and Oklahoma City, OK (2004), have resulted in the infiltration of major drug distribution networks, and the arrest of the drug kingpins who regularly organized and attended the dog fights.^[45]

Fighting dogs are clandestine security devices for drug traffickers. Drugs are often stashed in containers to which the dogs are chained in yards or vacant fields. The dogs also provide excellent security inside drug houses and warehouses. Where once the presence of dogs was utilized as an overt warning to potential invaders, it is now increasingly common for criminals to have the dogs debarked (vocal cords severed), to act as silent alarm and attack systems against unsuspecting invaders. The presence of the silent killers poses a significant threat to law enforcement personnel entering these premises. With the increasing popularity hybrid human-aggressive fighting dogs, such as Presa Canarios, the law enforcement community has had to confront the urgency of cracking down on criminals who harbor fighting dogs. These dogs truly are loaded weapons, when placed in the wrong hands.

Criminals also use dogfighting to yield large profits through illegal gambling. Participants and spectators wager excessive sums on the fights. "It's so much money. You would not believe the money floating around left and right."^[46] Purses for a single fight range anywhere from several hundred dollars to tens of thousand of dollars, and up. (A recent raid in Georgia in 2004, which resulted in 123 arrests, was an event with a \$50,000 pot.) Bets also include cars, property titles, weapons, drugs, jewelry, and other valuables. For many, dogfighting is a lucrative money making enterprise, but the price that the victims of the bloody sport must pay is simply too high to be ignored.^[47]

V. The Victims of Dogfighting

A. The Animals

His face is a mass of deep cuts, as are his shoulders and neck. Both of his front legs have been broken, but Billy Bear isn't ready to quit. At the referee's signal, his master releases him, and unable to support himself on his front legs, he slides on his chest across the blood and urine stained carpet, propelled by his good hind legs, toward the opponent who rushes to meet him. Driven by instinct, intensive training and love for the owner who has brought him to this moment, Billy Bear drives himself painfully into the other dog's charge... Less than 20 minutes later, rendered useless by the other dog, Billy Bear lies spent beside his master, his stomach constricted with pain. He turns his head back toward the ring, his eyes glazed (sic) searching for a last look at the other dog as (sic) receives a bullet in his brain.^[48]

It is extremely easy to acquire fighting dogs. Street fighters can buy fighting dogs for a few hundred dollars or, more commonly, they breed their own or steal them. The professional fighters often have large sums of disposable cash and easily spend a few thousand dollars for proven champions. The dogs are extremely difficult for law enforcement to trace because they are never licensed and they disappear frequently. The average life span of the fighting dog is very, very short. For most fighters, the dogs are considered disposable,^[49] a fact that is painfully obvious when the fights are over and everyone has left the crime scene. Inevitably, the mutilated carcasses of the losers of the evening's match will be left behind. In the world of urban dogfighting, where an individual's fighting dog is an extension of his or her own identity, defeat in a fight is unacceptable.^[50] A dog that loses a fight also loses a lot of money and compromises the reputation of his owner. The end result, if the losing dog survives the fight, is immediate death if he is lucky, or torture and mutilation if the owner is embarrassed or irate.^[51] For many, this ritual is a way to regain the respect of their peers. There is no reverence for life or concern for the animals. The abuses that the dogs endure - both in and out of the ring - is so gruesome that even seasoned investigators are consistently shocked by the barbarities they discover at raids. In commenting on a recent raid in South Carolina (2004), First Circuit assistant solicitor, Richard Lackey said, "It's a gruesome scene...I've never seen anything like this before." Newton County Sheriff, Joe Nichols described a 2004 raid in Georgia as, "one of the most horrible things I have experienced."

B. The Children

The systematic desensitization of each new generation in high crime inner cities starts early on; there, most children are routinely exposed to dogfighting and are forced to accept the inherent violence as normal. The routine exposure of the children to unfettered animal abuse and neglect is a major contributing factor in their later manifestation of social deviance. "In many neighborhoods where gangs are strong, you now have 8-, 9-, 10-year-olds conducting their own dogfights. Or being spectators at the fights people are holding," said Sgt. Steve Brownstein of Chicago's Animal Abuse Control Team.^[52] Indeed, for gangs, dog-fighting is a valuable tool to initiate young members into a culture of violence: "You want to find the perfect way to desensitize a kid so he'll kill that anonymous gangbanger from three blocks over? Give him a puppy and let him raise it. Then let him kill it. I guarantee that will desensitize that kid."^[53] This early exposure to and participation in dog-fighting is of concern to law enforcement, not only as a child endangerment issue, but also because children that become desensitized to violence become criminalized and perpetuate that cycle of violence.

C. The Community

Dogfighting is tremendously widespread and has reached epidemic levels in America's urban communities. We have over two centuries of well documented research addressing the devastating impact of social, economic and racial injustice in these communities. America's finest legal minds, political activists and social advocates have painstakingly dissected the culture of poverty in an attempt to understand the disproportionately high rates of crime, drug use, and social deviance in inner-city communities. We have identified several hundred factors that contribute to these social ills, and understand intrinsically that no single contributing factor exists in a vacuum; all are interrelated and all must be addressed. Shockingly, one of the most obvious and avoidable contributing factors has been largely ignored - animal legal injustice. Although dogfighting is outlawed in all fifty states and is a serious felony in most jurisdictions, it has been largely ignored by law enforcement in the urban communities where it is most pervasive. When we, as a society, fail to hold perpetrators criminally liable for violating dogfighting and other animal cruelty statutes, we not only condone their behavior, but send a message that our legal system is weak and inconsistent. The plight of the animals in inner-city areas is so blatantly obvious; even those who are not themselves immediately involved with dogfighting are routinely exposed to the abuse and neglect of the animals. The legislators clearly understand the extreme violence inherent in the blood sport, and the corresponding drug use, gambling, and violence against humans. They have enacted comprehensive laws and very stiff penalties to deter and punish those engaged in dogfighting, yet in urban communities where those laws are shockingly under-enforced, the legal system has made a mockery of the laws.

VI. The Sociology of Dogfighting

It is extremely difficult for anyone besides dogmen to justify dogfighting. Law enforcement officials that penetrate the clandestine subculture are routinely sickened by the macabre blood sport. American culture has criminalized dogfighting and stigmatizes those deviant enough to engage in it. Our collective American consciousness is repulsed by dog-fighting with much the same disdain that we feel for child molesters. One study, published in *Society and Animals*, attempted offer a rare glimpse into the psyche of the prototypical dogman and to rationalize the behavior that to the rest of us is incontrovertibly perverse.^[54] According to the study, there are five major techniques that dogmen employ to justify dogfighting: (1) denial of the victim; (2) denial of responsibility; (3) denial of injury; (4) appeal to higher loyalties; and (5) condemnation of the condemners.^[55]

(1) Denial of the Victim: Most dogmen adamantly deny that the dogs are victimized by the culture of dogfighting. The dogs are glorified as fighting machines with insatiable blood-lust. High profile boxer-turned-convict, Will Grigsby, maintained that the dogs he fought were no more victims than the athletes in his profession. "To me, it's just like boxing. It's cruel if you put a pit bull on a poodle, or a pit bull on another pit bull that don't want to fight. But if you have two dogs that weigh the same amount in an organized dog fight, well, that's just like boxing."^[56] There is a perception that in the fighting circuit, the dogs get whatever they deserve. If a dog shows 'gameness' and wins several matches, he earns titles such as 'Champion' or 'Grand Champion' and the respect of the 'fanciers.' If a dog quits or loses, he is considered a 'cur.' There is no place for 'curs' in dogfighting, they are a humiliation to the trainers, handlers, and to those that bet on them.

(2) Denial of Responsibility: In an interview, one archetypal 'dogman' found moral vindication through denial, "We're not hurting anybody and the dog's love to fight, so what's the harm? If you could see the way the animals love it...you wouldn't think it was cruel."^[57] Fighting is portrayed as something that comes naturally to the dogs - that they're born with an undeniable propensity to kill. "This dog GAR, when he was nine months old, I let him kill a female that had no place on this yard...He was a pup born by himself and had to be taken away from his mother at near five weeks. He was a fight crazy dog from just a puppy...He was a wild eyed dog that showed the eye of the Beast to all that he looked at."^[58]

(3) Denial of Injury: Many fighters claim that the dogs are treated well, both before and after the fights.^[59] and what happens in the pit - well, "they enjoy fighting."^[60] Despite overwhelming evidence to the contrary, some dogmen insist that "[i]t's not the blood and gore that people have been led to believe."^[61] Many proponents of dogfighting claim that the bloodsport is no more violent than boxing.^[62]

(4) Appeal to a Higher Authority:The culture of dogfighting perpetuates itself by glorifying its own history and aggrandizing those who are heavily involved. "Old timers" are lauded as warriors,^[63] heroes, and role models.^[64] "The old timers know all the champions and the great bloodlines. They have produced most of the champion dogs. If they don't like you, you are not going anywhere in dogfighting. You have got to show them the respect they deserve."^[65] Dogfighting literature, publications, and websites are replete with dogmen fondly recalling their early experiences of becoming indoctrinated into the "fraternity" by men that they idolized. "In dogfighting you start at the bottom and...work your way up to be an old timer. If they accept you, an old timer will take you on like an apprentice. An old timer...got me started...He saw dogfighting was important to me, and brought me into this insider circle. I would not have made it without him."^[66] Many fighters maintain that dogfighting is a rich tradition with cultural and historical significance that is proudly passed from generation to generation. "When I reach the other world and stand in front of my father once again, we will surely discuss my accomplishments of this world. I would consider it the greatest honor if my father would feel that I had become a conditioner capable of competing with Mayfield. My battle quote for this issue goes out to all dog men or competitors of any kind. It is from our late President Theodore Roosevelt and says, 'Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to rank with those poor spirits who neither enjoy much nor suffer much because they live in the gray twilight that knows neither victory nor defeat'."^[67]

(5) Condemnation of the Condemners: Dogfighters often see themselves as a misunderstood group, victims of cultural genocide. "Dogfighting is a part of this culture. You don't change culture. It dies but it does not change. Dogfighting, cockfighting, fishing, hunting are all parts of our heritage. We have seen many intruders try to change us, it's always outsiders...but we are just ordinary folk who are different in some ways."^[68] Dogfighting literature is often replete with juxtapositions of the bloodsport, religion, and patriotism: "God protect us against those enemies, foreign and DOMESTIC who would steal our Constitutional rights and our liberty! FREEDOM!"^[69] Some dogmen even go so far as to maintain that they're "truth seekers," ordained by God to control all living beings and to preserve the "game" of dogfighting.^[70] Dogfighters perceive their behavior as normal and often try to portray humane organizations and other anti-dogfighting groups as extremists and as true animal abusers. One website, Gamedogs.com, has an entire section devoted to news of "abuses" committed by humane workers, or "humaniacs" as the dogmen often refer to them.

VII. The Criminal Link: Peripheral Criminal Activity Typically Associated with Dogfighting

Dogfighting does not exist in a vacuum, rather it occurs in conjunction with a host of peripheral criminal activities. Law enforcement agents that respond to dogfighting

complaints should be prepared to encounter any or all of the following crimes: (California State laws are used as an example only; each jurisdiction has equivalent statutes that should be referenced.)

1. Animal Cruelty - [California Penal Code § 597](#)
2. Dog Fighting - [California Penal Code § 597.5](#)
3. Animal or Cock Fighting - [California Penal Code § 597\(b\)](#)
4. Owning, Possessing, Keeping or Training Animals for Use in a Fighting Exhibition- [California Penal Code § 597\(c\)](#)
5. Owning, Possessing, Keeping or Training Birds for Use in a Fighting Exhibition- [California Penal Code § 597\(j\)](#)
6. Live Animals: Attaching to a Propelled Device to be Pursued by Dogs- [California Penal Code § 597\(h\)](#)
7. Prevailing Upon Any Person to Visit a Place of Illegal Gambling -California Penal Code § 318
8. Bookmaking or Pool Selling - California Penal Code § 337(a)(1)
9. Keeping or Occupying Any Place with Paraphernalia - California Penal Code § 337(a)(2)
10. Stake Holding in Bookmaking or Pool Selling- California Penal Code § 337(a)(3)
11. Recording Wagers - California Penal Code § 337(a)(4)
12. Permitting Unlawful Use of a Room or Enclosure (Bookmaking or Pool Selling) - California Penal Code § 337a (5)
13. Making or Accepting Wagers - California Penal Code § 337(a)(6)
14. Prior Convictions, Punishment, Application - California Penal Code § 337(a)(6)(a)(b)
15. Criminal Profiteering - California Penal Code § 186.2
16. Unlawful Assembly - California Penal Code §§ 407, 408
17. Participation in a Criminal Street Gang - California Penal Code §§ 182.5, 186.22, 12021.5
18. Conspiracy - California Penal Code § 182
19. Accessory to a Felony - California Penal Code § 32
20. Controlled Substances: Possession or Purchase for Sale - California Penal Code §§ 11351, 11054, 11055
21. Controlled Substances: Transportation, Sale, Giving Away, etc. - California Penal Code §§ 11352, 11054, 11055, 11056
22. Contributing to the Delinquency of a Minor - Controlled Substances: Adult Inducing a Minor to Violate Provisions -California Penal Code § 11353, 11550, 11054, 11055, 11056.
23. Soliciting, Inducing, Encouraging, or Intimidating Minor to Commit Certain Felonies - California Penal Code § 653(j) - Child Endangerment
24. Willful Injury or Harm; Endangering Person or Health of Child - California Penal Code § 273a
25. Degrading, Vicious, or Immoral Practices in Presence of Children - California Penal Code § 273g
26. Commission of Felony with Firearm - California Penal Code § 12022
27. Possession of Firearm; General Manufacture, Sale, or Possession of Short-Barreled Shotgun or Short-Barreled Rifle - California Penal Code § 12001.5
28. Manufacture, Import, Sale, Supply or Possession of Certain Weapons and Explosives - California Penal Code § 12020
29. Armed Criminal Action - California Penal Code § 12023
30. Carrying Concealed Weapon: In Vehicle or on Person - California Penal Code § 12025

The notion that dogfighting is simply an animal welfare issue is clearly erroneous. Until the past decade, few law enforcement officials or government agencies understood the scope or gravity of dogfighting. As these departments have become more educated about the epidemic of dogfighting and its nexus with gang activity, drug distribution rings, and gambling networks, many have implemented well designed, sophisticated task forces. The magnitude of criminal activity concurrently taking place at the average dogfight is of such a scope as to warrant the involvement of a wide range of agencies, including local, regional, and federal law enforcement agencies and their specialized divisions such as organized crime units, SWAT teams, and vice squads, as well as animal control agencies and child protective services.

VIII. Legal Status of Dog-Fighting

A. State Laws

Dogfighting is illegal in all 50 states and the District of Columbia. In 48 states, the District of Columbia, Puerto Rico, and the Virgin Islands dogfighting is a felony. In Idaho, it is classified as a misdemeanor and, in Wyoming, it is classified as a "high misdemeanor." In forty-six states, and the District of Columbia, the dogfighting statutes specifically include a provision making possessing, owning or keeping of fighting dogs illegal. Forty-eight states and the District of Columbia, have provisions within the dogfighting statutes that explicitly prohibit attendance as a spectator at a dogfighting exhibition. Refer to the [Chart of Dog-Fighting Laws](#) for specific laws and penalties by jurisdiction. [Ed. note: since the writing of this paper, dogfighting is now a felony in all 50 states.]

Whatever the jurisdiction, it is imperative to be familiar with all the statutes concerning animal cruelty and dogfighting and to charge a defendant with the appropriate crime. Courts have denied convictions where the defendant was charged for animal cruelty rather than the more specific crime of dogfighting.^[71] Similarly, a defendant that paid an entrance fee to watch a dog-fight could not be convicted under a statute that did not specifically proscribe being a spectator.^[72]

In some cases, individuals may be charged for both violations of the general animal welfare statutes as well as the more specific dog-fighting statutes. In [Silver v. United States](#), [73] the court held that animal cruelty is not a lesser included offense of dog-fighting and so the two charges do not merge. According to the court, “[e]ngaging in animal fighting requires the instigation, promotion, carrying on or attendance at an animal fight and premeditation by the animal’s owner or custodian. No such proof is required under the cruelty to animals statute. A defendant may therefore commit the offense of animal fighting by planning and promoting an animal fight, even if no harm has yet come to an animal. Conversely, the cruelty to animals statute requires the actual infliction of cruelty, and no such completed act is required to prove a violation of the prohibition against animal fighting. [I]n many cases... conduct which constitutes animal fighting also runs afoul of the cruelty to animals statute. Nevertheless, each crime requires proof of an element which the other does not.”[74]

B. National Laws

The [Federal Animal Welfare Act](#) prohibits the interstate transportation of dogs for fighting purposes. A pending federal bill, S. 382, would create the Animal Fighting Prohibition Enforcement Act of 2005. The Act would amend the United States Code, making it a crime for any person to knowingly sponsor or exhibit an animal in an animal fighting venture if any animal in the venture was moved in interstate or foreign commerce. Additionally, it would be unlawful for any person to knowingly sell, buy, transport, or deliver, or receive for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture. Finally, it would be a crime for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech promoting an animal fighting venture except as performed outside the limits of the states of the United States. Penalties for violations of the Act would include a fine, up to two years imprisonment, or both. The Act would repeal any conflicting provisions of the [Animal Welfare Act](#). [Ed. note: this act was passed in 2007 and became effective in 2008. See [Sec. 2156](#) for codification.]

IX. Legal Issues

A. Investigation and Prosecution

i. Presence of Dog-Fighting

Law enforcement agents may encounter suspicious activity as a result of a citizen complaint, an unrelated investigation, a deliberate investigation or completely by chance. Field agents must be trained to recognize the indicators of potential dogfighting activity. It is extremely common for agents to come across any or all of the following, often in plain view, when there is a presence of dogfighting:

(1) **Dogs:** Certainly not all pit bulls are fought, but officers should be watchful of signs that pit bulls on the premises are being trained or bred for fighting or have been fought. Multiple dogs are generally housed in one location. More sophisticated operations may look more like a kennel; in fact many individuals who breed and fight dogs do so under the auspices of a kennel to deflect suspicion. Less sophisticated dog-fighters, especially the urban street fighters generally have several dogs chained in back-yards, often behind privacy fences, or in basements or garages. Dogs that have been fought have fresh wounds or scars, in various stages of healing, on the head, chest and legs.

(2) **People:** A dogfighting data-base should be maintained to track suspicious and known dog-fighters. They will often lead you to other dog-fighters and to multiple locations where dogs are kept and fought. Dog-fighters move their dogs frequently, so it is important for law enforcement to pay close attention to whether a suspect has multiple residences, including out-of-state. Detailed records should be kept of the individuals that come and go from suspicious locations. Surveillance is especially important on nights and weekends, when large numbers of dog-fighters may come together.

(3) **Signs of Training or Matches:** The presence of a pit is a sure sign of fighting, but agents should pay close attention to blood spattered on any surface. Dogs may be fought or trained in basements, garages, barns, and vacant buildings, so spatters of blood on any interior walls or floors should be closely documented. Dogs are often trained outside, so agents should watch for blood spattered outside, especially near training equipment. When live animals are used as bait, there are generally remains of the animals on site. Agents should look for patches of fur, bones, or decomposed bodies.

Agents should be able to identify the training devices and implements such as: treadmills, catmills (jennys), springpoles (jumpoles), flirtpoles, chains/weights, and any implements used to hang or harness bait animals. Pry bars, bite sticks, or breaking sticks are used to pry a dog’s jaws open when he has gripped onto another animal. Investigators should be trained to recognize these, as they would be quickly overlooked by the untrained eye.

(4) **Signs of Transport:** Large numbers of portable dog-kennels on site may indicate that the dogs are frequently transported to and from matches and between

multiple locations. Adult pit bulls frequently appearing and disappearing from a certain location with no explanation may be involved in fighting.

(5) **Vitamins, Drugs, Food Supplements and Veterinary Implements:** Most dog-fighters do not take their animals to a veterinarian for treatment for fear of exposure; as a result, it is extremely common to encounter veterinary supplies and manuals during an investigation.

(6) **Physical Evidence of Bookmaking/Contest:** Agents should watch for trophies recognizing match winners, or conferring the titles 'Champion' or 'Grand Champion.' Other physical evidence to look for include: ledger slips, match results, stats of an individual animal's performance in matches, photos of dogs or matches

(7) **Technology:** Matches are often filmed, and the tapes can be an excellent source of intelligence gathering. Dog-fighters are increasingly utilizing digital cameras, so when possible, computers should be checked for digital evidence. Many dog-fighters also utilize the internet to maintain contact with other 'fanciers,' post match stats, to order and sell supplies and dogs, solicit veterinary advice, etc. So, a thorough search should probe both computer files and the internet history. The newspaper can also be utilized to identify potential breeding and selling of fighting dogs. Often classified advertisements for fighting dogs include a reference to 'game bred' dogs, or some will actually advertise that the bitch or sire is a 'Champion' or 'Grand Champion'.

(8) **Publications:** Agents may find the following publications:

- *The Sporting Dog Journal*
- *Your Friend and Mine*
- *American Game Dog Times*
- *The Scratch Line*
- *Face Your Dogs*
- *The Pit Bull Chronicle*
- *The Pit Bull Reporter*
- *The American Warrior*

ii. Gathering Evidence

SEARCH WARRANT:

Generally, a search warrant is required to seize the animals or to enter private property to gather photographic or physical evidence. The Fourth Amendment prohibits government officials from entering an individual's property without probable cause and mandates that search warrants specifically describe the location to be searched and items to be seized:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Probable Cause: The "probable cause" requirement may be satisfied through the first-hand knowledge of the investigating officer, or it may be satisfied by reports of other individuals (hearsay), as long as the officer can verify the reliability of the informant's statements. To obtain a valid warrant, the investigating officer must present specific facts to justify the issuance of a warrant. If the warrant is based upon information provided by witnesses or informants, the investigating officer should be very specific with the details, including:

1. Names, addresses, telephone numbers and birth dates of witnesses and informants and relation to the suspect(s) (if they are willing to be identified)
2. Date of the statements
3. Detailed account of a witness's observations (if informants, how they obtained the information)

Specifically Describe the Location to be Searched: The description should be specific enough for the officer executing the warrant to identify the location. Otherwise valid prosecutions are often challenged based on the validity of the search warrant, so it is imperative to be very accurate with the description and to include a description of all buildings to be searched if there are multiple buildings on the premises. A thorough description should include the following details:

1. Street address of the property and where it is identified on the property
2. Major crossroads

3. Directional location of the property (i.e. North side of the street, and SE of major crossroad)
4. Type of property/facility (i.e. vacant lot, residential building, industrial building, etc.)
5. If multiple dwelling unit, residential or commercial, that should be specified and the exact unit(s) to be searched must be identified
6. Physical description of house, facility, or unit (i.e. color, construction material, entrance location, fence, identifying characteristics, etc.)

(Note: You must have probable cause for each separate building to be searched.)

Specifically Describe the Persons or Things to be seized: The Humane Society of the United States maintains a list of items that should be included when preparing the search warrant:

All American pit bull terriers, fighting dogs, guard dogs, and dogfighting paraphernalia, to wit: treadmills, catmills, exercise wheels, hides or other material used as hanging devices to strengthen or condition dogs; collars, leashes, chains, and other devices used to exercise or restrain fighting dogs; wooden sticks or handles used to pry open dogs' jaws; magazines, photographs, film, videotapes, or writings that depict or promote dogfighting or training or conditioning of dogs for dogfighting; any still cameras or movie or video cameras used to record dogfighting activity; all portable carrying cases and pens; antibiotics, drugs, or vitamins used to treat injured dogs or to enhance their performance; needles and syringes used for the administration of such drugs; suture kits and other veterinary supplies; weapons, handguns, shotguns, or rifles used to protect the premises upon which illegal dogfighting occurs; computers and computer diskettes or other removable media containing information related to dogfighting; registration papers or other materials showing written materials showing ownership of pit bull dogs or other fighting dogs, including bills of sale, pedigrees, breeding records, and veterinary records; any dogfighting records, including name and telephone number lists of persons suspected of being dogfighters; any awards, trophies, plaques, or ribbons promoting or relating to dogfighting; any constructed enclosures or components of any pits or arenas used for the purpose of dogfighting or training dogs for fighting; any carpeting or other materials used on the floor of such pits; weight scales; any washtubs, buckets, pails, and sponges used to wash dogs; any rules, contracts, or other written agreements concerning the fighting of dogs.^[75]

Most jurisdictions have specific requirements for the time period within which a search must be executed once a warrant is signed.^[76] The warrants should generally be executed as soon as possible because the likelihood of animal suffering is very high and the animals are usually moved very quickly if the suspects anticipate a search. Some jurisdictions require the presence of a veterinarian during the execution of a search warrant,^[77] so agents should ensure the presence of a veterinarian where practical or necessary. Ideally, a team of police officers, animal control officers/humane agents, and where necessary, veterinarians would all be present during the execution of a warrant. Under no circumstances should unarmed humane agents execute a warrant alone. The charts of [Dogfighting Raids](#) illustrate the standard protocol for dog-fighting raids: The police department is ALWAYS the lead agency in major raids. Animal control officers and humane agents are simply not equipped to deal with the high caliber crimes and criminals involved with dogfighting.^[78] Humane agents should always be on site, however, to impound animals and to assist with gathering of evidence.

WARRANTLESS SEARCH:

A search warrant may not always be necessary to investigate suspicious activity and to seize dogfighting implements. In the context of dogfighting, there are three scenarios that occur frequently:

1. Search Pursuant to Valid Consent
2. Search of Open Fields
3. Seizure of Items in Plain View

(1) Search Pursuant to Valid Consent

It is surprisingly common to get valid consent from individuals in urban areas to conduct wellness checks of dogs, even in homes where dogfighting regularly occurs. One reason may be that among urban dogfighters, the dogs are routinely housed by individuals other than the actual owner. The individuals that give consent to check the dogs often believe that they have nothing to lose because the dogs are not their own property; however most states do have dogfighting statutes that forbid the keeping or housing of fighting dogs. In rural areas and among higher level serious and professional dogfighters it is much more difficult to obtain valid consent to search property or to see the dogs. Furthermore, the investigating officer must be careful that the consent actually be valid. In [Minter-Smith v. State](#),^[79] the court reversed a dogfighting and drug conviction because the evidence was obtained illegally through an invalid consent to search. In that case, the police told a young woman that resided in the home that "we need to treat the house as a crime scene and we need to look in the house for evidence."^[80] Since the woman merely acquiesced to the authority of the police who told her that

they needed to search rather than affirmatively consenting to a request to search, the consent was not voluntarily given and thus invalid.^[81] Because of the highly mobile character of the dogs and fighting paraphernalia, it is important that investigating officers not ask consent to search unless they are either likely to receive consent or would be able to secure the area long enough to obtain a valid warrant in the event that the resident does not consent to a search. Typically, the dogs and paraphernalia can be moved within a matter of minutes once the suspects have reason to believe that they are under investigation.

(2) Search of Open Fields

The United States Supreme Court in U.S. v. Dunn ^[82] reaffirmed the "open fields" doctrine by holding that Fourth Amendment protection does not extend to the undeveloped areas outside the curtilage of a private home. "There is no constitutional difference between police observations conducted while in a public place and while standing in an open field." In Rogers v. State^[83], the court relied on the "open field" doctrine in holding that a warrant was not necessary to search a dog pit located in an open section of the woods, nearly 400 yards from the appellant's mobile home.

(3) Seizure of Items in Plain View

The plain view doctrine allows police to seize contraband in plain view when 1) the seizing officer is in a location he has a legal right to be; 2) the incriminating character of the evidence is immediately apparent; and 3) the seizing officer has a lawful right of access to the object.^[84] It is extremely common for officers to encounter evidence of dogfighting in plain view. In urban areas, fighting dogs can often be seen from a public vantage point and dogfighting paraphernalia is often kept in plain view in yards, garages and homes, such that the items are often easily encountered when officers are on the premises for unrelated business, such as drug raids, domestic violence complaints or execution of arrest warrants. It is extremely important that agents are trained to readily identify dogfighting paraphernalia and other signs of dogfighting, so that they can legally seize such items under the plain view doctrine. In Minter-Smith v. State,^[85] the court reversed a dogfighting and drug conviction because the evidence, which was obtained without a warrant, was not legally seized under the plain view doctrine. The State was unable to show that a broomstick with bite marks and an exacto knife with a heavily taped handle were immediately recognizable as dogfighting paraphernalia, in order to satisfy the second prong of the test. In that case, the investigating officers could not readily identify the incriminating nature of the seized items; rather an expert later confirmed that they were in fact implements utilized for dogfighting.^[86] The case may have been decided in the alternative had the investigating officers been adequately trained and were able to testify that they immediately recognized the "incriminating nature" of the evidence.

COLLECTING AND DOCUMENTING EVIDENCE

The whole site should be videotaped or photographed prior to removing animals and other evidence.

Dogs: The dogs are both abused animals and extremely valuable evidence of dogfighting; in many cases, they may be stolen property as well.^[87] They must be confiscated for their own protection and for use as evidence. Unfortunately, humane officers often lose sight of the fact that the animals are evidence and frequently leave the animals on site if they do not feel that they are in immediate danger. This is extremely common, generally destroys a case, and is fatal for the dogs. Dogs that are left behind are moved or destroyed, as would be any other evidence (like drugs or weapons) left behind at a crime scene. Dogs should always be confiscated pursuant to a valid warrant or without a warrant under the exigent circumstances exception.^[88] The dogs should be photographed individually and identified in the photograph with an assigned evidence number. General impound photos should be shot from the front and each side of every dog. Careful attention should be paid to identifying all injuries that are consistent with dogfighting, such as bite wounds, lacerations and scars. Injuries and markings should be individually documented and photographed. It is useful for agents to utilize standardized checklists and diagrams. The following information should be recorded for each animal:

1. Breed
2. Sex
3. Color
4. Identifying Features/Marks
5. Injuries
6. Owner Information (name, address, etc.)
7. Location of Confiscation (address and specific location of the property)
8. Date
9. Dog's Evidence Number
10. Case Number
11. Confiscating Agent

The dogs should be thoroughly examined by a veterinarian that is familiar with diagnosing injuries that are consistent with animal fighting. The veterinarian will likely need to testify in court and should be prepared to qualify a diagnosis that the animals were victims of animal fighting. Detailed daily medical records should be kept of the animals from

the time of confiscation through the duration of the impoundments. Fighting dogs must not be housed together and should be kept under extremely tight security. It is not uncommon for fighting dogs to be stolen from shelters once they have been confiscated. Dead animals must be documented and confiscated in the same manner as the live ones. The examining veterinarian must perform a necropsy on all deceased animals and the bodies should be preserved for trial.

Other Dogfighting Evidence: All other evidence must be carefully documented with detailed descriptions. See the [Humane Society's List of Items to Include in a Search Warrant](#) for items that would typically be seized in a dogfighting raid. The following drugs, supplements and veterinary supplies are used by dog-fighters (although they have legitimate uses as well) and may be encountered during a search:

Drugs:

1. Solu-Delta-Cortef + Dexamethazone (Azium) (Prednisolone or Flumethasone) (anti-inflammatory/anti-shock injectables)
2. Epinephrine (injectable adrenaline for heart failure)
3. Lactated Ringers (IV solution)
4. Speed (pills or injectables)
5. Pain Killers (Lidocaine, Talivin, Dilaudid, codeine)
6. Antibiotics (injectables, tablets or capsules, including: Ampicillin, Amoxicillin, Penicillin Procain, Albacillian, Baytril)
7. Lassix
8. Hormones (including: androstenedione, testosterone, Propionate, Repotest, Probiolic Oil)
9. Androgenic steroids (including: Winstrol V, Dinabol, EquiPoise)
10. Furosemide
11. Nitrofurazone (antibiotic gel)
12. Prednisone

Vitamins/Supplements:

1. Vitamin K (injectable) (promotes blood clotting)
2. CytoMax
3. Canine Peak Condition or Peak Performance
4. Magnesium
5. Provim
6. Vitamin B-12 (injectable)
7. Vitamin B-15 (increases bloods oxygen carrying capacity by 25%)
8. Stress-Dex (electrolyte)
9. Liver and Iron extract
10. Canine Red Cell
11. Clovite conditioner
12. Energy Plus

Veterinary Supplies

1. Veterinary manuals, publications for dogmen (i.e. *The Healthy Bulldog*)
2. Catheter IV, needles, syringes
3. Gauze and leg tape
4. Hydrogen Peroxide
5. Blood stop powder (i.e. styptic powder)
6. Tourniquet
7. Betadine
8. Sutures, suture needles, needles holders
9. Staple gun and removers
10. Scalpel, surgical razor or scissors, forceps
11. Gloves, thermometer, Vaseline or KY jelly, sponges
12. Super glue

iii. Evidence Sufficient to Support a Conviction for Dog-Fighting

The courts have found the following types of evidence sufficient to support a conviction of dogfighting:

1. Testimony by law enforcement agents that had witnessed a dogfight.[\[89\]](#)
2. Testimony by law enforcement agents that had witnessed people gathered around a pit with wounded dogs inside.[\[90\]](#)
3. Testimony by law enforcement agents regarding seized items and their utility in dogfighting.[\[91\]](#)
4. Testimony by a veterinarian confirming the consistency of the injuries with those incurred in training or fighting.[\[92\]](#)
5. Evidence of a large amount of money in the possession of an individual present at an alleged dogfight. [\[93\]](#)

iv. Evidence Insufficient to Support a Conviction for Dog-Fighting

In some instances, it is more practical to charge a dogfighter under the general anti-cruelty statutes than to charge him or her under the state's dog-fighting statute. Sometimes, particularly in circumstances where the fighters are especially sophisticated and elusive, the investigating officers are unable to gather sufficient evidence to charge the suspect with dogfighting. As a practical matter, it is often difficult for investigators to gather evidence and conduct surveillance over a long period of time, when suspects move frequently and keep the animals in multiple locations. Lack of other evidence notwithstanding, fighting dogs are generally kept in egregious conditions and are often in need of medical treatment. Where there is insufficient evidence to charge an individual with dogfighting, and the circumstances warrant immediate action rather than long-term surveillance, the prosecution should bring appropriate cruelty or neglect charges. In *Stephens v. State*[\[94\]](#), the defendant was convicted of 17 counts of cruelty toward animals for keeping several fighting dogs in unsanitary conditions and without appropriate shelter. The investigation yielded the discovery of a fighting pit on the defendant's property as well as bite sticks and other training implements. Charges were not brought for dogfighting; however, the defendant was sentenced to 6 months for each of the 17 counts -135 days incarceration and the remainder probation.[\[95\]](#)

Sometimes, the evidence of peripheral criminal activities such as drug distribution or gambling is so overwhelming that it is simply more efficient to prosecute the dogfighters for those crimes. In *People v. Lee, et al.*,[\[96\]](#) the defendants were suspected and known dogfighters that were ultimately convicted of conspiracy to deliver or possess with intent to deliver 650 or more grams of a controlled substance. Each defendant was sentenced to a prison term of 30 to 60 years for their involvement with drug distribution; as such, the dogfighting charges were ultimately unnecessary for the apprehension of the criminals.

v. Ownership and Culpability

If asked, dogfighters will typically deny ownership of the fighting dogs. Establishing ownership is further complicated by the fact that the dogs are generally not licensed. Most jurisdictions have statutes that encompass all levels of participation in dogfighting, so failure to establish ownership is generally not a bar to a successful dogfighting prosecution. Many jurisdictions make it illegal to "own, possess, keep, use or train"... a dog "for the purpose of fighting, baiting or injuring another such animal, for amusement, sport or gain."[\[97\]](#) Under such a statute, the prosecution theoretically need not establish that the defendant owns the animal in question; rather, it would be sufficient to show that the defendant was in possession of the dog, the dog was kept on the defendant's property or that the dog was otherwise maintained by the defendant. Many statutes simply prohibit "causing or allowing a dog to fight another dog for sport or gaming purposes."[\[98\]](#) In *Hargrove v. State*,[\[99\]](#) the court interpreted the term "allow" to include any act which "contributes to the cause of" or "furthers the success of the enterprise of" a dogfight for sport or gaming purposes. Thus, if a person participates, on any level, in the "planning or financing of the event, including paying an admission, providing a location or wagering on the event or if a person encourages the event by applause or cheering, such person violates the statute."[\[100\]](#) In that case, the 3 defendants were convicted for (1) "refereeing" in the dogfight; for (2) supplying paraphernalia that was used for the fight and being present in the pit; and for (3) owning the property upon which the pit was erected.[\[101\]](#)

Some jurisdictions specifically prohibit knowingly or intentionally allowing one's property to be used for dogfighting. In *Rogers v. State*[\[102\]](#), the State was not required to establish that the defendants owned the dogs. Under Texas law,[\[103\]](#) "[a] person commits an offense if he intentionally or knowingly uses or permits another to use any real estate, building, room, tent, arena, or other property for dog fighting." The defendant was convicted, sentenced to 4 years imprisonment, and assessed a \$4,000 fine for knowingly allowing dogfights to take place on her property, although she was not in the immediate vicinity of the pit during the time of arrest. The relevant legal issue was whether the property was hers, not whether the dogs were, or whether she had caused them to fight.[\[104\]](#)

Actual ownership of fighting dogs is important to establish in cases involving culpability for "owners" of fighting dogs that injure other persons or animals.[\[105\]](#) Under those statutes, the "owners" may be criminally liable for injuries inflicted by their dogs regardless of whether the owners are in actual possession of the dogs at the time of the attack. In *People v. Beam*, [\[106\]](#) the court found that the owner of fighting dogs could be held criminally liable under *M.C.L. § 750.49(10)* [\[107\]](#) for a fatal mauling by his dogs although he was incarcerated at the time of the attack and the animals were in temporary custody of a third party. According to the court, an "owner" is an individual with the "legal right of possession" and actual possession is not necessary to establish ownership.[\[108\]](#)

vii. Dogs: Confiscation, Custody, and Euthanasia

Once the dogs have been confiscated, several legal and constitutional issues arise regarding their post-confiscation care and custody. Generally, there is a significant amount of time between the seizure of the dogs and the disposition of the criminal charges against the defendant. It is exceedingly difficult for animal shelters to house large numbers of confiscated dogs pending a trial. The animals must be individually housed and cared for by individuals that are trained in handling fighting dogs. The costs to maintain the animals for several months pending a trial can be very high, and in some areas, the dogs may usurp an inordinate amount of shelter space, thereby rendering a shelter unable to accommodate other animals. In most instances, it is most practical and humane to euthanize or re-home the confiscated animals prior to the trial. The dogs are considered property (of the defendant or another) and as such, their disposition may largely depend on each jurisdiction's statutory rules on the forfeiture of seized property.^[109]

Some states require the conviction of an individual prior to the forfeiture of objects used in the commission of the crime, in this case, the dogs. Other states do not require a conviction as a prerequisite to forfeiture proceedings. Although the ownership of the dog may not be a serious hurdle for the prosecution to overcome in a criminal dog-fighting conviction, it may become much more relevant when the courts must determine the final disposition of the dogs. An individual that seeks to challenge the forfeiture of property, in this case, the dogs, has the burden of establishing a property interest.^[110] Where the defendant denies ownership of the dogs, this burden becomes particularly difficult for him to meet. Even where the defendant claims ownership of the dogs, he still has the burden of establishing ownership during the forfeiture proceedings. In some instances, claiming ownership of the dogs may implicate an individual in criminal proceedings, so the counsel for the defendant must apply for a stay of civil forfeiture proceedings pending the completion of the criminal proceedings. If the defense does not do so, it loses the right to raise this due process issue on appeal.^[111]

The final disposition of the dogs may be further complicated by the fact that they are sentient property, protected by anti-cruelty statutes. Thus, an owner may legally be able to recover seized property under the relevant rules of civil procedure, but may not be able to recover the dogs under an anti-cruelty statute that proscribes the return of the dogs. Some courts have broadly interpreted statutes allowing for the forfeiture and euthanasia of seized animals to include forfeiture and euthanasia of fighting dogs that are wounded or deemed dangerous. In *32 Pit Bulldogs and Other Property*,^[112] the Missouri Supreme Court relied on subsection (3) of the criminal dog fighting statute,^[113] to affirm a lower court order to euthanize 18 of the 32 seized pit bulls prior to the disposition of the defendant's criminal charges.^[114] According to the statute, a court may order that dogs be euthanized, prior to the final disposition of the charges, if the dog is not likely to survive or by reason of the physical condition of the dog.^[115] The Court broadly interpreted the statutory language "physical condition of the dog" to mean "not only how many scars and injuries it might have but its physical condition with reference to vicious or aggressive behavior, its propensity to fight or to inflict serious injury or death on other animals, including humans."^[116]

viii. Mens Rea Requirement: Intentional vs. Unintentional Fight

Defendants will often deny culpability by maintaining that their injured or scarred dogs broke loose and fought on their own, were too aggressive during breeding, were attacked by stray dogs, or were injured while in the custody of another.^[117] Essentially they maintain that despite overwhelming physical evidence of a fight, they did not engage in any wrongdoing and to punish them would violate their due process rights. Most statutes therefore make otherwise innocent conduct criminal by including an intent requirement. Thus, the prosecution must generally be prepared to show that an individual "knowingly" or "intentionally" engaged in the proscribed dogfighting activity. In *Moody v State*,^[118] the court determined that the statute in question required "knowing and consensual involvement" in dogfighting and required the intent "to engage in dog-fighting for sport or gaming purposes." In *Jones v. State*,^[119] the State established that the defendant "owned, possessed, kept, and/or trained the dogs with the intent that the dogs be engaged in an exhibition of fighting with another dog" through the testimony of the investigating officer that was present when the defendant had his two dogs fight.

ix. Constitutional Issues

Much of the recent case law on dog-fighting has probed a variety of constitutional issues. Typically, constitutional issues arise in two different contexts: (1) Constitutionality of the Statute; (2) Due Process Taking.

(1) CONSTITUTIONALITY OF THE STATUTE:

Appellants often challenge the constitutionality of the dogfighting statute under which they were convicted. Generally, appellants argue that the statutes are unconstitutionally vague, or overbroad. Such arguments are routinely rejected by the appellate courts.

Void for Vagueness Doctrine:^[120]

In *State v. Gaines*,^[121] the appellant, who was convicted of promoting or engaging in dogfighting and the sale, purchase, possession or training of a dog for dogfighting, challenged the constitutionality of Ohio Rev. Code Ann. § 959.16.^[122] The appellant argued that the statute was unconstitutionally vague or that it violated the void

for vagueness doctrine because it did not define the term “dog-fighting” such that a person of common intelligence would understand exactly what conduct is proscribed by the statute. The court, relying on [State v. Smith](#),^[123] found that although the legislature did not specifically define the term “dogfighting”, the statute was not unconstitutionally vague because it was both broad enough to encompass a variety of criminal conduct and also sufficiently specific to provide a warning to men of common intelligence that certain kinds of behavior were prohibited.^[124]

Similarly, in [Hargrove v. State](#),^[125] the appellants, who were convicted of dogfighting, gambling, and commercial gambling, challenged the constitutionality of O.C.G.A. § 16-12-37,^[126] which makes it a crime for any person to “allow” a dogfight to occur. The appellants argued that such proscribed conduct is impossible to define such that “men of common intelligence are not given fair notice of the conduct which is forbidden”^[127] by the statute. The court interpreted the term “allow” as used in the statute to mean “any act which contributes to the cause of a dogfight for sport or gaming purposes or furthers the success of the enterprise of a dogfight for sport or gaming purposes.” In rejecting the appellants argument, the court found that a person of common intelligence would be on notice that it is illegal to knowingly participate, on any level, in the planning, financing, coordination or execution of a dogfighting event or to contributes to the success of the event.^[128]

Overbreadth Doctrine:^[129]

In [People v. Parker, et al.](#),^[130] several appellants that were charged with knowingly attending an animal fight and knowingly organizing, promoting, or collecting money for the fighting of an animal challenged the constitutionality of MCL 750.49(2)(e)(f).^[131] They asserted that the language of the statute that prohibited “presence” at any “premises” utilized for dogfighting or at a dogfighting “exhibition” could be interpreted to punish the accidental or unintentional witnessing of or presence at a dogfight. According to the appellants, such punishment of innocent behavior would violate the overbreadth doctrine. The court rejected their argument stating that, “the statute does not prohibit the mere witnessing of a dogfight, but “punishes attendance as a spectator at an event legitimately prohibited by law.”^[132]

Similarly, in [State v. Gaines](#),^[133] The appellant, who was convicted of promoting or engaging in dogfighting and the sale, purchase, possession or training of a dog for dogfighting, challenged the constitutionality of Ohio Rev. Code Ann. § 959.16,^[134] utilizing the overbreadth doctrine. The appellant asserted that certain provisions of the statute, which made it a crime to “knowingly” “promote” dogfighting or to “use, train, or possess a dog for seizing, detaining, or maltreating a domestic animal” violated the overbreadth doctrine because they “prohibit constitutionally protected conduct such as a lobbyist’s petitioning the legislature to repeal the statute,^[135] or the training of dogs for detaining domesticated animals such as sheep.^[136]” The court rejected the appellant’s argument stating that it was “readily apparent” that the appellant was promoting dogfighting and training dogs to fight and was not engaging in innocent or constitutionally protected behavior.^[137]

(2) DUE PROCESS TAKING:

The second context under which constitutional issues often arise is the seizure and subsequent forfeiture of fighting dogs. Defendants often maintain that the State infringed upon their “property” interests in violation of procedural due process. When analyzing such procedural due process claims, the United States Supreme Court employs a two-step analysis.^[138] The first area of inquiry deals with whether there exists a “life, liberty, or property” interest, protected under the Fourteenth Amendment, with which the state has interfered. In the context of state seizure and forfeiture of fighting dogs, which are considered a property interest, the first step of the analysis would be satisfied. The second prong of the inquiry would be to determine whether the entity responsible for the alleged deprivation instituted constitutionally sufficient procedural protections. In other words, the owner of the dogs should generally have adequate notice and an opportunity to be heard by an impartial tribunal regarding the merits of the deprivation of the “property.” In [Commonwealth v. Gonzalez](#),^[139] the court determined that the provisions of Pennsylvania’s animal cruelty statute, 18 Pa.C.S.A. § 5511(h.1),^[140] which allow the police or humane society to destroy animals without offering the owner a pre-deprivation or post-deprivation hearing violated due process requirements. In that case, the defendant was charged with and convicted of 23 counts of animal cruelty under the statute for cockfighting. The roosters were confiscated and destroyed pending the trial; however the court found that the defendant was unconstitutionally deprived of an opportunity to be heard prior to the deprivation. Although the court recognized that due process requirements do not necessarily dictate when an opportunity to be heard must be afforded to an individual, it noted that in the case of “the complete, albeit humane, destruction of animals,” the only “meaningful opportunity to ensure a fair process of decision-making” is generally going to be before the actual “deprivation” occurs.^[141]

B. Spectator Issues

i. Laws

Most jurisdictions have statutes that impose criminal liability for being a spectator at a dogfight. See, [Chart of Dog-Fighting Laws](#) for specific laws by jurisdiction. The statutes all include a knowledge requirement, such that an individual must intentionally engage in wrongful conduct, and cannot be held criminally liable for accidentally witnessing or unintentionally encountering a dogfighting exhibition. Individuals charged under the criminal spectator statutes often deny any intentional participation in the dogfight. Several investigative techniques may be utilized to refute such claims. Officers should look for evidence linking the defendant to the exhibition, such as entrance fees paid to attend, wagers placed on the dogs, verbal instigation of the fights. Sometimes photographic or video evidence gathered at the scene may include footage of the

defendant attending that or other fights as a spectator.^[142] In other cases, the intent requirement may be satisfied through circumstantial evidence such as showing that the defendant was present at the fight for a certain amount of time, thereby negating any defense of accidentally encountering the exhibition.^[143]

ii. Constitutional Issues

Typically the constitutional challenges to the spectator statutes are the same as those to the general dogfighting statutes. Defendants often appeal their criminal convictions by arguing that the statutes are either unconstitutionally vague such that a person of ordinary intelligence could not determine what behaviors the statute proscribes or overbroad, such that the statute criminalizes innocent or constitutionally protected actions.

Void for Vagueness Doctrine:^[144]

In *Commonwealth v. Craven*,^[145] the court rejected a constitutional challenge to a Pennsylvania statute that prohibits being a "spectator" at a fight.^[146] The trial court had erroneously found that the statute was unconstitutionally vague in that it did not clearly indicate whether there was a mens rea requirement for culpability or whether the statute sought to create a strict liability crime for any individual present at a dogfight. In rejecting the trial court's findings, the appellate court stated that "under its plain language, the statute only criminalizes attendance at an animal fight 'as a spectator'."^[147] It therefore "criminalizes a person's conscious decision to attend an illegal animal fight as a spectator and by doing so, puts individuals on sufficient notice as to what conduct is proscribed."^[148]

Similarly, in *State v. Arnold*,^[149] the appellant, who was convicted of participating as a spectator at an exhibition featuring dog fighting, challenged the constitutionality of a North Carolina statute,^[150] which creates criminal liability for any "person who participates as a spectator at an exhibition featuring the fighting or baiting of a dog," on the grounds of vagueness. The court had little trouble rejecting the appellant's argument. It simply interpreted the key words in question: "participates," "spectator," and "exhibition," by utilizing their plain meaning according to the American Heritage Dictionary. "Participate" means "to take part; join or share with others." An innocent passerby, who accidentally or unintentionally noticed the dogfight and immediately continued on his way, would therefore not be included in the definition according to the court. A "spectator" is "an observer of an event." Finally, to "exhibit" is defined as "to show externally; display." Therefore, the court held that "the plain language of the statute is not vague and is adequate to convey a clear understanding of what conduct is unlawful."^[151]

Overbreadth Doctrine:^[152]

In *Moody v. State*,^[153] the fifty-nine appellants, who were indicted for dogfighting in violation of O.C.G.A. § 16-12-37,^[154] challenged the constitutionality of that statute, which makes it a criminal offense for any person to cause or allow a dog to "fight another dog for sport or gaming purposes" or maintain or operate "any event at which dogs are allowed or encouraged to fight one another." The appellants argued that the statute was overbroad in that it did not clearly define permissible and impermissible conduct, such that an individual could be punished for unintentional conduct or for the actions of others. For example, they asserted that under the statute, one who negligently allowed his dog to roam which resulted in a fight could be found guilty of dogfighting, thus criminalizing innocent conduct.^[155] The court patently rejected the appellant's argument, citing its prior holding in *Hargrove v. State*,^[156] that the statute "requires knowing and consensual involvement" with dogfighting, and does not attempt to punish innocent or constitutionally protected conduct.

In *State v. Weeks*,^[157] however, the court did find that an animal fighting statute contained a provision that was impermissibly overbroad. In that case, the appellant had been convicted of being "present thereat" or "witnessing" a cockfight in violation of Ohio's animal fighting statute.^[158] He appealed his conviction on the grounds that the final provision of the statute, which prohibits being "present thereat" any "place kept for" "cockfighting, bearbaiting or pitting of an animal against another," was impermissibly overbroad in that it did not make clear whether it was unlawful to assemble in a place used for animal fighting when there were no fights going on. The court determined that the provision could be interpreted to outlaw such lawful assembly in violation of the First Amendment. As such, the court held that that provision of the statute was "constitutionally infirm" but severable from the remainder of the statute and ultimately upheld the appellant's conviction.^[159]

C. Keeping of Fighting Dogs

It is much more common for law enforcement agents to encounter pit bulls kept for fighting than it is for them to happen upon a fight in progress. Although it is much easier to gather evidence of dogfighting when the defendants are attending or coordinating a fight in progress, law enforcement agents do have legal recourse when dogs are being kept for fighting.

i. Laws

Many jurisdictions prohibit the keeping or possession of dogs trained or used for fighting. As such, criminal liability attaches for simply harboring the fighting dogs rather than for coordination of or attendance at a dogfight. See, [Chart of Dog-Fighting Laws](#) for specific laws by jurisdiction.

ii. Cases

In [Ash v. State](#),^[160] the defendant was convicted in a jury trial of “promoting or engaging in dog fighting or possessing a dog for that purpose”^[161] although she was not actually present during the dog fight or raid. In that case, the defendant knew that her husband fought dogs, knew that a structure was built on her property to house the fighting dogs and included a pit to be used as a forum for the fights, and knew that large numbers of people came to her property occasionally and brought their pit bulls. She denied any knowledge of fights occurring on her property but admitted that she saw nothing wrong with dogfighting or with her 12 year old son attending the dogfights. In fact, she conceded that she and her husband had moved from California to Arkansas because dogfighting had been outlawed in California.^[162] She challenged her conviction by arguing that since she was not actually present during the fight, there was insufficient evidence to show that she “promoted” dogfighting. Under the statute, however, criminal liability did not attach as a result of actual presence at a dogfight, rather it attached for simply “promoting” dogfighting, which the court interpreted to mean, “further, encourage, [or] advance.”^[163] The appellate court sustained her conviction because the appellant’s knowledge of and acquiescence to dogfighting on her property and harboring of the fighting dogs “promoted,” “furthered,” “encouraged,” and “advanced” dogfighting.^[164]

Likewise, in [State v. Scott](#),^[165] the appellant had been charged with and pled guilty to animal fighting, cruelty to animals, and the keeping of unvaccinated dogs, although the State had no evidence of the defendant actually attending any dogfights. Instead, the State presented evidence that the appellant trained dogs on his property with a treadmill and a carousel, and that the dogs that were confiscated from his property had scars and wounds that were consistent with dogfighting. Finally, the State showed that the appellant had business cards advertising himself as a dog fighter and that he kept a notebook listing the people who owed him money.^[166] Under Tenn. Code Ann. § 39-14-203(c)(1),^[167] it is unlawful for any person to “own, possess, keep, use or train” dogs for fighting or to “permit any such acts...to be done on any premises under the person’s charge or control, or aid or abet such act.” It is not necessary that an individual ever be present at a dogfight to be held criminally liable under the statute.

X. Conclusion

We are in the midst of a dog fighting epidemic in America. We are in the midst of a violent crime epidemic as well; the correlation is not a difficult one to draw. In recent years social, political, and legal forces have effectuated remarkable changes in their perception of and reaction to the blood sport. The clandestine culture of dog fighting is no longer shrouded in ignorance and apathy, and law enforcement and legal advocates are equipped with stringent laws to protect the victims and to prevent the indoctrination of future generations of criminals into the culture of dogfighting. Where only a few decades ago, dog fighting prosecutions were literally unheard of, there is now a growing body of case law to assist prosecutors in building and presenting their cases and judges are becoming more cognizant of the gravity of this type of violent crime. National efforts are currently underway to strengthen federal anti-dogfighting legislation, through the Animal Fighting Prohibition Enforcement Act of 2005.

Progressive law enforcement agencies throughout the nation have identified the overwhelming correlation between dog fighting and other criminal activity and many have developed specially trained units to aggressively combat dog fighting. The commitment of agency resources to the apprehension of dog fighters is not a sacrifice of those resources from other areas of law enforcement. On the contrary, the individuals that are apprehended by dog fighting units are the same gang members, drug-dealers, robbers, and violent criminals that the vice, narcotics, and gang units actively seek to apprehend. Dog fighting raids tend to result in mass arrests for multiple offenses whereby serious and habitual criminals, that may otherwise be unattainable, are easily and efficiently apprehended. Additionally, dog fighting search warrants inevitably result in the discovery of evidence of other criminal activity that would often not be detected without costly investigations and surveillance. Furthermore, as most urban youth are routinely exposed to dog fighting and its peripheral crimes, they are desensitized to violence and suffering and ultimately become criminalized. Without dedicated law enforcement intervention, these children would grow up to be the next generation of social deviants that compromise community safety and drain resources from an already drastically under funded penal system. As many law enforcement agencies have already discovered, preventing their exposure to violence early on ultimately prevents the desensitization and future criminalization of children and saves future law enforcement resources.

Many local, state, and national agencies have implemented well designed, sophisticated task forces^[168] utilizing local and regional law enforcement bureaus, including special agents, organized crime units, SWAT teams, drug enforcement agents, animal control officers, and child protective services. Legal institutions and individual attorneys are vital components of the task forces as well: they contribute legal expertise in prosecuting the dog-fighting cases and in developing public policies and legislative initiatives to combat dog fighting. Community based government, social and educational organizations assist the task forces through community outreach, education, intelligence gathering, and animal rescue. Many major cities have prominent officials that have developed and implemented dog-fighting initiatives; the prodigious success has garnered nationwide attention and spurred regional and state wide initiatives:

CHICAGO: One high profile success is Chicago’s Animal Abuse and Control Team (AACT), formed under Mayor Daley and led by Sergeant Steve Brownstein, which consists of 2 teams each with 1 sergeant and 5 officers. The Chicago Police Department and the Cook County Attorney’s Office sponsor DAWG, a court advocacy program to monitor dogfighting and other animal abuse cases.

Recently, Mayor Daley developed a city-wide public service "Born to Lose" campaign, targeting dog-fighting. In 2002 Chicago designated an emergency code for animal fighting and in 2003, the city received and responded to 1093 animal-fighting complaints. The city's success with AACT prompted the creation of a state wide Illinois Illegal Animal Fighting Task Force who's members include law enforcement, animal control, judiciary, legislature, public health and education committees.

BOSTON: Boston's Operation Dog Tag, launched in District Eleven in 1996 under the leadership of Captain Robert P. Dunford, is considered a national model in progressive law enforcement. Dog Tag dispatches teams of city police officers, animal control officers, and armed special agents to dog-fights. Additionally, "gang investigations, drug investigations, intimidation complaints, robbery, and assaults are just some of the areas in which the Task Force has been used," said Sergeant Tom Flanagan, Supervisor of the Boston Police Community Services Office. "We never dreamt of the success we have had."

LOS ANGELES: Recently, the City of Los Angeles made history by announcing an unprecedented alliance between the Los Angeles Police Department and Animal Services to combat dog-fighting. With the support and guidance of the L.A. City Attorney's Office, and under the leadership of Mayor Antonio Villraigosa, LAPD's Chief Bratton, Assistant Chief Papa, and the Los Angeles City Council, a dedicated blood sport and animal cruelty unit has been developed and is being implemented in 2005.

From an institutional perspective, the combined efforts of the legal and law enforcement community to eradicate the culture of dogfighting are significant, success is inevitable. The reality however, is that society is merely beginning to confront the violent culture of dog fighting that has infiltrated every facet of American life for generations. For the victims, the people and animals that live in the communities that are scarred by the unfettered growth of blood sport, the situation remains desperate. Despite weekly reports of dog fighting raids and prosecutions from around the country, countless dog fights occur every night and go unnoticed, unreported, uninvestigated or unprosecuted. It will take years, perhaps decades for the current efforts to eradicate dog-fighting to have any tangible impact in the communities that are most afflicted. In the mean time, the legal, political, and law enforcement communities have the formidable task of preventing another generation from being indoctrinated into the violent underworld of dog fighting.

[1] According to the dogfighters, "[y]ou're looking for dogs that'll die when fighting -- that'll fight to the death." Eileen Loh-Harrist, *Fight Clubs*, Gambit Weekly, July 10, 2001, available at http://www.bestofneworleans.com/dispatch/2001-07-10/cover_story.html.

[2] See, Ri'Chard Magee, *Pit Bull Bait-The Short Sad Life of Dancer (AKA Dozier)*, YO! Youth Outlook Vol. 5, No. 2 March/April 1996 (a personal account of a dog lost to the underworld of dog-fighting and used as bait).

[3] "Game is the dog that won't quit fighting, the dog that'll die in the ring, the dog that'll fight with two broken legs." Eileen Loh-Harrist supra note 1.

[4] Joshua Brown, *The Hungry Eye, Episode 3*, Common-Place, Vol. 2 No. 2, January 2002, at <http://www.common-place.org/vol-02/no-02/brown/brown-8.shtml> (Excerpts of a fictional account of a dog-fight staged by well known dogman, Kit Burns).

[5] There are a few variations of the rules. The following are "Cajun Rules":

RULE 1: Size of pit, optional; to be square with sides 2 feet high, scratch line 12 feet apart.

RULE 2: Referee to be chosen before the dogs are weighed in or washed and referee to conduct the contest according to these rules and his decision to be final.

RULE 3: Referee to see the dogs weighed at time agreed on and if either dog is over top weight agreed on he loses the forfeit money.

RULE 4: Parties to toss coin to see who shall wash first, each party to furnish two clean towels and a blanket.

RULE 5: If requested to do so the referee shall search the person named to wash the dogs and then have him bare his arm to the elbow and wash both dogs in the same warm water and rinse them each in his half of the warm clean water provided for that purpose.

RULE 6: As the dogs are washed clean and dried they shall be turned over to their handlers and at once taken to their corners of the pit as designated by the referee and

the referee must search handlers for means of foul play and see that he bares his arms to the elbow before he receives his dog and must keep his arms bare in such a manner during the contest.

RULE 7: The dog's owner or his representative shall be allowed at all times to be near his dog and watch to see that no harm is done him, and each owner shall be allowed to name a man or himself watch his opponent's dog and handler at all times to see he is given no unfair advantage.

RULE 8: Either dog's owner, handler, or watcher if he sees anything wrong must at once appeal to the referee and get his decision. And if any handler, watcher or owner violates any of these rules and thereby favors either dog the dog so favored must at once be declared the loser.

RULE 9: The interested parties shall choose a timekeeper at the pit side.

RULE 10: The dogs are placed in their corners of the pit, opposite corners, faces turned from each other and only the dogs and their handlers inside the pit. Then the referee shall say, "Face you dogs". Each handler must always show his dog full head and shoulders between his legs. The referee says, "Let go", but the handlers must never push or shove their dogs and handlers shall not leave their corners until the dogs are together.

RULE 11: Now when one of the dogs turns his head and shoulders away from his opponent after the fight is on it is a turn, whether they are in holds or free, and the handler must claim the turn and the referee must allow the claim if he believes it is a turn or the referee must call the first fair turn he sees whether the handler claims it or not and when the referee calls a turn he shall say, "Handle your dogs", and each handler must pick up his dog as soon as he can without breaking a hold. Handlers carry their dogs to their respective corners the referee shall say, "Face your dogs". Then the handlers must show their dog's head and shoulders between their legs, facing the center of the pit. The dog that turned first must scratch first. In five seconds more the referee shall say: "Let go", then the dog that made the first turn must be turned loose by his handler and this dog must go across and mouth the other dog. If, when he is turned loose he refuses to start at once or is he stops on the way over, or if he fails to reach his opponent must declare his opponent the winner. A handler is allowed to release his dog at anytime he sees fit after the dog whose turn it is to cross has started over. He must turn him loose when the dogs touch each other. He is not compelled to until then.

RULE 12: (a) If neither dog has made a turn and they cease to fight after 60 seconds of no action the down dog is to scratch first, if he makes his scratch the fight is on and they shall scratch in turns until the contest is decided.(b) If the down dog fails to scratch the other dog is to scratch to win. If he fails to scratch the contest shall be declared a draw by the referee.(c) No handler is to handle his dog until ordered by referee, if he does, it shall be called a foul and he is to forfeit the contest to his opponent.(d) No flash pictures or hitting on pit side shall be allowed unless agreed upon by the two contestants.

RULE 13: After the dogs are together this time either handler is allowed to pick up his dog when they are not in holds, if ordered by referee. If he tries for a pick up and either dog has a hold he must turn him loose at once. If he catches his dog up free both handlers must handle their dogs at once. Take their dogs to their corners and proceed same as at the first turn, except this time the dog which went across before is allowed to remain in his corner while his opponent makes a scratch, or goes across, and they alternate or take it turn about in this manner until one of them is declared the winner under these rules. The referee pays no attention to the turns after the first scratch.

RULE 14: If one of the dogs fangs himself, that is, if he gets his teeth hung in his own lip, his handler is allowed to unfang him. If the dogs have to be separated for this they are turned loose again, both at the same time within two feet of each other in the center of the pit.

RULE 15: No sponging shall be allowed, and no towels or anything else taken into the pit by the handlers except a bottle of drink for his dog and a fan to cool him with. The handlers must taste their dogs drink before the referee to show that it contains no poison.

RULE 16: If the handler of either dog is seen to take anything from anyone on the outside of the pit he is to lose the battle. Each party shall have the right to put a man near his opponent's corner to watch the handler. Should he see the handler put anything on his dog he may appeal to the referee and if the referee finds anything on the dog he is to lose the battle.

RULE 17: Should either handler leave the pit with his dog before the referee renders his decision he is to lose the battle.

RULE 18: The handlers shall be allowed to encourage their dogs by voice or hand-clapping or snapping of fingers, but must not touch their dogs or use foul, dirty methods, by saving their dogs from hard fall or keeping the other handler away from his dog, or in any other way act unfairly. The referee must decide the battle against the one who does so.

RULE 19: Should the police interfere the referee to name the next meeting place.

G.A. (Gaboon) Trahan, *available at* <http://members.fortunecity.com/dim67/cajun.html>

[6] *The Final Round: Illegal Animal Fighting Manual*, Humane Society of the United States, at 44.

[7] See, Mike Homan, *The Complete History of Fighting Dogs* (Ringpress Books, 1999).

[8] On December 8, 1876, the *Long Island Star* ran the story, "Two Bulldogs Chew Each Other Up," detailing a highly publicized \$1,000 championship fight. *ASPCA History: Regarding Henry*, at http://www.aspca.org/site/PageServer?pagename=about_history. Kit Burns was one of the most notorious early dogmen. He was closely followed by early humane organizations, but dog fighting convictions were scarce in a time when the blood sport was largely condoned by judges and other high profile figures. Id.

[9] *Facts and Fun: Pitbulls*, The Humane Society of Weld County online forum, at <http://www.weldcountyhumane.org/facts%20and%20fun.htm>.

[10] *Dog Fight on the Western Front*, The Bull Terrier Times, <http://www.bullterriertimes.co.uk/dogfight.htm>.

[11] James Dabney McCabe, *Secrets of the Great City* (Philadelphia: Jones Brothers, 1868). (An excerpt from chapter 44, describes the nightly scenes at Kit Burns's: "Notice is given that at such a time there will be a dog fight at "Sportsman's Hall," and when that time arrives the roughs and bullies of the neighborhood crowd the benches of the amphitheatre. A more brutal, villainous-looking set it would be hard to find. They are more inhuman in appearance than the dogs. Two huge bull-dogs, whose keepers can hardly restrain them, are placed in the pit, and the keeper or backer of each dog crouches in his place, one on the right hand, the other on the left, and the dogs in the middle. At a given signal, the animals are released, and the next moment the combat begins. It is simply sickening. Most of our readers have witnessed a dog fight in the streets. Let them imagine the animals surrounded by a crowd of brutal wretches whose conduct stamps them as beneath, the struggling beasts, and they will have a fair idea of the scene at Kit Burns's...").

[12] Joshua Brown, *supra*, note 4. "Padlin stepped into the heart of Kit Burns's Dog-paradise, the packed and heaving fighting amphitheater. Seventy-five, one hundred, a horde of men (peppered with a selection of the establishment's whores) squatted on tiered bleachers, bodies cascading down to a low plank fence. Padlin was greeted by their vocal flatulence, full-throated and unreserved, bellowing bets and threats into the pit. He stopped in the narrow passageway between the bleachers, his head even with the top seats, arses squirming to his right and left. Listening to the encouragement impossibly mixed with abuse, he watched the two creatures wriggling in the dirt...." Id.

[13] The author interviewed several classes of 9th graders at Pontiac Northern High School, Pontiac Michigan. In every class, all but a few indicated that they had personally witnessed a dog-fight. Sadly, the children were desensitized to the violence, as only a few indicated that they felt that there was anything wrong with it.

[14] Nike recently unveiled an advertising campaign that glorified the concept of dog fighting to promote its shoes. The company denied that the ads, which show two dogs lunging at one another, attempting to fight, promote dog fighting. According to Celeste Alleyne, a company spokesperson, "The ad isn't about dog fighting, because the dogs never make contact with one another. It's just about the compelling need to win, to beat your opponent and win at all odds...People have to understand the youth culture we cater to. Our market is the urban, edgy, hip-hop culture—that's who we try to reach." Mark Gross, *Nike Draws Ire of Animal Welfare Community With "The Battle," Speak!*, at <http://students.seattleu.edu/grossm/>.

[15] See Eileen Loh-Harrist *supra*, note 1. Rapper DMX recently released a video for his song, "What's My Name," with two dogs lunging at each other to fight. He also alludes to dog fighting in his song, "Dog Match": "First time I had a match and didn't scratch...Place your bets/You can imagine what the bloodline is like...All my pups is crazy, 'cause off the leash/They can eat, stand a match for three hours at least." A toy company called "Homies" produces Latino action figures that are sold throughout the country in stores such as Rite Aid. Two such figures, "Mr. Pit" and "Big Loco" sport their fighting dogs, posed between their legs, ready to fight.

[16] Gloria Campisi, *Pit bulls are New Export: Dogfighting Gains Popularity in Europe*, Philadelphia Daily News, July 10, 2000.

[17] *Dogfighting latest Hobby of 'New Russians'*, Russia Today (Moscow), February 08, 1999.

[18] See, *In Brief: Dog Fight Club Unearthed*, The Guardian (London), May 28, 2005. Dogfighting is illegal in the UK under the Protection of Animals Act of 1911, Ch. 27, § 1.

[19] See, *Dog Fighting*, Wikipedia, at <http://www.answers.com/topic/dog-fighting>. Dog-fighting is prevalent, especially in Kabul, where fights draw thousands, including

children. Though banned under the Taliban, it has resurged in recent years. Id. See also, Catherine Philip, *Pashtun Tribal Leaders Grow Rich on Conflict*, Times Newspapers Limited, December 1, 2001 (discussing the former Governor of Kandahar, Gul Agha Sharzai's involvement with dogfighting).

[20] *Dog Fight on the Western Front*, supra note 10.

[21] Id.

[22] See, <http://www.allaboutpetswa.com/Dog%20fighting.htm> (Australian website about dogfighting). See also, Kevin Meade, *Low-Lifes Steal Pets for Fights*, The Australian, September 25, 1998 (discussing the scope of dog fighting in Australia and efforts to raise penalties for violating the anti-fighting laws).

[23] Adolfo Sansolini, *Italian Mafia Finds New Cash Cow-Fighting Dogs*, San Francisco Chronicle, September 15, 2000.

[24] Id. Violators are not subject to any prison time for dog-fighting and the maximum penalty is \$5,000. Id.

[25] *Dog Fighting*, supra, note 19. Though legal throughout Japan, dog-fighting is illegal within Tokyo. The Japanese fighting dogs are Tosa, a large breed from Kochi. Id. See also, <http://www.pskochi.co.jp/senkyo.html> (Japanese dog-fighting website in Japanese).

[26] See, Doug Simpson, *Leashing a Blood Sport*, The Washington Times, January 13, 2004, available at <http://www.washtimes.com/culture/20040112-115320-5139r.htm>. (Noting that there are about a dozen regularly published journals).

[27] Joe Mandak, *Men Charged in Publication of Dog Fighting Magazine*, Boston.com, July 26, 2004, at http://www.boston.com/news/nation/articles/2004/07/26/men_charged_for_dog_fighting_magazine/. In 2004, authorities in Pennsylvania charged two men, James Jay Fricchione of Westtown, New York and John Kelly of Jefferson, Georgia for the publication and distribution of *The Sporting Dog Journal*, which began in 1972. Id. Other journals include: *The Scratch Line* and *Face Your Dogs*. Gary Cartwright, *Bred To Die*, The Readers Digest, January, 2003, at 83. *The Pit Bull Reporter* and the *American Pit Bull Terrier Gazette* are two other dogfighting publications. Loh-Harrist, supra, note 1. See also, <http://www.pbreporter.com/index.htm>.

[28] Id.

[29] An Internet search quickly yields hundreds of websites of kennels that highlight in detail specific dogs' performances in fights with disclaimers like 'this kennel will not participate in any activities conflicting with the Animal Welfare Act of 1976.' The kennels often promote and sell dogs from the lineage of prize-winning fighting dogs; they take great pride in the "gameness" of their dogs. See, Simpson, supra, note 26. (defining "gameness" as "an eagerness to attack despite ripped flesh, dehydration, exhaustion or broken bones"). Some websites have photos of their champion dogs posing with their trophies, though these trophies were not earned at dog-shows. See, Joe Mandak, supra, note 27. (Quoting Attorney General Jerry Pappert, "Just as the American Kennel Club bestows the title of champion on show dogs, the Sporting Dog Journal would confer the title of champion upon a pit bull that won three fights. Five wins could bring the title grand champion.").

[30] Several states mandate that veterinarians report evidence of dogfighting. See for example, ARS 32-2239: Mandatory Reporting Law for Veterinarians. Professional dog-fighters either treat the dogs themselves, utilizing veterinary drugs, or take injured dogs to dog-fighting colleagues for treatment, or they take the dogs to veterinarians that are aware of their 'profession'. See, Ric Kahn, *City Targets Dog-Fighting Operations; Pit Bull Trainer is Probed*, The Boston Globe, July 14, 1997 (reporting on the arrest of Javier Ruperto Medina, aka 'Dr. Dog', a well known figure in the dog-fighting circuit, who trained and treated fighting dogs under the guise of operating a kennel). See also, Cartwright, supra note 27 (discussing the grizzly raid of the home of a veterinary technician that was a well-known dog-fighter and "staple-man").

[31] Susan E. Davis, *Blood Sport*, California Lawyer, November 1997 at 46. In a 1995 raid in San Francisco, police officers confiscated \$57,000 in cash at the fight and the suspects that were arrested all posted cash bail that evening. San Francisco prosecutor, John Farrell commented that he'd "never seen so many people who were able to pay in one day. Most of them had private lawyers too." Id. at 84.

[32] Davis, supra note 31. "These events are so hidden they're nearly impossible to find," said San Francisco Animal Care and Control Deputy Director Lori Feazell. "This was a once-in-a-lifetime chance." Id. (describing a historic 1995 raid in San Francisco of one of the most prestigious fights in the country at that time) .

[33] Id. According to Sakach, "Often they expect you to fight a dog before you're really accepted. In those cases there's a real risk of entrapment." Id.

[34] *The Final Round: Illegal Animal Fighting Manual*, Humane Society of the United States at 7.

[35] See for example, *Two Macomb Residents Arrested In Statewide Dog Fight, Drug Network*, News-Star.com (Shawnee, Oklahoma), May 26 2004, *available at* http://www.onlineshawnee.com/stories/052604/Tri_30.shtml (describing the geographic distribution of several suspects arrested in a major dog-fighting/drug raid; all were residents of 5 counties in Oklahoma).

[36] See for example, Lara Bricker, *Newton Man Faces 76 Charges in Dog Fighting Gambling Operation*, The Rockingham News, January 18, 2002, *available at* http://www.seacoastonline.com/2002news/rock/r1_18a.htm. (describing the arrest and arraignment of Christopher DeVito, a high level professional dog-fighter that lived in a "plush neighborhood" in Newton, New Hampshire. His wife was a high school teacher and DeVito was a computer systems analyst on medical leave from Harvard.). See also, Nelson Taylor, *Dogs of War*, www.BostonMagazine.com, November 2002, *available at* <http://www.bostonmagazine.com/ArticleDisplay.php?id=169&print=yes> (detailing the infamous DeVito raid).

[37] See for example, [Criminal Profile of the Urban Dog-Fighter Chart](#).

[38] See for example, *Former NFL Running Back Charged In Dogfighting Ring* (ABC television broadcast, July 12, 2004), *available at* <http://www.ktul.com/news/stories/0704/158756.html> (describing the 2004 dog-fighting arrest of LeShon Johnson, a former National Football League running back). See also, *Pacers Lock Up Tinsley*, St. Petersburg Times (Florida), October 30, 2004, at 12C (discussing the suspension of the Trail Blazers' forward, Qyntel Woods, after allegations of dog-fighting).

[39] See for example, Bill Douthat, *Deputies Cited for Watching Dog Fight*, Palm Beach Post (Florida) July 18, 2000. See also, *Dogfight: 2 Cops, 86 Others Face Trial for Cruelty*, Philadelphia Daily News, July 11, 2000.

[40] See for example, *Dog Fighting/Drug Distribution Ring Dismantled*, Oklahoma Bureau of Narcotics and Dangerous Drugs Control Press Release (May 25, 2004) (Agent Mark Woodward describes several undercover videos of fights, "Frequently, you'd see 20 to 60 people at these fights, including entire families with small children, cheering as these dogs are tearing each other apart.").

[41] See for example, [State v. Woods](#) 2001 WL 224519 (Ohio App. 10 Dist.) (The case, though reversed and remanded for legal issues, provides a narrative of a dogfight that resulted in a fatal shooting, purportedly over a gambling debt).

[42] *The Final Round: Illegal Animal Fighting Manual*, supra, note 34.

[43] Cmdr. Gerard Simon, Organized Crime and Gangs Division, Detroit, MI, Commenting on the departments six month long investigation, resulting in a major dog-fighting raid in Detroit, 2003.

[44] See [Criminal Profile of the Urban Dog-Fighter Chart](#).

[45] See, [Raid Charts](#) for drugs confiscated at recent raids.

[46] Eileen Loh-Harrist, supra note 1 (quoting a self-proclaimed "fancier" on the money-making potential of dogfighting).

[47] See, [Raid Charts](#) for monetary amounts confiscated at recent dog-fighting raids.

[48] C.M. Brown, *Pit*, Atlanta Magazine, 1982, at 66.

[49] But see also, California Jack, *How to Save Your Dog After a Match*, *available at*, <http://members.fortunecity.com/dim67/save.htm> (instructions for dogfighters on how to save their injured dogs after a fight).

[50] See, R. Evans, D.K. Gauthier, and C.J. Forsyth, *Dogfighting: Symbolic expression and validation of masculinity*, *Sex Roles*, 39 (11/12) 825-838 (1998). "I

don't care how long my dog fights, if he's still able to keep going and choose to quit, he's not coming home with me. He's a dead dog." Id.

[51] See, William Hageman, *Spring Brings Rise in Dogfights Staged by Kids for Fun*, Chicago Tribune, May 11, 2004.

[52] William Hageman, *Spring Brings Rise in Dogfights Staged by Kids for Fun*, Chicago Tribune, May 11, 2004.

[53] Id. (quoting Gene Mueller, President Anti Cruelty Society).

[54] Craig J. Forsythe and Rhonda D. Evans, *Dogmen: The Rationalization of Deviance*, Society and Animals: Journal of Human Animal Studies, Vol. 6 No. 3, 1998, *available at* <http://www.psyeta.org/sa/sa6.3/forsyth.html>.

[55] Id. See also, G.M. Sykes & D. Matza, *Techniques of Neutralization: A Theory of Delinquency*, 22 American Sociological Review 6, 664.

[56] Mike Mosedale, *The Pugilist at Rest*, City Beat (Minneapolis/St. Paul) Vol. 24, Issue 1199, November 26, 2003.

[57] Forsyth, supra note 54.

[58] <http://www.donmayfield.com/1024/index.htm>.

[59] This particular viewpoint is especially difficult to comprehend because the cruelty and abuse are undeniable: "[One officer] remembers when he received a call in June, 2002, from a terrified elderly couple who said a pit bull was on their front porch. When [he] arrived to take the dog, he found an animal with bite marks and dried scabs on her head. The dog had been doused with a flammable liquid, set on fire and flames had ravaged one-third of her body. Shriveled and burnt like a hamburger fallen through a grill, the pit bull's skin was weak, but it clung to her bones. When she sat down, the bones in her leg pierced through her charbroiled skin...The dog was no doubt a loser in a dogfight... and the owner expressed his anger by setting her on fire." Adam Gibbs, *Illegal Dog Fighting Rings Difficult to Catch*, Daily Kent Stater, February 18, 2003. "[Another officer] remembers a call from an older couple who found an injured pit bull in their back yard. [He] arrived to find an animal, still alive, with 'a huge gaping hole in its skull.' It was breathing through its head with an audible hiss. 'It was pretty clear that it had been hit in the skull with a bat, which we heard that a lot of times they do after they lose a fight,' Olivier says. 'And its eyes were swollen, and it looked like a human fighter but much worse. Cuts and bleeding wounds all over its body and its legs, all the typical signs.'" Eileen Loh-Harrist, supra note 1.

[60] M. Danos, *Pit Bull Fighters*, Times Picayune, April 22, 1982, at S1, 8.

[61] *Dogfighting: Supporters, Opponents Go Into the Pit*, Morning Advocate, June 25, 1982, at C8.

[62] "You're not forcing the dogs to do what they don't want to do. It's bred into the dog. You can't force Mike Tyson and another fighter to fight. They've got to want to do it." Eileen Loh-Harrist, supra note 1 (quoting a dogfighter's rhetoric on the boxing comparison).

[63] In *A Tribute to a Warrior!*, one dogman recalls his indoctrination by Bobby Smith "one of the true Texas old timers." "I pulled up at his place and found my way over to the barn where everyone seemed to be gathered. He made all the introductions. A number of well known fanciers were there including Coy and L. Keyes. After we all had our fill of the Bar BQ it was time to start weighing some dogs. The first contest was about to begin when he noticed me standing off kinda behind the crowd, keeping to myself. He pulled up a 5 gallon bucket and set it next to the pit wall and said to me "Son, get over here, I gotta job for you" at the same time handing me a stopwatch. That's right, not only was I there but I was keeping time! That night I saw some good ones go, including some off Red Rock, & Banjo and BB Red before they reached their Grand Champion fame... When the night finally came to a close at about 1:00 am and all was said and done, my life as a dogman was forever changed. I owe that part of my journey to him. He was honest, trusting and never badmouthed a dog or a dogman. He was probably the only man in America that didn't know "Dogfighting" was against the law! The fraternity definitely suffered a setback with his early and untimely death. To this day I still miss being able to call him up and talking dogs." <http://www.gamedogs.com/bobbysmith.htm>.

[64] "To be great, one must learn from the greats." Norman Kemmer on old timer Don Mayfield, *available at* http://www.gamedogs.com/Don_Mayfield.htm.

[65] Forsyth, supra note 54.

[66] *Id.*

[67] Kemmer, *supra* note 64 (A tribute to old timer Don Mayfield. "He was the King. I will pass his information to my children and they will hear his name spoken with reverence in my house.").

[68] Forsyth, *supra* note 54.

[69] <http://www.gamedogs.com>.

[70] <http://www.donmayfield.com/1024/index.htm>.

[71] *Maloney v State*, 532 P2d 78 (Okla. Crim. 1975).

[72] *State v Caillet*, 518 So 2d 1062 (La. App. 1 Cir. 1987).

[73] *Silver v. United States*, 726 A.2d 191 (D.C. 1999).

[74] *Id.* at 194.

[75] *The Final Round*, *supra* note 34, at 23.

[76] See for example, Fed. R. Crim. P. 41(c)(1).

[77] See for example, Vermont R. of Crim. P. Title 13, Section 354(2).

[78] In Los Angeles, for example, as of 2004, the Animal Services officers legally had the power of arrest, but were not provided with handcuffs or vehicles to transport detainees. They were also unarmed, save for rifles that they were only allowed to discharge on animals under very limited circumstances. In many jurisdictions, animal control officers do not have the power of arrest, are unarmed, and have received very limited criminal justice training.

[79] *Minter-Smith v. State*, 864 So. 2d 1141 (2003)

[80] *Id.* at 1143.

[81] *Id.* at 1143-44. "A consent to search is valid when the consent is freely and voluntarily given and the search is conducted within the scope of the consent." *Id.*

[82] 480 U.S. 294, 107 S. Ct. 1134, 94 L. Ed. 2d 326 (1987).

[83] *Rogers v. State*, 760 S.W.2d 669 (Tex. App. 1988).

[84] *Minter-Smith v. State*, *supra* note 79, at 1144. (Citing the doctrine as defined by the court in *Pagan v. State*, 830 So. 2d 792 (Fla. 2002).

[85] *Minter-Smith v. State*, *supra* note 79.

[86] *Id.* at 1144.

[87] Some states have laws that increase the penalty if the animal that has been fought is stolen. See, for example, Arizona H2573, signed on May 3, 2004 (increased the penalty for fighting a stolen animal to a Class 6 felony). See also, Eileen Loh-Harrist, *supra* note 1.

"Anna knows more about dog thefts than she ever wanted... Anna had adopted India from the streets. For months the dog was a terrific pet, affectionate and playful. Last year, India disappeared from Anna's yard, and Anna agonized that the dog was being fought, mistreated, and she'd never see her again. What happened later confirmed Anna's fears: India was returned. A neighbor saw some kids walking India back to Anna's house. One of them told the neighbor his brother had stolen the dog. 'They bred her and tried to fight her, and realized she wouldn't accomplish anything,' Anna recalls. 'You could tell she had given birth, and she had a big scar on her butt...She came back and she was malnourished, anemic, and she had no hair.' That wasn't the worst part. India's personality, like her appearance, had also changed dramatically. 'India was sweet, and when she came back, she was just vicious,' Anna says. 'She would attack my other dog ... she would snap and growl at people.' She also had begun jumping up on the tabletop to snatch food, leading Anna to believe the animal had competed with other dogs for scraps. In the end, the dog posed a danger to Anna's other pets, and she had to give India away." *Id.*

[88] 'Exigent Circumstances', or situations that warrant immediate action to preserve evidence or to protect a victim, arise often in the context of dogfighting. Examples of exigent circumstances include: encountering a dog-fight in progress or dogs that are severely wounded in a dog-fight and require immediate treatment. Because there is always a great likelihood that the evidence will be destroyed (or moved) if an agent leaves the dogs to get a warrant to seize them, the dogs should never be left unattended if there is probable cause sufficient enough to obtain a warrant. If there are two agents, one could secure the premises long enough for the other to obtain a warrant. If there is only one officer and a warrant cannot be obtained over the phone, the dogs should be seized. The probable cause requirement must still be met to avoid Fourth Amendment challenges. See, Dressler, Joshua, *Understanding Criminal Procedure*, Matthew Bender & Co., Inc. (Second Edition 1997) at 177 (offering a general overview of exigent circumstances).

[89] *Ash v State*, 290 Ark 278, 718 SW2d 930 (1986). See also, *Silver v. United States*, 726 A.2d 191 (D.C. 1999) (Defendant's conviction for animal cruelty and dog-fighting was supported by testimonial evidence by a police officer that witnessed two dogs fighting in an alley, surrounded by a crowd, while the dog's owners incited them.)

[90] *Barton v State*, 253 Ga 478, 322 SE2d 54 (1984).

[91] *Hargrove v State*, 253 Ga 450, 321 SE2d 104 (1984).

[92] *Jones v State*, 473 So 2d 1197 (Ala. App. 1985).

[93] *Hargrove v State*, *supra* note 91.

[94] *Stephens v. State*, 247 Ga. App. 719 (2001).

[95] *Id.* at 719.

[96] *People v. Lee, et al.* 2004 WL 2914207 (Mich. App.).

[97] T.C.A. § 39-3-105(a)(1). See also, *Ala. Code § 3-1-29*.

[98] *Hargrove v. State*, *supra* note 91.

[99] *Id.*

[100] *Id.* at 452.

[101] *Id.* at 454.

[102] *Rogers v. State*, 760 S.W.2d 669 (Tex. App. 1988).

[103] [Tex. Penal Code Ann. § 42.111\(a\)\(4\)](#)

[104] [Rogers v. State](#), supra note 102, at 671.

[105] See for example, [People v. Berry](#), 1 Cal. App. 4th 778 (1991) (The case, which was appealed for unrelated legal issues involved a manslaughter conviction where a dog kept for fighting killed a 2 year old child.).

[106] [People v. Beam](#), 244 Mich.App. 103 (2000).

[107] [M.C.L. § 750.49\(10\)](#) reads in relevant part:

"If an animal trained or used for fighting or an animal that is the first or second generation offspring of an animal trained or used for fighting attacks a person without provocation and causes the death of that person, the owner of the animal is guilty of a felony and shall be punished by imprisonment for a maximum term of not more than 15 years."

[108] [People v. Beam](#), supra note 106, at 109.

[109] All jurisdictions are subject to the Fifth and Fourteenth Amendments' due process restraints on forfeiture of property. The Fifth Amendment provides, in pertinent part, that no person shall "be deprived of life, liberty, or property, without due process of law." The Fourteenth Amendment provides, in pertinent part, ". . . nor shall any State deprive any person of life, liberty, or property, without due process of law." For purposes of this annotation, the requirements of either one or both of these provisions are generally referred to as "federal constitutional due process." The due process requirements are generally satisfied by notice and an opportunity to be heard prior to forfeiture of the property.

[110] See, for example, 5A Federal Procedure, L Ed, Bonds, Civil Fines, and Forfeitures § 10:37; and 13 Federal Procedure, L Ed, Food, Drugs, and Cosmetics § 35:641.

[111] See, Daniel A. Klein, J.D., *Annotation: Supreme Court's Views As To Due Process Requirements, Under Federal Constitution's Fifth And Fourteenth Amendments, Concerning Forfeitures Of Property To Government As Result Of Unlawful Conduct*, 126 L. Ed. 2d 799. The Supreme Court has held that the standard of proof required in forfeiture proceedings is preponderance of the evidence. *Id.* Furthermore, the Court has held that there is no constitutional bar to transferring forfeited property to third parties. *Id.*

[112] [32 Pit Bulldogs and Other Property v. County of Prentiss](#), 808 So.2d 971 (2002).

[113] [Miss.Code Ann. § 97-41-19\(3\) \(2000\)](#).

[114] [32 Pit Bulldogs and Other Property](#), supra note 112, at 975.

[115] [Miss.Code Ann. § 97-41-19\(3\) \(2000\)](#). "Upon the certification of a licensed veterinarian or officer of the humane society or animal welfare agency that, in his professional judgment, a dog which has been seized is not likely to survive the final disposition of the charges or that, by reason of the physical condition of the dog, it should be humanely euthanized before such time, the court may order the dog humanely euthanized...." *Id.*

[116] [32 Pit Bulldogs and Other Property](#), supra note 112, at 974.

[117] See for example, [People v. McCree, 2002 WL 276134](#) (Cal.App. 3 Dist.) (2002) (The defendant maintained that dogs had been injured and scarred while in the custody of the previous owners. He was convicted in a jury trial by circumstantial evidence that linked him to the dogfighting.)

[118] [Moody v. State](#), 253 Ga. 456 (1984).

[119] [Jones v State](#), 473 So 2d 1197 (Ala. App. 1985).

[120] See, [Connally v. General Constr. Co.](#), 269 U.S. 385, 391 (1926) (The Supreme Court explained that an unconstitutionally vague statute is "a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law.").

[121] [State v. Gaines](#), 64 Ohio App. 3d 230 (1990).

[122] [Ohio Rev. Code Ann. § 959.16](#) provides in relevant part that:

"(A) No person shall knowingly do any of the following:

"(1) Promote, engage in, or be employed at dogfighting;

"(2) Receive money for the admission of another person to a place kept for dogfighting;

"(3) Sell, purchase, possess, or train a dog for dogfighting;

"(4) Use, train, or possess a dog for seizing, detaining, or maltreating a domestic animal;

"(5) Purchase a ticket of admission to or be present at a dogfight;

"(6) Witness a dogfight if it is presented as a public spectacle.

[123] [State v. Smith](#) (June 10, 1981), Licking App. Nos. CA-2772, CA-2777 and CA-2780, unreported, 1981 WL 6315.

[124] [State v. Gaines](#), supra note 121 at 234.

[125] [Hargrove v. State](#), supra note 91.

[126] [Ga. Code Ann. § 16-12-37](#) provides that:

"(a) A person commits the offense of dogfighting when he causes or allows a dog to fight another dog for sport or gaming purposes or maintains or operates any event at which dogs are allowed or encouraged to fight one another.

"(b) A person convicted of the offense of dogfighting shall be punished by a mandatory fine of \$5,000.00 or by a mandatory fine of \$5,000.00 and imprisonment for not less than one year nor more than five years."

[127] [Hargrove v. State](#), supra note 91, at 4.

[128] *Id.*

[129] See, [Broadrick v. Oklahoma](#), 413 U.S. 601, 93 S.Ct. 2908, 37 L.Ed.2d 830 (1973); [Grayned v. City of Rockford](#), 408 U.S. 104, 92 S.Ct. 2294, 33 L.Ed.2d 222 (1972) (The over breadth doctrine forbids any statute that criminalizes constitutionally protected or innocent behavior.).

[130] [People v. Parker, et al.](#), 1999 WL 33435342 (Mich.App.).

[131] [MCL 750.49\(2\)\(e\)\(f\)](#) reads in relevant part:

"(2) A person shall not knowingly do any of the following:

(e) Organize, promote, or collect money for the fighting, baiting, or shooting of an animal as described in subdivisions (a) to (d).

(f) Be present at a building, shed, room, yard, ground, or premises where preparations are being made for an exhibition described in subdivisions (a) to (d) [i.e., the fighting, baiting or shooting of an animal as a test of marksmanship], or be present at the exhibition, knowing that an exhibition is taking place or about to take place."

[132] [People v. Parker, et al.](#), supra note 130, at 8. See also, [People v. Cumper](#), 83 Mich. App. 490 (1978).

[133] [State v. Gaines](#), supra note 121.

[134] [Ohio Rev. Code Ann. § 959.16](#) provides in relevant part that:

"(A) No person shall knowingly do any of the following:

"(1) Promote, engage in, or be employed at dogfighting;

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"(3) Sell, purchase, possess, or train a dog for dogfighting;

"(4) Use, train, or possess a dog for seizing, detaining, or mistreating a domestic animal;

"(5) Purchase a ticket of admission to or be present at a dogfight;

"(6) Witness a dogfight if it is presented as a public spectacle.

[135] [Ohio Rev. Code Ann. § 959.16 \(A\)\(1\)](#).

[136] [Ohio Rev. Code Ann. § 959.16 \(A\)\(4\)](#).

[137] [State v. Gaines](#), supra note 121, at 235.

[138] [Kentucky Department of Corrections v. Thompson](#), 490 U.S. 454 (1989).

[139] [Commonwealth v. Gonzalez](#), 403 Pa. Super. 157 (1991).

[140] [18 Pa.C.S.A. § 5511\(h.1\)](#) reads in relevant part:

"(j) Seizure of animals kept or used for animal fighting. -- Any police officer or agent of a society or association for the prevention of cruelty to animals incorporated under the laws of this Commonwealth, shall have power to seize any animal kept, used, or intended to be used for animal fighting. When the seizure is made, the animal or animals so seized shall not be deemed absolutely forfeited, but shall be held by the officer or agent seizing the same until a conviction of some person is first obtained for a violation of subsection (h.1). The officer or agent making such seizure shall make due return to the justice of the peace before whom the complaint is heard, of the number and kind of animals or creatures so seized by him, and it shall be the duty of the justice of the peace hearing the complaint, in case of a conviction, to make the forfeiture of such animals or creatures seized a part of the sentence. Where an animal is thus seized, the police officer or agent is authorized to provide such care as is reasonably necessary, and where any animal thus seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. The cost of the keeping, care and destruction of the animal shall be paid by the owner thereof . . ."

[141] [Commonwealth v. Gonzalez](#), supra note 139, at 173.

[142] [Commonwealth v. Craven](#), 572 Pa. 431 (2003) (The State showed that the defendants attended animal fights as spectators by presenting video evidence of two fights where defendants stood above the fighting ring with their arms crossed.).

[143] [State v. Arnold](#), 147 N.C. App. 670 (2001) (The defendants claim that he was brought to the crime scene without any knowledge of the dogfight, and did not actually witness any dogs fighting was refuted by evidence that he was on the second floor of the barn, where the dogfights were staged, long enough to have participated as a spectator.)

[144] See, [Connally v. General Constr. Co.](#), 269 U.S. 385, 391 (1926) (The Supreme Court explained that an unconstitutionally vague statute is "a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law.")

[145] [Commonwealth v. Craven](#), supra note 142.

[146] [18 Pa.C.S. § 5511\(h.1\)](#) states that:

A person commits a felony of the third degree if he:

- (1) for amusement or gain, causes, allows or permits any animal to engage in animal fighting;
- (2) receives compensation for the admission of another person to any place kept or used for animal fighting;
- (3) owns, possesses, keeps, trains, promotes, purchases or knowingly sells any animal for animal fighting;
- (4) in any way knowingly encourages, aids or assists therein;
- (5) wagers on the outcome of an animal fight;
- (6) pays for admission to an animal fight or attends an animal fight as a spectator; or
- (7) knowingly permits any place under his control or possession to be kept or used for animal fighting.

[147] [Commonwealth v. Craven](#), supra note 142, at 437

[148] *Id.*

[149] [State v. Arnold](#), supra note 143.

[150] [N.C. Gen. Stat. § 14-362.2](#) provides in pertinent part that:

“A person who participates as a spectator at an exhibition featuring the fighting or baiting of a dog is guilty of a Class H felony.”

[151] [State v. Arnold](#), supra, note 143, at 674.

[152] See, [Broadrick v. Oklahoma](#), 413 U.S. 601 (1973); [Grayned v. City of Rockford](#), 408 U.S. 104 (1972) (The over breadth doctrine forbids any statute that criminalizes constitutionally protected or innocent behavior.).

[153] [Moody v. State](#), 253 Ga. 456 (1984).

[154] [O.C.G.A. § 16-12-37](#) reads in pertinent part:

“A person commits the offense of dogfighting when he causes or allows a dog to fight another dog for sport or gaming purposes or maintains or operates any event at which dogs are allowed or encouraged to fight one another.”

[155] [Moody v. State](#), supra note 153, at 456.

[156] [Hargrove v. State](#), supra note 91.

[157] [State v Weeks](#), 1992 Ohio App. LEXIS 1090 (1992).

[158] [R.C. 959.15](#) states in relevant part that:

"No person shall knowingly engage in or be employed at cockfighting, bearbaiting, or pitting an animal against another; no person shall receive money for the admission of another to a place kept for such purpose; no person shall use, train, or possess any animal for seizing, detaining, or mistreating a domestic animal. Any person who knowingly purchases a ticket of admission to such place, or is present thereat, or witnesses such spectacle, is an aider and abettor."

[159] [State v. Weeks](#), supra note 157 at 8.

[160] [Ash v. State](#), 290 Ark. 278 (1986)

[161] Ark. Stat. Ann. §§ 41-2918.1 and -2918.2 (Supp. 1985). 1981 Ark. Acts 862 prohibits persons from promoting dog fighting, engaging in dog fighting, being present at a dog fight, or committing various acts connected with dog fighting.

[162] [Ash v. State](#), supra note 160, at 282.

[163] *Id.*

[164] *Id.* at 283.

[165] [State v. Scott](#), 2001 Tenn. Crim. App. LEXIS 561 (2001).

[166] *Id.* at 13.

[167] [Tenn. Code Ann. § 39-14-203\(a\)\(1\) \(1997\)](#) states in relevant part:

"(a) It is unlawful for any person to:

- (1) Own, possess, keep, use or train any bull, bear, dog, cock or other animal, for the purpose of fighting, baiting or injuring another such animal, for amusement, sport or gain;
- (3) Permit any such acts stated in subdivisions (a)(1) and (2) to be done on any premises under the person's charge or control, or aid or abet such act"

[168] Other local and regional task forces include:

NATIONAL ILLEGAL ANIMAL FIGHTING TASK FORCE: Nationwide coalition, cooperating agencies include United States Department of Agriculture, Humane Society of the United States, and more than 150 local, state, and federal police departments.

ILLINOIS ILLEGAL ANIMAL FIGHTING TASK FORCE: Statewide extension of Chicago's AACT. Members include law enforcement, animal control, judiciary, legislature, public health and education committees.

OHIO DOG-FIGHTING TASK FORCE: Governor Bob Taft formed the task force in August, 2001, led by the State Department of Agriculture, includes law enforcement agencies statewide, based out of Cleveland.

TOLEDO DOG-FIGHTING INVESTIGATIONS: Toledo Police Gang Squad members double as dog-fighting force and regularly respond to dog-fights.

PALM BEACH COUNTY SHERIFF'S OFFICE ANIMAL CRUELTY UNIT: Established in 1998, 4 deputies are assigned to the Unit and regularly investigate dog-fighting.

BROWARD COUNTY (FL) ANIMAL CRUELTY UNIT: Specialized sheriff's unit investigates dog-fighting, teaches classes to law enforcement agencies statewide on recognizing evidence of dog-fighting, investigating dog-fighting complaints, coordinating raids, and case preparation for prosecution.

NORTH CAROLINA STATEWIDE DOG-FIGHTING TASK FORCE: Includes law enforcement and other agencies from Orange County, Wake County, and Durham County, as well as contributing agencies statewide

SOUTHERN FLORIDA DOG-FIGHTING TASK FORCE: Miami-Dade, Broward, Palm Beach, and Martin counties are in the process of uniting their individual task forces to create a unified regional dog-fighting task force for police officer training, cross-reporting, and coordinated multi-agency raids. The strong statewide effort to combat dog-fighting prompted Governor Bush to stiffen animal fighting laws in Florida.

SOUTH CAROLINA ANTI-DOG FIGHTING TASK FORCE: Organized by Attorney General Henry McMaster and Chief Robert Stewart of SLED, statewide coalition of law enforcement agencies, state and local government agencies, and other state and local groups.

RHODE ISLAND ANIMAL FIGHTING COALITION: Members include investigators, animal control officers, shelter representatives and rescue groups for cross-training, education and networking.

NEW ENGLAND ANIMAL FIGHTING TASK FORCE: Regional network of dog-fighting task forces from New Hampshire, Rhode Island, Connecticut, Vermont and Maine, to train law enforcement, educate the public, improve cross-reporting and communication among the agencies, strengthen animal fighting legislation and enforcement.

PONTIAC (MI) DOG-FIGHTING INVESTIGATIONS UNIT: Pilot program implemented in 2003 by Chief of Police Rollie W. Gackstetter. 4 vice squad members were assigned to dog-fighting investigations. Prior to the beginning of the detectives' assignment, extensive intelligence was gathered, including identification of approximately 150 suspected and known dog-fighters, their criminal histories, and locations. The detectives under the leadership of Detective Mike Story, have since conducted several successful drug and dog-fighting raids, arrested many known dog-fighters, including one major dog-fighter and drug distributor who was wanted in 2 states for absconding parole, and was allegedly conspiring to transport 100+ fighting dogs and copious quantities of narcotics across state lines. In July, 2004 the City's Animal Control Department was being taken over by the Pontiac Police Department. The City of Pontiac, like all urban areas, has been plagued by dog-fighting, gang activity, violent crime and drug abuse for decades, however since 2003, the city is setting national standards of excellence in law enforcement for identifying the correlation between these crimes, developing an innovative "dog-fighting" database as a cross reference for detectives, implementing the multi-agency task force, and conducting several successful raids since the programs implementation. Update: there is a new mayor, Clarence E. Phillips, and a new Chief of Police, Valard Gross, under whose leadership Pontiac has reverted to the same state that it was in prior to the laudable efforts of Chief Gackstetter and Detective Mike Story. There is no longer a dogfighting taskforce and dogfighting is thriving in Pontiac.

OTHER TASK FORCES: Pittsburg, PA, Rochester, NY, Vermont, New Orleans, LA

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