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Release the Dogs: Creating a Social Remedy to the Dogfighting Epidemic

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Creating a Social Remedy to the Dog Fighting Epidemic

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“The greatness of a nation can be judged by the ways its animals are treated.”
Dog fighting is a national epidemic affecting all cross-sections of society.¹ This illegal activity continues to flourish for three reasons: the underground nature of the “blood sport”, the failure of state and federal laws to deter involvement in dog fighting, and the lack of community outreach to prevent community acceptance of the activity before it becomes established. The secretive nature of this inhumane activity makes police detection of the underground society extremely prolonged and complicated.² Atlanta Falcons star Michael Vick is the latest illustration of the sheer volume of police investigation and effort required to build a case to expose the brutality of dog fighting.³ Furthermore, many state laws differ in their treatment of classifications of those involved in dog fighting, which can stifle their effective deterrence. As a result, some counties have initiated breed bans, a solution that has caused uproar from responsible pet owners, whose dogs are integral members of their families.⁴ In addition, federal laws such as the Animal Welfare Act, which is designed to control the treatment of animals and to define the function of the law in regulating their care, have also been the source of much criticism for their purported failings and lack of enforcement.⁵ In response to these criticisms, on May 3rd, 2007, President Bush passed the Animal Fighting

² Tom Campbell, Vick Charged in dogfighting: Former Virginia Tech star, three others could each get six years on federal count, Richmond Times-Dispatch, 2007, no page available; WLNR 13664524.
³ Id.
Prohibition Enforcement Act of 2007. The Act provides felony penalties for interstate commerce of dogs for the purpose of dog fighting. Yet, those members of the dog fighting community insist that no law will deter them from engaging in the activity.

This paper asserts that the lack of emphasis in training police to detect dog fighting and the failure of communities to conduct sensitivity and outreach training, thus allowing children to be exposed to cruelty which in turn results in a belief that this inhumane treatment of animals is acceptable, are the predominant reasons why dog fighting is growing in popularity. Only after a community trains its police force and integrates a comprehensive outreach program into its schools and community centers can a preventative solution stop the practice of dog fighting. Part 1 of this paper will provide the reader with a detailed understanding of this social problem by briefly describing a dogfight and by providing an analysis of the Michael Vick case. Part II of this article will further define the parameters of the Animal Fighting Prohibition Enforcement Act of 2007, illuminate its intended effectiveness, and uncover potential flaws. Part III will analyze current trends in State legislation through a brief comparison of California and Nevada statutes prohibiting dog fighting. Part IV will examine breed ban laws and reveal latent tribulations. Part V of this article will outline potential preventative solutions to the dog fighting epidemic. Finally Part VI concludes this paper.

7 Id.
8 Off The Chain (Allumination FilmWorks 2005).
I. The Problem

a. What is dog fighting?

_The dogs clash like a steam train hitting the wall. You can hear it, you can hear the bone crunching...The sounds are quite graphic, you can hear teeth on teeth as the dogs are chewing at each other's mouths and gums and lips. And if the dogs go onto the legs, you can hear teeth crunch on bones and rubbing off bones into the skin, ripping sounds. You know that once you hear the sound, within seconds you’ll see the blood. Then came the final fight of the evening. It was a very heavy dogfight, both dogs weighing in at 51-52lbs. That fight lasted 45 minutes. As the fight wore on the ring became increasingly covered in blood and slowly but surely one of the dogs started to weaken. But it wasn’t its opponent which moved in for the kill. Bobby Gonzales lifted the dog and took it to a side building; put a crocodile clip onto its tail and a crocodile clip onto its ear and threw a bucket of water over the dog and then plugged it to the main electricity system to kill it. But it hadn’t worked because it had fused. The dog was near dead, but not quite complete, so he took it to the house to finish the job. It's death had freed up what Bobby Gonzales callously called 'chain space'.^{10}_

The brutality of dog fighting knows no boundaries. It can take place in both rural and urban areas, as well as among the poor and the wealthy. In rural areas, fights are oftentimes carried out in barns or outdoor pits and in urban areas they are staged in garages, basements and abandoned buildings.^{11} Dog fights are typically categorized as street fights or professional fights.^{12} Street fights are less organized and usually are the result of a pick up match between two dogs whose owners meet on the street. Professional fights, on the other hand, can be coordinated months in advance and take

^{11} Hanna Gibson, Dog Fighting Detailed Discussion, http://www.animallaw.info/articles/ddusdogfighting.htm#taskforce (last visited June 17, 2007)
^{12} Id.
training and preparation.\textsuperscript{13} In a professional match, the location, participants, referees, and spectators are carefully screened to ensure maximum confidentiality.\textsuperscript{14} The rules set forth in a professional dog fight are also heavily regulated. In her article \textit{Dog Fighting Detailed Discussion}, Hanna Gibson describes the “Cajon Rules” of dog fighting.\textsuperscript{15} The pits are measured and are usually between 14 to 20 feet square and 2 to 3 feet high. Diagonal ‘scratch’ lines are then drawn on opposite corners of the pit. The dogs must stay behind these lines until the referee commands their owners to release them. Before a match, the dogs are typically weighed and washed to ensure that poison is not used as a tactical advantage. During the match, the dogs wrestle each other until a ‘turn’ is called, which occurs when one dog turns away from his opponent and fails to grab hold. The dogs are then returned to their perspective corners behind the scratch lines and the referee once more orders that the dogs be released. At this point of the match, the dog must ‘scratch’ his opponent by running to the opposite corner and attacking the opponent which is still be restrained by its owner. If the dog does not do this, the match is over. Each time there is a turn, or if both dogs fail to grab hold of each other, the dogs are separated once more. A match typically ends when a dog quits or dies, when a dog jumps out or is pulled out of the pit by his or her owner, or if the fight is raided by the police.\textsuperscript{16} If the fight is raided, the referee will announce the next meeting place for all spectators to gather. The spectators at dog fights can range from all ages, both male and female. This social problem is further amplified by the fact

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\textsuperscript{13} \textit{Id.} at 4.
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\textsuperscript{14} \textit{Id.}
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\textsuperscript{15} \textit{Id.}
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\textsuperscript{16} \textit{Id.} at 4.
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that children often attend dogfights, thus perpetuating a cycle of abuse and violence within the community.\textsuperscript{17}

The Massachusetts Society for Prevention of Cruelty to Animals (SPCA) found that individuals who attended dog fights and regularly witness other forms of animal cruelty are five times more prone to commit crimes of violence against people.\textsuperscript{18} The study also stated that a very high percentage of individuals who abused or killed animals at a young age also became gang members, batterers, child abusers, school shooters, sexual predators, and serial killers.\textsuperscript{19} Indeed, exposing children to the violence of dog fighting may desensitize them to violence as well as endorse the inhumane treatment of animals. Dog fighting is also gaining more media attention now than in years past.

In 2007, there were five major incidents involving dog fighting that were uncovered by police.\textsuperscript{20} In March, federal, state, and local law enforcement teams disrupted a large dog fighting network located in Dayton, Ohio, after a year-long investigation. More than two dozen people were arrested and more than 60 dogs were seized.\textsuperscript{21} In April, authorities in Pass Christian, Mississippi, raided a training compound owned by Maxwell Landry, arrested 17 individuals for various charges of dog fighting and possession of illicit drugs and seized 44 pit bulls.\textsuperscript{22} Also in April, in Surry, Virginia,

\textsuperscript{19} Id. at 1.
\textsuperscript{22} Id. at 7
an investigation began after evidence of a potential fighting ring at NFL star Michael Vick’s home surfaced. Vick and three men were indicted by a federal grand jury for sponsoring the dog fighting venture called “Bad Newz Kennels.” Over 60 dogs were seized. In June 2007, a circuit court judge in Richmond, Virginia sentenced Stacey A. Miller, who had earlier been arrested after police uncovered a dog fighting ring, to four years in prison for dog fighting. 15 pit bulls were seized from his property, 12 of which had to be euthanized. Finally, in July in South Holland, Illinois, a suburb of Chicago, 37 fighting dogs were rescued from an old chicken coop behind a house after a two-month investigation prompted by tips from neighbors. While all of these stories have been widely publicized, the status of NFL star Michael Vick prompted the media to truly shed light on the atrocities of dog fighting.

b. The Michael Vick Case Study

Atlanta Falcons starting quarterback Michael Vick, a rising star in the League, was indicted on dog fighting charges by a federal grand jury on July 17th, 2007. The charges against Vick included competitive dog fighting, procuring and training pit bulls for fighting and conducting these practices across state lines. The investigation into possible dog fighting on Vick’s property began two months before the indictment when Vick’s cousin, Davon Boddie, was arrested on drug charges and gave his address as

23 Id. at 8.
24 Id.
27 Id. at 9.
29 Id. at 42.
1915 Moonlight Road in Surry County. Police searched the property the day after Boddie’s arrest under a warrant to look for drug paraphernalia, found what appeared to be a dog fighting complex, and subsequently called animal control. After retrieving another warrant, over 60 dogs and other evidence of dog fighting were seized and taken to six different pounds and shelters in Virginia. The dogs found on the premises were injured and scarred, and chained to buried car axels. Forensic experts also found the remains of dogs that had been shot, electrocuted, drowned, and hanged for failure to cooperate with their trainers.

Vick and three others were charged. Co-defendant Tony Taylor quickly changed his plea to guilty and pointed to Vick as the person who financed the operation. The other co-defendants, Purnell A. Peace and Quanis Phillips, changed their pleas to guilty for federal conspiracy charges related to dog fighting. Michael Vick was promptly given an indefinite suspension from the NFL, who cited other issues aside from the dog fighting charge. The Atlanta Falcons star initially maintained his innocence, pleading not guilty to dog fighting conspiracy charges. Later, however, he admitted to bankrolling the dog fighting operation and killing at least six dogs because they were deemed unfit to fight. Vick is currently serving a 23-month federal sentence and he and his four co-defendants

31 Id. at 3.
33 Id. at 2.
34 Vick Co-Defendants to Plead Guilty, 8/14/07 KCSTAR C3, 2007 WLNR 15669448.
35 Id. at 2.
36 Id.
37 Id.
now face state animal cruelty charges.\textsuperscript{39} However, many of the pit bulls seized from Vick’s massive dog fighting compound have been rehabilitated.

Typically, dogs seized as evidence of a dog fight are euthanized because they cannot be acclimated into society without being a threat towards humans and other animals.\textsuperscript{40} But an advocacy group won court approval to transport 13 of the dogs seized in the Vick case to California.\textsuperscript{41} The pit bull rescue and education group, Bay Doglovers Responsible About Pit Bulls, or BAD RAP, located in Oakland, California, asked Assistant U.S. Attorney Michael Gill for approval to evaluate and rescue as many seized dogs as possible from the Vick residence, with the ultimate goal of placing them in good homes.\textsuperscript{42} In this regard, shelters that would normally euthanize similarly-situated dogs were now permitted to attempt to rehabilitate the animals to integrate them into society. Michael Vick, as part of his plea deal, agreed to pay for the dogs’ care.\textsuperscript{43} The ASPCA led an evaluation team that observed and worked with the dogs to ensure that they were ready to be placed back in society.\textsuperscript{44} BAD RAP was granted government approval in mid-October to take a group of the now rehabilitated dogs to California, where they would be placed in good homes.\textsuperscript{45} While the end of the story is hopeful for these dogs that survived Vick’s camp, those who were tortured by being forced to fight in the pit and those who were killed because they lacked the traits of a fighting dog met their dismal fates too soon. As a result of Vick’s circumstance and similar occurrences throughout the country, President Bush enacted the Animal Fighting Prohibition Act of 2007 as a

\textsuperscript{39} Id.
\textsuperscript{40} Id.
\textsuperscript{41} Id. at 2.
\textsuperscript{42} Id.
\textsuperscript{43} Id.
\textsuperscript{44} Id. at 3.
\textsuperscript{45} Id.
further deterrence. The law was enacted to increase the penalties for transporting fighting dogs across state lines.

II. The Animal Fighting Prohibition Enforcement Act of 2007

In 1976, Congress amended the Animal Welfare Act to make it illegal to knowingly sell, buy, transport, deliver, or receive a dog or other animal in interstate commerce for the purpose of entering that animal into an animal fighting venture or knowingly sponsoring or exhibiting an animal in a fight that was moved in interstate or foreign commerce.\(^{46}\) The offenses were limited to the misdemeanor level with a possibility of a fine and up to one year imprisonment.\(^{47}\) In reaction to the recent exposure in the media of the apparent dog fighting epidemic in the United States, the federal government took action.

In May 2007, President Bush signed the new federal legislation making interstate dog fighting activities a felony imposing large fines and imprisonment.\(^{48}\) The law also makes organizing a dogfight a felony and provides a penalty of up to three years of imprisonment and up to $250,000 fine for each offense.\(^{49}\) The act addresses the


\(^{47}\) *Id.* at 3.


\(^{49}\) *Id.* at 2.
growing problem of dog fighting throughout the United States by increasing penalties under the current Federal law for the transport of animals for interstate commerce.\textsuperscript{50} The new legislation was aimed to deter major breeders of fighting animals who rely on transporting their dogs across state lines as well as across the world to customers.\textsuperscript{51} Indeed, the intent of the harsher penalties serves to curb the transport of fighting animals.\textsuperscript{52} The new legislation was met with support. Wayne Pacelle, president and CEO of The Humane Society of the United speaks in favor of the new legislation: “With the passage of this landmark anti-cruelty legislation, law enforcement agencies now have the tools to dismantle the vast underground network of dog fighting…syndicates that operate throughout the country.”\textsuperscript{53} The positive effect of this new legislation has yet to be assessed however, due to its recent inception. But, while the new legislation seeks to deter the market on a domestic and global level, states enact their own local laws in response to dog fighting. Although there is mounting pressure among the states to follow suit and adopt stronger penalties for dog fighting and to ban the practice altogether, states currently have varied laws when it comes to dog fighting penalties, which can attract dog fighting to areas where penalties are less harsh.\textsuperscript{54}

\textbf{III. State Law Comparison: California and Nevada}

\textsuperscript{51} \textit{Id.}
\textsuperscript{52} \textit{President Signs Landmark Animal Fighting Legislation}, \url{www.hsus.org/legislation_laws/federal_legislation/cruelty_issues/animal_fighting} (last visited February 21, 2008).
\textsuperscript{53} \textit{Animal Fighting Prohibition Enforcement Act Approved by Congress}, \url{www.upc-online.org/cockfighting/041107hr137.html} (last visited March 31, 2008).
\textsuperscript{54} \textit{Id.} at 2.
a. How States Categorize the Actors in a Dog Fight

While all states ban dog fighting, not all states make it a felony. However, there is some consistency across the states. All states use three categories of participants in order to determine their laws. The categories depend largely on the intent of the participant, their role in the “blood sport” as an active participant or bystander, and the extent to which individuals possess dogs for fighting and other paraphernalia indicative of organizing a dog fight.

The actors in a dog fight are broken down as follows. Actual fighters of the dogs comprise the first category. Actual fighters are the individuals who actively engage in the dog fight and are charged with dog fighting. Individuals are typically only charged with this offense when a police raid busts a dog fight in progress and the police can then determine the active participants. Although most make it a felony, Wyoming and Idaho still categorize organized canine combat as a misdemeanor crime.

The second category is individuals who are in possession of dogs for fighting. The definition of possession varies from state to state. 43 states categorize possession as a felony, four consider it a misdemeanor. Possession of fighting dogs is legal in Georgia, Idaho, and Nevada. Because of the varied law on possession of dogs for fighting, dog fighters gravitate towards states whose laws are less harsh.
Thus, the Animal Fighting Prohibition Enforcement Act of 2007 was enacted to deter exactly this type of venue searching.

The third category consists of participants who are spectators at the event. In 22 states, being a spectator is a felony.\textsuperscript{63} In 26 states, spectators can be charged with a misdemeanor crime, and Georgia and Hawaii make it legal to be a spectator in a dog fight.\textsuperscript{64} The fact that the penalty for being a spectator is less harsh in 26 states perpetuates the problem further because lenient punishments for spectators fails to deter the activity from becoming socially acceptable. The following chart, using information compiled by the Humane Society of the United States, depicts the current status of state laws throughout the country:

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\textsuperscript{63} Id.
\textsuperscript{64} Id.
Because states vary on their categorization and the treatment of the three types of actors in a dog fight, this paper briefly describes and analyzes the California and Nevada statutes in order to shed a light on the effectiveness of state laws.

a. California Law

California currently has one statute that prohibits dog fighting activity and two statutes that impose affirmative duties on both veterinarians and law enforcement

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Officers. Currently in California, fighting and possession of dogs for dog fighting is a felony punishable by imprisonment in a state prison either for 16 months, two to three years, by a fine not to exceed $50,000, or by fine and imprisonment. Being a spectator is a misdemeanor. Cal. Penal Code §597.5 provides, in part:

Any person who is knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at those preparations, or is knowingly present at that exhibition or at any other fighting or injuring as described [herein] is guilty of a misdemeanor.

California also imposes a duty on veterinarians to report to law enforcement officials any cause to believe that a dog has been injured or killed as a result of participation in a staged animal fight. The law further provides that civil liability will not attach to veterinarians as a result of making such a report. Finally, California law authorizes an officer making an arrest under Cal. Penal Code §597.5 to lawfully take possession of all animals, paraphernalia, implements or other property or things used to train animals or to inflict pain or cruelty. The animals will be inventoried and taken to an animal storage facility.

California laws enacted to deter dog fighting have led to numerous reported cases of dog fighting. In 2007, there were 27 reported cases involving the fighting of animals, five of which involved dogs. On December 17th, 2007, a tip to ABC uncovered information that someone had been dumping bagged dead dogs that had

67 Id.
69 Id.
71 Id.
been burned in vacant fields south of Bakersfield, California.\textsuperscript{73} The case is still open and there are no suspects. On August 31st, 2007 NewsChannel 3 received confidential letters detailing that dog fighting was occurring in Sky Valley and that one Desert Springs police officer encouraged the activity.\textsuperscript{74} Police found a fenced-off compound and internal affairs investigations uncovered evidence that the police officer in question improperly handled evidence and stole methamphetamine from the police evidence room.\textsuperscript{75} On August 8th, 2007, five individuals were arrested after police raided nine houses in Fresno, California, and found evidence of dog fighting.\textsuperscript{76} On April 17th, 2007, two men were charged and convicted after a large investigation into dog fighting in South Los Angeles, where four pit bull puppies and 17 adults were rescued.\textsuperscript{77} Finally, on March 12th, 2007, a 13-year old boy from South Los Angeles was arrested and charged with dog fighting after he tried to run away from a street fight with a pit bull tied to a chain.\textsuperscript{78} The California laws and number of reported cases are in stark contrast to that of neighboring state, Nevada.

b. Nevada Law

In Nevada, fighting a dog and being a spectator at a dog fight is a felony, whereas possession of dogs for dog fighting is legal.\textsuperscript{79} N.R.S § 574.070 provides that “No person shall set on foot, instigate, promote…or in any way engage in the

\textsuperscript{73} ld.
\textsuperscript{74} ld.
\textsuperscript{75} ld. at 2.
\textsuperscript{76} ld.
\textsuperscript{77} ld.
\textsuperscript{78} ld.
\textsuperscript{79} ld.
furtherance of a fight between…animals in an exhibition or for amusement or gain.” 80 If the animal in the fight is a dog, the offense is labeled a category D felony, under which N.R.S. 193.130 provides:

[A] court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition…the court may impose a fine of not more than $5000, unless a greater fine is authorized by statute.81

The use of dogs for management of livestock and hunting as permitted by law is not illegal under this statute.82 Compared to California’s $50,000 penalty, this monetary fine can serve potentially little deterrence in dog fighting and research yielded no reported cases involving dog fighting in 2007 or thus far in 2008 for Nevada.83 Debatably, this could be due to the emphasis in California on the duty to report dog fighting. In many instances, dog fighting rings were uncovered through the tip of an anonymous informant. The lack of reported cases in Nevada may perhaps show that the stricter penalties and more stringent laws in California to uncover dog fighting rings, in fact, sheds a light on the dog fighting epidemic whereas lax laws cast a shadow on this ever-present social problem. Certainly, Nevada is not immune to the national epidemic despite the troubling lack of reported cases. When state laws do not serve to deter dog fighting, however, local municipalities are not without remedy. Communities can take action by enacting local laws to help deter the “blood sport”. However, laws such as breed-specific legislation, for example, are accompanied by harsh criticism.

80 N.R.S. § 574.070 (2007)
81 N.R.S. § 193.130 (d) (2007)
82 Id.
V. Breed-Specific Legislation Not the Answer

Breed ban laws are a popular method for local governments to address the problem of aggressive dogs throughout the community.\textsuperscript{84} Breed ban laws are a type of breed-specific legislation (BSLs), which are laws, ordinances, or policies which pertain to only specific dog breeds.\textsuperscript{85} BSLs are usually designed to protect the public from breeds that are inherently aggressive.\textsuperscript{86} Currently, an estimated two hundred counties throughout the United States ban pit bulls.\textsuperscript{87} Although there is both great support and substantial opposition to BSLs, BSLs are not effective strategies to curtailing dog fighting.

Supporters of BSLs, specifically pit bull bans, argue that a pit bull’s physical prowess and inherent characteristics are evidence of the need for local municipalities to ban these types of dogs.\textsuperscript{88} Another stance is that the safety of the community trumps an individual’s right to own a dog.\textsuperscript{89} But bans are based on the assertion that dangerous dogs are breed-specific, a contention that is based almost entirely on myth. Denver legislature, for example, states that a pit bulls “powerful jaws” are “capable of crushing bones” and pit bulls also have a “strong fighting instinct.”\textsuperscript{90} However, opponents argue that statements that a pit bull has superior jaw strength to that of other breeds or that its musculature makes it more fit for competition are completely false.\textsuperscript{91}

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  \item [85] \textit{Breed Specific Legislation}, \url{http://en.wikipedia.org/wiki/breed-specific_legislation} (last visited February 26, 2008).
  \item [86] \textit{Id.} at 2.
  \item [88] \textit{Id.} at 1289.
  \item [89] \textit{Id.}
  \item [90] Denver, Colo., City Council Bill No. 434.
  \item [91] \url{http://www.happypitbull.com/myths.htm#10} (last visited February 26\textsuperscript{th}, 2008).
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Opponents of these types of breed bans, especially responsible pit bull owners who see their pit bulls as an integral member of their family rather than a threatening animal, believe that the policies behind pit bull bans are random and illogical and the law is inconsistently enforced. Opponents suggest that an alternative to a sweeping law mandating pit bulls are dangerous is to judge offending dogs and people on a case-by-case basis such as when a dog attack occurs. It is also argued that with consistent enforcement of current dog laws coupled with community education about dog ownership, BSLs are not necessary and may even be unconstitutional.

The constitutional rights which prohibit a state from depriving a person of “life, liberty or property without due process of the law” are derived from both federal and state constitutions. Where a statute under evaluation by the court does not pertain to a fundamental right, the proper level of scrutiny is the “rational basis test.” Under this test, laws enacted are valid if they bear a real and substantial relation to the ultimate goal, specifically the health, safety, morals, or general welfare of the public, and are not arbitrary, discriminatory, or unreasonable. Opponents of breed-ban laws have asserted that such laws are arbitrary because pit bulls pose no greater threat to the public than other breeds. A current case, City of Toledo v. Tellings, 871 N.E.2d 1152 (Ohio 2007), depicts the most recent ambiguity to this theory.

93 Id. at 2.
94 Id.
96 Id. at 963.
97 Stave v. Thompkins, 75 Ohio St.2d 558, 664 N.E.2d 926 (1996).
In *City of Toledo v. Tellings*, Paul Tellings was cited for violating a city ordinance that limited ownership of pit bulls to one per household. He entered a plea of not guilty and moved to dismiss the charges against him, claiming that Toledo Municipal Code 505.14 (a) and state statutes R.C. 955.22 and 955.11 were unconstitutional because the pit bull was categorized as a “vicious dog.” The trial court found that pit bulls are no more dangerous than other breeds but that evidence supported the legislation on the claim that pit bulls increase the dangers in an urban setting. The trial judge upheld the constitutionality of the challenged law as a reasonable exercise of police power but the 6th District Court of Appeals reversed citing *State v. Cowan*, 101 Ohio St.3d 372 (2004), and held the provisions unconstitutional in that they denied pit bull owners of procedural due process of the law and equal protection. They were also deemed unclear because they lacked an accurate definition of the types of dogs that qualify as “pit bulls.” The city appealed and the Supreme Court of Ohio reversed, distinguishing the facts of Cowan, and rejected both Tellings’s substantive due process and equal protection claims. However, Justice O’Conner, who agreed only with the opinion of the court, wrote in her concurrence: “Almost all domestic animals can cause significant injuries to humans, and it is proper to require that all domestic animals be maintained and controlled. Laws to that effect are eminently reasonable for the safety of citizens and of the animal...[but]rational legislation should focus on the owner of the dog rather than the specific breed that is owned.”

Regardless of the reversal in Tellings, however, some cities have begun removing breed specific ordinances for fear that the

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96 Chief Justice Moyer distinguished this case from Cowan where dogs were determined to be vicious under R.C. 955.11 because they had injured a person and the dog warden used a unilateral classification of the dogs as vicious where as here the ‘vicious dogs’ at issue were classified as pit bulls under the third subsection of R.C. 955.11.

98 See generally *Toledo v. Tellings*, 871 N.E.2d 1152 (Ohio, 2007)
language of such legislation may be unconstitutional as vague and arbitrary. The removal of such bans for fear of lawsuits is an indicator that breed specific legislation may be a mere quick-fix solution to solving a deep-rooted social problem embedded in local communities.\textsuperscript{100} Rather than blaming the dogs for their inherent disposition by banning them from neighborhoods entirely, local governments can train police forces to better detect dangerous activities of dogs in general and to educate the community about proper dog ownership, as the vicious nature of a particular dog comes not from the mere fact that the dog is a pit bull, but rather by the treatment of the animal by its owner. Further, communities should be encouraged to implement safe alternatives to vicious activities such as dog fighting, which will protect the community from the dangers of aggressive dogs in general, and not just a particular breed that has been unfairly labeled as unsafe.

\textbf{V. Preventative Solutions}

A community that encompasses proper police training, effective education and community outreach, and safe alternatives to dog fighting will serve to stifle the dog fighting epidemic at its source. In order to arrive at the proper community solution, it is appropriate to briefly analyze these three areas of the social remedy.

a. Governmental Responsibility in Police Training

One factor that allows dog fighting to thrive is dog fighting rings are extremely difficult to detect as a result of their secretive nature. Local municipalities need to

\textsuperscript{100} Breed Specific Legislation, \url{http://en.wikipedia.org/wiki/breed-specific_legislation} (last visited February 26, 2008).
allocate more funds to the police force in order to sponsor special teams designated to
detect dog fighting rings. While these teams should conduct training in order to become
more aware of the signs of dog fighting in the communities, it should also be the duty of
every police officer to be able to detect the signs of this illegal activity. The Humane
Society of the United States offers courses that deal with animal fighting. Topics such
as the use of successful investigative techniques, use of informants, undercover
operations, search warrants, and care and disposition of seized fighting animals are
covered.101

Cities have taken charge as a response to the increase in dog fighting in their
communities. Chicago, in particular, has utilized the HSUS as a resource for police
training.102 Chicago implemented the HSUS’s End Dogfighting program, which provides
police training about dog fighting, educational campaigns targeted to youth, and street-
level intervention with potential dog fighters. 103 Milwaukee, Wisconsin has also taken
preventative steps to ending dog fighting within the community. The city added a course
for police officers at the academy on how to recognize and pursue dog fighting and
other crimes against animals.104 The Milwaukee Area Domestic Animal Control
Commission is working with the police department to implement the program which will
include how to identify animal abuse and neglect, assess it for criminal violations, and
collect and preserve evidence, as well as how to avoid lethal force when dealing with

101 www.hsus.org (Last visited Feburary 26th, 2008).
102 Atlanta, Chicago Taking the Bite out of Dogfighting,
103 Id.
104 Anynsa Johnson, Milwaukee Police may get Animal abuse Training, The Milwaukee Journal Sentinel,
Police forces in major metropolitan areas can also target the school system and community centers and provide education on the signs to detect dog fighting and the proper procedure to report the illegal activity. Police should educate the community on the following signs. They should describe the equipment associated with dog fighting such as cages, pit rings, heavy chains, and weights. They should also encourage the community to be cognizant of properties where multiple pit bulls reside who appear to consistently have wounds, scars, and untreated injuries. They should educate the public to be aware of blood spatters, veterinarian supplies, and dog fighting magazines that might lead one to believe that an individual is engaged in dog fighting. Last, an individual should be aware of heavy traffic flow of people and dogs to and from a specified property. While some enforcement agencies assert that, in light of the Michael Vick case, a more concerted effort to uncover and prosecute dog fighting will take affect, further community outreach programs can help create community awareness and hopefully suppress dog fighting potential within a particular community at the outset.

b. Community Outreach

In order to deter dog fighting, communities need to implement strategies to increase social awareness through community outreach. Some communities, where dog fighting has run rampant, have initiated such programs which have proved successful. Three of these outreach programs are illustrated below. D.A.W.G., Lug-Nuts, and Pit Bull Rescue San Diego have been implemented into the Chicago, New Haven, and San

\[\text{Id.}\]
Diego communities respectively as a response to the increase in awareness of dog fighting. While each has distinct strategies, the goal of all three programs is the same: ending the violence of dog fighting before society becomes a victim.

i. D.A.W.G.

D.A.W.G. stands for Dog Advisory Work Group, a comprehensive community-wide program formed to address the violence of dog fighting in the Chicago metropolitan area. Comprised of the Alliance for Community Peace, the Chicago Police Department, and other agencies, D.A.W.G. implemented a campaign to reduce dog fighting and the violence associated with it in Chicago Communities. The Director for the Alliance for Community Peace, Reverend Dr. Walter B. Johnson, Jr, states: “Whether you like dogs or not, this issue is about violence in our communities—and we must put an end to the senseless torture of living creatures and the psychological scars that dog fighting leaves on the kids that witness this brutality.” Cynthia Bathurst, Executive Director of D.A.W.G. adds: “Through education, early intervention and community involvement, we believe that we can significantly reduce violence in general by focusing on violence associated with dog fighting. This will create a more humane generation in the years to come.” Indeed, the program, which conducts animal education programs for both adults and children and develops youth intervention programs to stop the social acceptance of these violent crimes, also arms adults and

\[107\] Chicago Communities Rise Up against Dog Fighting!, www.dawgsite.org (last visited February 8, 2008).

\[108\] Id.

\[109\] Id.

\[110\] Id.
children with the tools necessary for safe interaction with dogs. The social impact of this program is imparted through its varied successes.

The program has implemented numerous outreach campaigns that have raised awareness in the community. The program assists the city, county, and state with law enforcement, and refers to the Chicago Park District “dog hot line.” And partners with Chicago’s CAPS program, creating court advocacy initiatives in animal abuse cases, and violence prevention. The program also creates “beware of pet theft” fliers to alert the community of possible attempts to steal pets for use as “baiting” in dog fights. They also conduct education campaigns and assist the City of Chicago and the Chicago Park District with procedures, policies, rules, and guidelines based on community consensus.

D.A.W.G. is a prime example of how a community can take affirmative steps towards creating a safer neighborhood through outreach and awareness. By educating the public, promoting partnerships with law enforcement, and implementing community wide guidelines, the City is moving toward a future where dog fighting is a sport of the past. In order to increase support, however, a program should also encompass an alternative means to vent the competitive nature that may be instilled in the community through its dog fighting rings. Such a humane alternative would provide an outlet to individuals who might otherwise turn to dog fighting in order to show off the competitive nature of their dogs.

111 Id.
113 Id.
114 Id.
ii. Lug-Nuts

Lug-Nuts is a program that was created by Sue Sternberg in New Haven, Connecticut, in 2002, in response to the effects that dog fighting had on her community. The popularity of the Lug-Nuts has also spread to New York City. Because young people in her community in New Haven had few role models for healthy interactions with dogs, children would oftentimes spar their dogs in street fights. The Lug-Nuts program encourages weight-pulling contests with dogs as a humane alternative to dog fighting. While weight-pulling has all of the alluring aspects of dog fighting such as rivalry, enthusiasm, and machismo, it lacks the brutality of the blood-sport. The contest allows for children to have an outlet by engaging in a competition that is a safe substitute for dog fighting.

In the competition, snow sleds are loaded with bags of dog food and the dogs are then hooked up to the sleds with a dog-sled gang line. They also wear padded pulling harnesses. There is no age limit or size limit for the dogs to participate in the contest, and they cannot be forced to pull. Owners use hot dogs as incentives for the dogs to pull forward and cash prizes are awarded to the winner, second, and third place dogs. However, is this cash prize enough to deter dog fighters from engaging in dog fighting which could potentially pay tens of thousands of dollars?

116 Id.
117 Id.
118 Id. at 2.
119 Id.
120 Id.
While a prize does provide incentive to enter and compete in these competitions, the lure to compete in dog fighting comes with the potential for a substantial amount of money to be gained after winning a match. That prize or “purse” is usually arrived at through inflated spectator admission fees and bets that can range from $10,000 to $50,000. As a consequence, these social alternatives must be coupled with harsher penalties that will actually serve as an effective deterrence.

iii. Pit Bull Rescue San Diego

D.A.W.G. and Lug-Nuts provide a safe alternative to dog fighting. However, neither refocuses on rehabilitating those dogs that become the victims of violence and neglect. Instead of euthanizing dogs that are bred to dog fight, communities should take rehabilitative measures to try and reintegrate these victims back into society.

One example of rehabilitative measures is the Pit Bull Rescue San Diego. Pit Bull Rescue San Diego (PBRSD) is a volunteer non-profit organization committed to rescuing and re-homing pit bulls, and educating the public by advocating responsible dog ownership. The PBRSD, founded in 2004 as a shelter for pit bulls across the country, has grown into a charitable non-profit organization dedicated to educating the public about the pit bull breed and helping to save lives in the process. The rescue program is founded upon the premise that the public is misinformed about the breed and creating a positive image will encourage owners to take more responsibility for their dogs.

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122 www.pbrsd.com/about/ (last visited February 11, 2008).
123 www.pbrsd.com/about/team.htm (last visited February 11, 2008).
Dogs that unfortunately end up in bad homes may become homeless as a result. And three quarters of homeless dogs that end up in shelters end up destroyed. This number increases with the Pit Bull breed because of the public’s preconceived misunderstanding about the temperament of the dog. The program is dedicated to helping pit bulls find loving homes, while continuously addressing dog fighting and the inhumane treatment of pit bulls. By re-homing the victims of dog fighting into loving families, programs such as the PBRSD provide the community with a sense of partnership and pride in overcoming the dog fighting epidemic that has run rampant throughout the country.

VI. Conclusion

Dog fighting is an underground epidemic that is decaying society on a nationwide level. Dogfights can prompt illegal gambling, insensitivity to animal suffering, possession of illegal firearms, drug use, and even homicide. Furthermore, the cycle of violence can be reborn through the eyes of the children who also witness these fights. The victims, the dogs used in dogfights, often die from blood loss, shock, dehydration, exhaustion, infection, and sacrifice. From the backyard to the barnyard, from the city streets to the rural slums, this “blood sport” must be recognized as an ever-present problem that requires immediate attention both from a legislative and community standpoint. While the Animal Fighting Prohibition Enforcement Act of 2007 is a step in

\[124\] Id.

[126] Id.

[127] Id.

the right direction, current state laws must become more uniform in dealing with the penalties assessed to actors in a dog fight. To be an effective deterrence, penalties for dog fighting must be tripled or quadrupled so that dog fighters feel the effects of breaking the law rather than merely receiving a slap on the wrist. But more importantly, emphasis must be placed on police training, community outreach and education, creating safe alternatives, and turning to rehabilitation of the dogs that become the victims of violence.

A community that integrates a comprehensive police training program gives officers the tools they need to detect, investigate, and apprehend the actors involved in a dog fight. Further, community outreach sheds a light on the prevalence of dog fighting, arms individuals with the knowledge to identify possible dog fighting activity within their neighborhoods, and smothers the social acceptance of this activity. Safe alternatives such as the Lug Nuts program create other humane means by which dog owners can compete in a humanitarian environment. Finally, placing emphasis on rehabilitation rather than euthanizing the victims of this growing pandemic will release the dogs from their brutal captivity and place them into a nurturing environment where they do not have to live in fear that they will be the next doomed contestant to perish in the pit.