



Association of  
Prosecuting Attorneys

***Developing an Evidence-Base for the  
Understanding and Prevention of Dog  
Fighting Crimes***

**Hon. John T. Chisholm**  
***Chairman & Milwaukee County  
District Attorney***

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***President, CEO***

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**PROSECUTOR'S REPORT IV**

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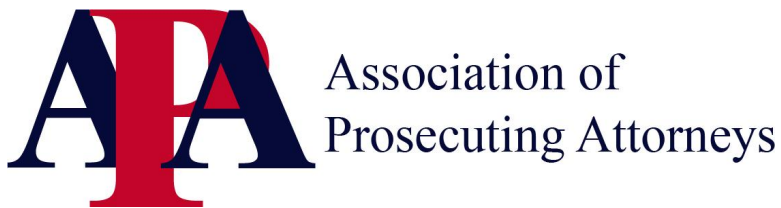
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## ACKNOWLEDGEMENTS

The Association of Prosecuting Attorneys (APA) is excited to share with you our next Prosecutor's Report: *Developing an Evidence-Base for the Understanding and Prevention of Dog Fighting Crimes*. APA has developed this series of publications to provide knowledge, insight and examples of innovative practices which are creating safer communities. Our goal is to provide prosecutors with the requisite skills to strengthen links between the criminal justice system and the community while promoting partnership building and encouraging problem-solving strategies. APA has published this most recent Prosecutor's Report in partnership with the Center for Evidence-Based Crime Policy at George Mason University in order to provide an extensive overview of dog fighting so that criminal justice practitioners may use this monograph to develop individual strategies to reduce this violent crime. This monograph includes the pertinent research, and considers the most promising avenues for successfully preventing, responding to and prosecuting dog fighting.

Dog fighting may be used to facilitate other serious crimes and perpetrators of cruelty to animals are significantly more likely to commit violent crimes against humans. In many cases the perpetrators of this vicious crime are using animal brutality to send a signal to the community of the violence they are capable of perpetrating if their criminal actions are reported to the authorities. Many participants in dog fighting are members of criminal street gangs and criminal activity involving guns, drugs and gambling often occurs in and around fights. Understanding and preventing dog fighting can provide a valuable tool for prosecutors, investigators and our community partners.

The APA was incorporated and founded on the principles of reducing violent crime, ensuring equal justice and promoting safer neighborhoods. For further information regarding our association, please visit our website at [www.APAInc.org](http://www.APAInc.org). Please feel free to contact our office in regard to how APA may be of assistance to you or your office through our technical assistance and training conferences.

APA extends its gratitude to David McClure and Dr. Cynthia Lum of the Center for Evidence-Based Crime Policy for authoring this report. APA would also like to recognize the leadership and guidance of the Animal Cruelty Advisory Council (ACAC); ACAC chair K. Michelle Welch, Assistant Attorney General with the Office of the Attorney General in Richmond, VA; ACAC Vice-Chair Nancy Blaney, Senior Policy Advisor for the Animal Welfare Institute; and Danica Szarvas-Kidd, Senior Policy Advisor for Adjudication, Bureau of Justice Assistance, for encouraging and advising this project. Special acknowledgments must also be given to Gena Gonzales, Kelsey Doty and Syrita Simpkins for their efforts in editing and formatting this publication.

We hope this publication will contribute to the efforts of prosecutors and professionals in the criminal justice and animal welfare fields to combat dog fighting and all associated crimes. Thank you and we look forward to providing you future publications on other topics of interest to our field. If we can be of further service, please do not hesitate to contact our office regarding professional assistance. For matters concerning this publication or technical assistance please contact David LaBahn, APA President, at 202-861-2481 or [david.labahn@apainc.org](mailto:david.labahn@apainc.org).

Sincerely,



David R. LaBahn  
President and CEO  
Association of Prosecuting Attorneys

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# **Developing an Evidence-Base for the Understanding and Prevention of Dog Fighting Crimes**

*A Research Monograph  
August 2010*

Dog fighting is a regular occurrence in the United States, and has been used to facilitate street violence, gambling, and other crimes. Recent high-profile prosecutions, such as the Michael Vick case, draw attention to this concern and reiterate the importance of developing rational and effective social policies, as well as law enforcement tactics, to address this issue. Unfortunately, there is a lack of empirical research available to support such a development. As was emphasized in *United States v. Berry* (2010) by Judge Reagan, “Unlike drug and gun cases, this Court has no experience with the crime of dog fighting and felt additional background and research was necessary to fulfill its sentencing obligation.” The need to build and develop a strong research base for this and other crime concerns and policies is imperative to better inform the courts.

To address such an imperative, an evidence-based approach can be used improve our understanding of the causes, correlates, and prevention mechanisms for dog fighting and other forms of animal abuse. Like many other crimes that evoke emotional responses, courtroom practices, prosecutions, defense, and preventative policies about abuse and misuse of animals can fall prey to unscientific assertions. Such policies and practices might be ineffective, or worse, exacerbate the problem. An evidence-based approach states that crime policies and criminal justice agencies should use the best available scientific research evidence and field tests to inform that practice (Sherman, 1998; Sherman et al., 1997; Sherman et al., 2002). This “best available evidence” can include what we already know about explanations of crime, as well as scientifically rigorous field evaluations (i.e. randomized controlled field experiments) to test which interventions work best to reduce crime.

As a step toward achieving this goal, this monograph explores the research evidence that could be applied to understanding and preventing dog fighting. While rigorous research evidence on dog fighting is limited, there is a wealth of criminology and crime prevention research that may be useful and applicable to add value to discussions of: 1) prosecutorial attention to dog fighting cases; 2) the complexity of dog fighting and its connection to other crimes; 3) current responses to dog fighting; and 4) ideas for further study. This monograph proceeds by providing a discussion of each of these aspects of dog fighting and how criminology and crime prevention research can inform them.

## **Dog Fighting Prosecutions and Perspectives**

There has been widespread opposition to dog fighting (see Coleman, 2008; Gibson, 2005; Searle, 2008). This sentiment is reflected in the felony criminalization of dog fighting in every state (Gibson, 2010). Like many criminal justice efforts, law enforcement activities against dog fighting focus on reactive prosecutions of individual cases, rather than prevention strategies and tactics. Such emphasis on reactive prosecution and the vigorous social intolerance for dog fighting were highlighted in the recent case against Michael Vick and his associates (*United States v. Peace*, 2007). However, that case also brought to light other attitudes about dog fighting (Alder, 2010; American Society for the Prevention of Cruelty to Animals [ASPCA], 2010c; Coleman, 2008; University of Chicago Lab Study, 2008). The Vick case provides a useful starting illustration of these issues, as well as the connection between dog fighting and other crimes.

### **The Michael Vick Case**

As quarterback for the Atlanta Falcons at the beginning of 2007, Michael Vick was one of the National Football League's (NFL) star players. Just a few months later, though, a series of events beginning on April 24, 2007, led to his indictment, conviction, and ultimately imprisonment for dog fighting operations. On April 24, 2007, Mr. Davon Boddie, a cousin of Vick's, was arrested in Hampton, Virginia for drug possession with the intent to distribute. Boddie provided as his address a home owned by Vick in Surry County, Virginia. Upon executing a search warrant of that property to discover evidence against Boddie, the police discovered indications of a dog fighting operation, and ultimately recovered 53 dogs (Huss, 2008). The case was shortly thereafter transferred to federal prosecutors not only because of costs (Geroux, 2008) but also because of the interstate transactions and transportation charges applied. Three months after the initial search, Federal prosecutors announced the indictment of Michael Vick and three co-defendants (Purnell Peace, Quanis Phillips, and Tony Taylor) for their connection with the "Bad Newz Kennel" dog fighting operations (*United States v. Peace*, 2007).

Due to his fame, Vick became a central focus in discussions of dog fighting and animal cruelty. Many of Vick's sponsors, including Nike and Reebok, began withdrawing advertisements and products related to Vick (Coleman, 2008). The NFL also suspended Vick without pay. Many of these ramifications were possibly influenced by the efforts of the Human Society of the United States (HSUS), which channeled the public intolerance of dog fighting against Vick through numerous rallies and web-based protests (Coleman, 2008), but the HSUS sentiment was not representative of everyone's perspective on dog fighting.

### **Dog Fighting Perspectives**

During the Vick case, several of his colleagues made public statements in his support, expressing views contrary to those held by animal rights groups. Redskins running back Clinton Portis came

to Vick's defense by telling WAVY-TV in Virginia, "I don't know if he was fighting dogs or not, but it's his property, it's his dog. If that's what he wants to do, do it. I think people should mind their own damn business."<sup>1</sup> Others cited Vick's celebrity as the real reason for the attention to the case, rather than the cause of animal cruelty itself. In a CNN interview, R.L. White, president of the Atlanta chapter of the National Association for the Advancement of Colored People (NAACP) argued that Vick was being overly persecuted, and he wondered why dog fighting has caused more negative social reaction than hunting deer and other animals (Phelan & Cratty, 2007). The diversity of attitudes on dog fighting is also reflected in a recent U.S. Supreme Court decision (*United States v. Stevens*, 2010), which struck down a federal law banning the sale of dog fighting videos, interpreting the ban as unconstitutionally violating free speech. Each of these examples presents contrary views to those advocating for the cessation and de-legitimization of dog fighting.

The simultaneous support, criticism, and apathy towards the Vick case illustrate an important aspect of the complexity underlying dog fighting. On the one hand, it is decried as an awful manifestation of brutality in society, which has led the Humane Society of the United States to conclude "[t]here is a national consensus that dog fighting is illegal and inhumane" (Humane Society of the United States [HSUS], n.d. p.2; see also Lockwood, 2006). Yet, on the other hand, the HSUS also estimates that more than 40,000 professional dog fighters operate nationwide, and at least ten underground magazines exist on the subject (HSUS, n.d.). As a demonstration of its prominence, in 2009 raid of a dog fighting operation authorities rescued a record 407 dogs (ASPCA, 2010b).

However, within these perspectives, a few points are clear: Dog fighting is illegal, it exists in much greater frequency than might be perceived, and there is a lack of research to help understand and prevent dog fighting. Communities interested in reducing, preventing, and deterring dog fighting and animal cruelty more generally, need greater evidence-based guidance to inform their actions. In the next section, we offer some general categories of dog fighting and application of criminological theory to propose hypotheses about possible explanations for dog fighting (and subsequently, ideas for its prevention).

## **Understanding Criminal Dog Fighting**

Due to the underground nature of dog fighting and the general lack of understanding and enforcement, very little information is available about the precise level of harm and actual prevalence of dog fighting. The evidence that has been collected from sources such as Degenhardt (n.d.) and the Animal Legal & Historical Center (n.d.a; n.d.b) suggest possible avenues for future research about the etiology of dog fighting begin to emerge.

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<sup>1</sup> For more information, see WAVY-TV at [wavy.com](http://www.wavy.com). The video is also located at ESPN's website, <http://sports.espn.go.com/nfl/news/story?id=2878099>.



Gibson (2005), for example, suggests that there are a number of possible typologies of individuals engaged in dog fighting. One type – the “celebrity image” – suggests dog fighting is connected with an image of fame, power, money and status. Another type, the professional dog fighter, may be related to the celebrity image and both seem relevant in the Michael Vick case. Here, dog fighting is a business enterprise, where dogs are bred, trained, and sold for fighting. Some fighters make use of the internet to increase their business, and adhere to precautions that limit their exposure to law enforcement (Gibson, 2005). The form of such “businesses” can range from highly organized operations to local gambling scenarios.

Those that fight animals as a hobby or on an impromptu basis may be less concerned with making money, *per se*, and more interested in fighting dogs for personal entertainment or for minor gambling. Gibson also suggests street-level dog fights “are often associated with gang activities” although she provides little empirical support for this assertion. At this level of dog fighting, the University of Chicago Survey Lab (2008) suggests that such fights are a manifestation of some grievance or a desire to appear “tough”:

Findings from both stages of our research suggest that street dog fighting is an activity secondary to other street violence, used both as a means to work out other street or gang conflicts, and as a means to earn money that can range from as little as \$20 to as much as several hundred dollars. Its appeal to younger children (9-12) comes from the desire to appear “tough,” to emulate older boys/men on the street and to combat boredom and possibly even poverty.  
*University of Chicago Survey Lab, 2008 p. 2*

Such typologies require caution and are only stereotypes or best guesses until empirically examined, evaluated, and tested. There is very little research that directly explores the criminology of dog fighting and the salience of these typologies. However, many of the above depictions reflect tenets of criminological theory more broadly, that might help guide new research based on existing knowledge about crime and crime prevention. A reflection on well-developed and empirically tested theory and its application might provide researchers with further ideas about how to study this crime and think about prevention mechanisms.

### **The Criminology of Dog Fighting**

Many criminological theories might be applicable in explaining why people fight dogs, although an in-depth examination of such applications is beyond the scope of this monograph.<sup>2</sup> However, a brief review and some examples can be helpful in offering new perspectives and possible avenues of evaluation research that are based in existing knowledge.

One fruitful starting point in developing a criminology of dog fighting might be the literature on violence more generally (Reiss and Roth, 1993). Indeed, researchers have found preliminary

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<sup>2</sup> Researchers, however, should examine the great breadth of criminological theory more closely when developing tests of what might explain dog fighting behavior. For those unfamiliar with this field, very brief summaries of these theories can be found in Vold, Bernard, and Snipes (2002).

empirical links between animal cruelty and tendencies toward violence. Lockwood and Ascione (1998), for instance, have studied the correlation between animal cruelty and violence against humans, arguing there is a long standing popular and academic recognition of the connection between the two (see also Lockwood, 1999). Further, Ascione et al. (2003) examining a sample of 1,422 children (6-12 years old), found statistically significant associations between cruelty to animals and cruelty to humans, with an even more pronounced relationship among those children considered sexually abused or psychiatric. Degenhardt (n.d.), in an examination of 322 arrest records for those charged with crimes against animals found that sixty-five percent had a previous arrest for either domestic or non-domestic assault and battery.

The etiology of violence has a long tradition in criminological research (see Reiss and Roth, 1993) that may help inform our understanding of dog fighting and animal abuse. Theories tend to categorize explanations of violent behavior between those arguing individual causes and those explaining behavior from a social or environmental perspective. Many individual-level theories focus on childhood development, suggesting that early experiences shape later criminal and antisocial behavior. For example, control theories (see Hirschi, 1969) argue anti-social behaviors may be fostered from the absence of social bonds to conventional society, indicated by the lack of attachment, commitment, involvement, or belief in those conventions, especially in youth. Similarly, social control and general theorists such as Gottfredson and Hirschi (1990) have argued that early socialization and parenting skills can help foster such attachments and commitments, and, in turn, restrain kids from engaging in antisocial and criminal behavior (see also Patterson, DeBaryshe, and Ramsey, 1989, who focus on early socialization both at home and in school).

Other developmental theorists, such as Moffitt (1993), suggest those youths who continue to offend at high rates into adulthood (i.e., “life course persistent offenders”) may also have different early life experiences compared to the majority of youths who, offend but who then stop at adulthood. The difference between the two, Moffitt argues, could be early risk factors to which life course persistent offenders are exposed (1993). These theories and notions could be tested with those engaging in animal cruelty or dog fighting in similar ways that other violent or criminal behaviors have been examined. Hensley and Tallichet (2005), for example, using a developmental framework, find that early exposure to animal cruelty may be related to onset and persistence of animal cruelty later in life.

Social and environmental approaches also can focus on experiences early in life, but emphasize external and sociological factors that may shape delinquency. For instance, social learning (see Akers, 1973) and differential association (Sutherland, 1947) theories assert that early childhood delinquency may not be simply a product of bad parenting, but that influence and exposure to other delinquent peers or relations can be key in fostering delinquent behavior. This parallels a similar concept developed in the University of Chicago Study (2008), which found that dog fighting might be seen as creating a “tough guy” image among peers.

The “tough guy” image in the dog fighting world is also seen in sub-cultural theories (Cohen, 1955; Cloward & Ohlin, 1960; see also Shaw & McKay, 1942). Such theories might place dog fighting in the larger context of other mechanisms by which power and machismo can be asserted in a particular groups or neighborhood. However, such discussions of subcultures of delinquent gangs, for example, can also connect dog fighting not only to gangs, but also to certain communities with which gangs are associated (in the U.S., for example, Black and Hispanic communities). This is a dangerous inference in the absence of empirical evidence because it can create stereotypes that are not supported by research evidence. Researchers should use theory in the context of testing hypotheses about the etiology of dog fighting, rather than assuming a theory is applicable because it can explain other crimes.

This is especially important in the case of sub-cultural arguments; more complex ethnographic and quantitative analyses are needed. One only needs to look at the commentary surrounding the Vick case to see the issue is racially charged, and that there is an association between dog fighting, gangs, and the African American community. However, Anderson’s ethnographic work of poor and urban Black communities is important in this context, as he offers a more complex view that makes further research in this area imperative. In particular, Anderson’s (1990) discussion in *Streetwise* suggests a complex relationship between dogs and the African American community (see pp. 222-228), one of both fear and status, where dogs are seen as both protectors of property and also mechanisms of power assertion. These complexities are not reflected in some of the typologies asserted by Gibson (2005).

There are still other applications of criminological theories that might provide a springboard for testing the causes (and prevention) of animal abuse and dog fighting. For example, Katz’s (1988) work on the “seductions” of crime might be applied, either in the context of professional or hobby-related street fighting. The entertainment and excitement generated for both the fighter and spectator may be a more salient explanation for dog fighting than early risk factors of delinquency or abuse. Alternatively, other theoretical approaches focus less on individual motivations or social influences of the individual, and more on the opportunities that exist to commit crime. Early social disorganization theorists (see for example, Shaw et al., 1929; Shaw & McKay, 1942) found that aspects of the physical and social environment, including such things as high residential mobility, poor economic conditions, and high levels of population heterogeneity can lead to conditions of reduced social control and increased opportunities for offending. Theories, such as routine activities, suggest that crime concentrates at places that have high convergences of motivated offenders, lack of guardianship and vulnerable victims (see Cohen & Felson, 1979), which also create opportunities for offending (Clarke & Felson, 1993). Combined with a rational choice approach, if benefits outweigh the risks of being caught or prosecuted, offenders can become motivated to commit crime.

The point of this very brief review is to show that a number of existing criminological theories, which have been tested in the explanation of other crimes, might also be applied to explaining

dog fighting behavior. Along similar veins, causation and application of theory also rely on empirically assessing trends and patterns of dog fighting in the population, and then finding ways to better collect and assess that data. The characteristics of places, offenders, and spectators, as well as situational aspects of dog fights, can also provide a better base of the criminology of animal abuse and dog fighting. Engaging in such research is a necessary first step in not only understanding dog fighting behavior, but also highlighting the possible mechanisms by which it can be prevented or deterred.

### **Dog Fighting and Other Crimes**

Dog fighting may also be connected with other types of crime, either coincidentally or causally. For example, dog fighting may facilitate other crimes, such as illegal gambling. But, this may be slightly different from the connection of other types of violence to vice. For instance, in the research on drug markets, a “systemic” approach implicates the role that violence plays in facilitating distribution within that drug market (see Baumer, 1994; Blumstein, 1995, 2000; Goldstein, 1985; Johnson, Golub, & Dulap, 2000). Dog fighting, on the other hand, is the actual product of the gambling, rather than a violent facilitator of the gambling ring or system.

Nonetheless, connecting one type of crime with another is often conducted to find underlying dynamics of a crime that may facilitate its detection or prevention. There is a general caution, however, regarding this approach, as these types of studies face selection bias in the data collected to generate conclusions about what types of crimes and individuals are connected to dog fighting. Just because those using or distributing drugs also support dog fighting, does not mean that the two are causally connected. Anyone committing vice may support dog fighting, for example, including those engaging in prostitution or gambling. Or, it might be the case that while a survey could show those who have been arrested for violent crimes also support dog fighting; this does not indicate that those not arrested do not. All of these questions should be subject to empirical analysis.

A few studies have examined the association of type of dog owned (whether it was considered vicious or not) with criminality. In one study, Barnes, Boat, Putnam, Dates, and Mahlman (2006) found statistically significant relationships between ownership of “high risk”<sup>3</sup> dogs and higher levels of the following in the owners: aggression; major traffic related incidents; drug related convictions; alcohol related convictions; domestic violence related convictions; crimes involving children; and, fire arms related convictions. In another study, Ragatz, Fremouw, Thomas, and McCoy (2009) analyzed data from a survey of college students assessing dog ownership, criminal history, and criminal attitudes. These authors similarly discovered a positive relationship between vicious dog ownership and levels of social deviance.

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<sup>3</sup> The authors operationalized “high risk” or “vicious” dog according to the definition of Section 955.11 of the Ohio Revised Code

Overall, the existing evidence-base regarding the etiology of dog fighting and its connection with other crimes is largely anecdotal. Applying existing theories and tests of those theories to developing a research agenda for understanding dog fighting specifically, and animal abuse more generally, would be an important and foundational step forward in this area. Such information needs to be better developed in order to think carefully about effective prevention and prosecution mechanisms.

The next section shifts to a focus on how prosecutors and law enforcement agencies might use existing evidence on “what works” in preventing and prosecuting dog fighting. Existing programs, which address the specific issue of dog fighting, can be understood as an extension of prior efforts and research on animal cruelty more generally. Among these prior efforts, a body of research and literature addresses the topic of animal cruelty prosecutions (Lockwood, 2006) and the connections between animal cruelty and various types of human violence (see Arkow, 2010 for an extensive list of references).

## **Responses to Dog Fighting**

There are currently no rigorous evaluations conducted on programs intended to reduce, prevent, detect, or prosecute dog fighting (or animal cruelty, for that matter). Thus, in this section, some descriptions of different types of responses are given, but again, only to present types of programs in which evaluations are needed. These responses are grouped into those that 1) seek to engage the dog fighter through some form of program, 2) those that attempt to affect dog fighting through the *creation* of laws, and 3) those that seek to affect dog fighting through the *enforcement* of the laws.

Then, by applying existing evaluation research on both law enforcement and prosecutorial efforts against crime more generally, this section offers an assessment about the promise of these types of responses, and suggest further responses given what is known to “work” in law enforcement more generally. However, it should also be noted that the reduction of crime and criminality more generally could be accomplished across different social sectors (and not just within the criminal justice system).

### **Education, Reformation, and Redirection Programs**

These programs involve directly engaging the dog fighter in an effort to change or redirect their behavior. Further, these interventions are usually implemented in settings outside of law enforcement, constructed and implemented by a private interest or advocacy group (though sometimes the support of law enforcement is garnered). Three examples of these types of programs are:

- ***Lug-Nutz:*** The “Lug-Nutz” program encourages those with strong and competitive dogs that are suited to dog fighting (typically pit bulls) to enter them into physical competition with one another. But, instead of fighting with one another, the Lug Nutz program has the dogs compete with one another in more humane strength demonstrations, such as tire dragging competitions (Rondout Valley Animals for Adoption [RVAA], 2006). The group has sponsored tournaments and promoted this alternative to dog fighting across the country. This approach preserves the sporting aspect recognized and enjoyed by those engaging in dog fighting, but allows the owners of these animals to compete and display the prowess of their dogs in a manner that does not involve violence or animal injury (Searle, 2008).
- ***End Animal Cruelty Campaign:*** The Humane Society of the United States (HSUS) has been implementing this campaign since 2006 (HSUS, 2009). Currently underway in Chicago and Atlanta, this program takes a multi-pronged approach to addressing dog fighting in these urban environments by: 1) hiring respected local community members to intervene in dog fights and provide mediation for those potentially engaging in dog fights; 2) offering free weekly dog training classes, which are intended to promote the perception of pit bulls as pets, rather than as fighters; 3) sponsoring community outreach events to promote an anti-dog fighting culture; 4) strengthening law enforcement’s capabilities through training on dog fighting and offering rewards for tips that lead to convictions; and 5) providing further anti-dog fighting education through an eight-week middle school curriculum (HSUS, 2009).
- ***Teaching Love and Compassion:*** The Society for the Prevention of Cruelty to Animals Los Angeles (SPCA-LA) developed the Teaching Love and Compassion (TLC) program to address the violence component of dog fighting by attempting to reintegrate a sense of empathy and compassion for animals into those youth (11-13 years old) that demonstrate the early warning signs for becoming future animal abusers, and potentially becoming a violent abuser of humans (SPCA-LA, 2010). Already implemented California, Oregon, New York, Arizona, Missouri, Georgia, Indiana, Colorado, England, and Australia, the TLC program is also in the process of being implemented as a pre-trial/pre-sentence program with the prosecutor’s office in Los Angeles (SPCA, 2010; M. Bernstein, personal communication, April, 16, 2010).

Although programs that focus on education, reformation, and redirection of offenders and high risk individuals have yet to be scientifically evaluated, the crime prevention literature does suggest that such efforts can be effective if delivered in targeted and sustained ways. For example, research suggests that cognitive behavioral therapy, which might be similar to some attributes of these programs, can have positive effects on changing criminal behavior (for a review of this research see MacKenzie, 2002). When combined with school programs, cognitive approaches and role playing may also improve the promise of school-based efforts or those

focused on high risk juveniles (Gottfredson, Wilson, & Najaka, 2002; Lipsey & Wilson, 1993). However, it should also be noted that there has been some failure in juvenile programs focused on changing future behavior (DARE programs, for instance), and in some cases, such as boot camps and other juvenile challenge programs, programs have actually increased offending (MacKenzie, 2002; McCord, 2003).

Other potentially promising programs, such as restorative justice schemes (Sherman et al., 2005), and those that invoke shame (see Braithwaite, 1989), may also prove fruitful and share aspects of the programs mentioned above. Restorative justice approaches have been shown as especially effective with violence, rather than property crimes (Sherman et al., 2000). Whatever the intervention in this area, those involved may improve their effects by carefully targeting intervention populations and youth at high risk of dog fighting *according to actual empirical analyses about who these individuals may be*. This includes a careful analysis of what “high risk” means and the quality of the research that led to such a conclusion.

### **Legislative and Regulatory Efforts**

Legislative approaches to addressing dog fighting are those that create laws to either regulate or prohibit the activities related to dog fighting. The various manifestations of this approach range in specificity from general animal cruelty laws, to laws closely, but not completely, related to dog fighting, to those specifically designed to address dog fighting.

- ***General Animal Cruelty Legislation:*** Pointing to the well reviewed connection between cruelty to animals and human violence (see Arkow, 2010; Lockwood & Ascione, 1998; Lockwood, 1999), both Lacroix (1998) and Sauder (2000) make the argument that increased enforcement of animal cruelty laws is a critical component of reducing violence against humans.

The Animal Welfare Act (1966), which has been amended six times since its creation (1970, 1976, 1985, 1990, 2002, and 2007), establishes the minimum acceptable standard for the treatment of animals according to Federal law (Animal Welfare Information Center, 2010). While the breadth of general animal cruelty laws, such as the Animal Welfare Act, allows for the application to a wide variety of criminalized activity, including dog fighting, the expansive nature of these statutes make them difficult to effectively enforce. Such legislation’s imprecision in distinguishing between legitimate and criminal actions makes it difficult to apply these laws in a given case (Lacroix, 1998; Sauder, 2000).

Partially attributable to the breadth of activities addressed by the Animal Welfare Act, there have been numerous criticisms of the legislation for lack of enforcement (Nowicki, 1999; Rikleen, 1978). Reflecting the lack of government dedicated resource and interest in animal cruelty prosecutions, the commonly low severity of penalties authorized by animal cruelty legislation further reduces the impact of such responses to animal cruelty (Lacroix, 1998;

Sauder, 2000).

- ***Breed Specific Legislation:*** In response to concern over dog bites, laws have been created to ban the ownership of certain breeds of dog that are perceived to be more dangerous (typically pit bulls), though those perceptions are highly inaccurate (Searle, 2008). Medlin (2007) argues that human behavior is ultimately responsible for dog bites, and that breed specific legislation to ban the ownership of certain types of dogs merely addresses a symptom of an otherwise unaddressed underlying problem. To address the underlying problem, Searle (2008) concludes community education and law enforcement training are the best solutions, and that “BSLs [Breed Specific Legislation] are not effective strategies to curtailing dog fighting” (p.18).
- ***Specific Dog Fighting Laws:*** Ortiz (2009) explains the attention given to the Michael Vick case resulted in revisions and increased prosecution of criminal dog fighting statutes. Among these statutory revisions, the Animal Fighting Prohibition Enforcement Act of 2007 was created to address the various challenges facing the Animal Welfare Act’s application to animal cruelty cases generally, and dog fighting cases specifically, (Searle, 2008). This more crime specific legislation was more precisely constructed to address the circumstances surrounding dog fighting, and significantly increased the severity of authorized sanctions (HSUS, 2007).

Despite the advancement of such legislation in the wake of the Michael Vick case, Ortiz (2009) explains that the new dog fighting specific laws have still largely been unable to hurdle the other obstacles facing dog fighting prosecutions. Specifically, Ortiz attributes the difficulty of dog fighting prosecutions to: 1) local, state, and Federal resistance to investing time or money on enforcing dog fighting laws; 2) the secrecy and spontaneity of the dog fights; 3) an unwillingness of witnesses to come forward; and, 4) legal conventions resulting in a heavy reliance on indirect evidence when prosecuting these cases (Ortiz, 2009).

Legislative approaches to preventing crime may or may not work, depending on the enforcement and motivation to prosecute. As Nagin (1998) and others have reviewed, the deterrence literature points to a positive deterrent effect of *certainty* of punishment rather than severity. Yet the certainty of punishment from the laws against dog fighting relies heavily upon law enforcement detecting such problems in the first place and also choosing to prosecute. Legislation could play an important deterrent role if it can affect the stigma associated with a particular problem or even bring to light the extent of the problem. For instance, formalizing and ensuring the prosecution of certain types of crimes may have had some positive effect in reducing domestic violence, child abuse, or drunk driving. Doing so with dog fighting may also have such an effect. Even if



legislation does not deter, it can also facilitate greater collection of data, as was the case of hate crimes legislation. With regard to research and evaluation, greater quality and quantity in data collection can be imperative in developing long-term solutions.

Enhancement legislation, or providing greater punishment to one crime, if another element or crime is present, also may not prove effective. This depends on whether dog fighting is connected to other crimes in ways that logically evoke the use of enhancement sentencing. Unlike firearms and drug distribution, it may be more difficult to connect dog fighting with facilitating other crimes. As with the Vick case, one reason federal sanctions were applied was because interstate trade had occurred, and the severity and seriousness of a federal penalty could act as a deterrent. However, the sentencing for drug charges was not enhanced given the presence of the dog fighting.

### **Law Enforcement Tactics**

Finally, law enforcement tactics include those by police *and* prosecutors to improve the prevention, response, reduction, and detection of dog fighting. Currently, the law enforcement efforts against dog fighting primarily consist of a reactive, case-by case, *ad hoc* approaches. This usually involves police responding from a tip or call from a citizen, or at the prosecution level, the decision by a district or state attorney to follow through with a charge. While more is discussed below, these reactive arrest-based approaches are generally viewed as ineffective in reducing, preventing, and even detecting crimes (see Lum, 2009; National Research Council [NRC], 2004; Sherman & Eck, 2002; Weisburd & Eck, 2004). In addition to regular arrest and prosecution, other law enforcement-related programs have included:

- ***Canine CODIS:*** Using a model similar to the FBI's CODIS (Combined Offender DNA Index System) criminal DNA database, this version for dog fighting, which was announced in June, 2010, is intended to establish relationship between the dogs recovered from dog fighting investigations (Lazer, 2010). CODIS capitalizes on pedigree and breeding to track the sources of the dogs that are being exchanged and purchased for dog fighting (ASPCA, 2010d). This is an especially useful tool for law enforcement since it is often difficult for law enforcement to track the dogs used in fights since the dogs are not registered and licensed.
- ***Prosecution Relevant Techniques:*** As discussed in earlier section on legislative responses to dog fighting and animal cruelty, there are many reasons that it can be difficult to prosecute these crimes (Lacriox, 1998; Ortiz, 2008; Sauder, 2000). Offering some relief from these challenges, Lockwood (2006) provides a guide for prosecuting animal cruelty cases, and how to use those prosecutions as a vehicle for early response to crime and interpersonal violence. In addition to echoing this monograph's discussion of the connections between animal cruelty and human violence, Lockwood (2006) also

demonstrates the diversity of actions encompassed in “animal cruelty,” of which dog fighting is only a small part.

Reconsidering the challenges of prosecuting dog fighting and animal cruelty cases through legislatively created solutions, several authors have provided examples of alternative means of prosecuting these crimes that do not rely upon such legislation. For instance, Breyer (2000) explains how the legal conceptualization of animals as property can provide prosecutors the opportunity to use asset forfeiture laws as an avenue for achieving their desired outcome; forfeitures of animals as assets can be an effective tool for animal cruelty prosecutions, as property laws are generally more powerful than animal cruelty laws (Breyer, 2000). Blumenfeld (2010) similarly offers another method of prosecution that is particularly well suited to dog fighting cases: the civil action of nuisance abatement, which involves seizure of property where a nuisance is occurring. Nuisance abatement has had promising effects in reducing street-level drug markets (see Mazerolle et al., 2007) and could be applicable to dog fighting locations and animals. Finally, Rackstraw (2003) suggests that citizens themselves can engage the judicial system to ensure the prosecution of animal cruelty cases.

- **Law Enforcement Training:** Searle (2008) has argued that “[o]nly 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” (p.3). Similarly recognizing the importance of these priorities, the American Society for the Prevention of Cruelty to Animals (ASPCA) has provided anti-dog fighting training across the nation, working with prosecutors, police academies, animal control officers, and veterinarians to improve their responses to animal cruelty (ASPCA, 2010a).

Compared to the research in prosecution, there has been some development in the evidence-base of policing tactics, especially those related to patrol. In their Evidence-Based Policing Matrix,<sup>4</sup> Lum, Koper, and Telep (forthcoming) and Lum (2009) include all rigorous to highly rigorous evaluations of law enforcement tactics that have been evaluated on crime outcomes. The Matrix is a research-to-practice translation tool that categorizes and visualizes all experimental and quasi-experimental research on police and crime reduction according to three common dimensions of crime prevention – the nature of the target, the extent to which the strategy is proactive or reactive, and the specificity or generality of the strategy. This categorization and visualization of policing evaluation studies reveals three-dimensional clusters of effective studies, or “realms of effectiveness.” These realms of effectiveness provide insights into the nature and commonalities

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<sup>4</sup> The Evidence-Based Policing Matrix is located at <http://gemini.gmu.edu/cebcp/matrix.html>.

of effective police strategies and can be used by law enforcement to guide various aspects of their operations.

The organization of the literature in this way can provide clues as to the intersecting dimensions of crime prevention most likely to yield positive effect in dealing with dog fighting. Specifically, tactics that are supported by research evidence in the Matrix seem to be those which are proactive, focused, and place-based. This stands in sharp contrast to the vast majority of policing efforts, which are reactive, general, and individual-based. For example, proactive enforcement suggests a data-driven, analytic, predictive, and problem solving approach that groups events and seeks to identify underlying causes and commonalities, rather than case-by-case responses to individual 911 calls. “Place-based” pushes agencies to identify hot spots of dog fighting, or specific places (back alleys, parks, empty lots) in which such activity is likely to occur and to be hidden from view. Place-based and proactive interventions might include identifying hot spots of dog fighting and saturating those places with directed, unpredictable patrol. Hot spot patrol is one of the most scientifically supported policing tactics shown to work (NRC, 2004; Weisburd & Eck, 2004), and using it as a preventative measure to keep dog fights from occurring could be a potentially cost-effective approach.

Further, more focused, or tailored law enforcement interventions work better than ones that are more general. Agencies that are better trained to identify problems, engage the community in possible solutions, and use in-depth understanding of the nature of dog fighting in their jurisdictions to develop prevention and deterrence approaches will fare better than those without a plan and with a more general attitude. Some of the promising prosecution strategies reflect this tailored and more specific approach. Efforts such as Project Safe Neighborhoods and Pulling Levers, many of which involve prosecutors as key elements of the intervention, have been shown to be effective in reducing gang crimes and violence (see Braga, 2008; Braga, Kennedy, Waring, & Piehl, 2001; Braga, Pierce, McDevitt, Bond, & Cronin, 2008; McGarrell, Chermak, Wilson, & Corsaro, 2006). These involve a combination of problem identifying and solving, and deterrent mechanisms provided by prosecution and police officers.

Whether such efforts can be replicated for dog fighting, however, is an empirical question. Nonetheless, law enforcement agencies and district attorneys should pay attention to existing evaluation research when developing strategies, rather than relying on hunches, anecdotes, or guesses about what might work.

## **Conclusion**

Animal fighting is a complex criminal phenomenon. Not only may different types of offenders exist, there may also be other crimes and behaviors connected to dog fighting, making its prevention more difficult. The issue of dog fighting is made even more complex by its political environment. In some sectors of society, especially groups fighting against animal abuse, dog fighting is an emotional topic that spurs great interest. However, in other sectors of society, including criminal justice and legislative circles, dog fighting may be less of a priority.

All of this complexity is housed in an environment with little research and scientific evidence about the nature of dog fighting, its causes, correlates, and interventions. However, application of the criminology and crime prevention research can expand the awareness and knowledge about this subject, and offer useful new ideas and hypotheses for other researchers, prosecutors, police, and other groups to examine. Improving of the quantity and quality of research evidence concerning this topic is the only way for rational and evidence-based policy to move forward in the face of emotion and high-profile cases.

Further, while the existing literature has promoted a view of dog fighting as closely related with a wide range of criminal activity, more rigorous studies are needed to confirm this belief. Recognition of dog fighting as an element of prosecution in other cases may provide a significant benefit for prosecutors, but this is an empirical question. Perhaps, in the near future, criminologists and prosecutors can work together to develop a stronger research agenda for this area.

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