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March 21, 2016

The Honorable Patti B. Saris, Chair
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Dear Chief Judge Saris:

On behalf of the ASPCA and its 2.5 million supporters, we thank the U.S. Sentencing Commission (“the Commission”) for considering an amendment to the animal fighting section of the United States Sentencing Guidelines (the “Guidelines”). Although it is a felony offense in all 50 states, organized animal fighting still takes place in every part of the country. The Commission’s attention to this issue reflects the priority that Congress and the American public have placed on preventing this abhorrent form of animal cruelty. We are pleased to provide you with our feedback.

The ASPCA is a leader in promoting robust investigation, prosecution, and sentencing of animal fighting. In the last several years, the ASPCA has provided substantial assistance to federal law enforcement and prosecutors in several large-scale dog fighting cases and to state and local authorities in numerous other animal fighting investigations and prosecutions. We deploy with law enforcement to assist with the removal of animals from crime scenes, collect and analyze evidence, set up temporary facilities to shelter the animals, provide treatment for both physical and psychological harm, and evaluate the animals for safe, responsible placement once they are ready for adoption. We also provide legal services to prosecutors to help ensure that those involved are brought to justice. The ASPCA has led deployment efforts in some of the largest federal dog fighting and cockfighting raids in U.S. history.

As the work of humane groups has drawn increased public attention to the insidiousness of animal fighting, Congress has responded by addressing the crime in three separate pieces of legislation over the last nine years: the Animal Fighting Prohibition Enforcement Act of 2007, which increased animal fighting from a misdemeanor with a one-year maximum jail sentence to a felony with a three-year maximum sentence; the 2008 Farm Bill, which raised the maximum sentence to 5 years; and most recently the 2014 Farm Bill, which made attendance of animal fighting events a misdemeanor offense and added a felony offense for bringing anyone 16 years or younger to an animal fight. The Department of Justice has also turned greater attention to animal fighting. In 2014 alone, DOJ pursued 10 animal fighting cases against 49 defendants.

In keeping with the heightened seriousness with which the public, Congress, and the Administration view animal fighting, we are pleased that the Commission has undertaken an amendment to the animal fighting guideline. We thank the Commission for updating the Guidelines to provide sentencing instructions for a conviction under 7 § USC 2165(a)(2)(B), the new felony of bringing a child to an animal fight, and we encourage the Commission to adopt the higher of the two proposed base offense levels (10 rather 8) for this offense. We applaud the Commission for maintaining the upward departure provision for extraordinary cruelty and for the expansion of the upward departure provision to account for offenses involving animal fighting on an exceptional scale, making it explicit that harm to a large number of animal victims warrants longer sentences.

We appreciate the Commission's proposal to raise the base offense level for the crime of animal fighting to 16, thereby achieving greater consistency with the increased statutory maximum enacted by Congress. However, that change alone falls short of Congress's intent to provide for longer sentences of up to 60 months to punish the most serious animal fighting crimes, and warrants the inclusion of specific offense characteristics.

The typical sentence for animal fighting is currently 6 months. An increase in the base offense level from 10 to 16 could still result in sentences as low as 12 months after a reduction for acceptance of responsibility (2- 3-points). In many cases, a 12-month sentence for animal

fighting does not achieve Congress's intent to address the most egregious violations of the animal fighting statute.

Animal fighting is always a violent, brutal crime, but certain offenses exceed the norm. A typical offender is someone who attends animal fights occasionally and has one or two dogs or a few roosters whom he uses for fighting a few times a year. *U.S. v. Donnie Anderson*, heard by Judge Keith Watkins of the United States District Court for the Middle District of Alabama, illustrates the wide range of involvement and violence possible across these crimes. Donnie Anderson, who received an 8 year sentence for animal fighting, organized numerous fights, secured venues, took gambling deposits, bred thousands of puppies, and habitually executed dogs who performed poorly. Other defendants in that case were more typical—attending and participating to a far lesser degree and without the additional level of involvement in the conspiracy. Whereas Mr. Anderson was responsible for orchestrating, promoting, and perpetuating a highly sophisticated animal fighting enterprise, many of the other lower level participants played no such role.

Given the relatively low base offense level proposed, we were disappointed that the amendment did not include specific offense characteristics. A number of discrete factors make certain animal fighting crimes more dangerous, cruel, and harmful to the public interest than others. The Guidelines should include specific offense characteristics to provide for higher sentences where these factors are present. The ASPCA urges the Commission to include the specific offense characteristics described below to target activities that elevate the seriousness of animal fighting offenses.

Specific Offense Characteristics

We recommend that the Guidelines include the following specific offense characteristics:

- **When an animal is intentionally killed by methods including but not limited to shooting, hanging, electrocution, or drowning, or suffers due to neglect or lack of veterinary care for an injury sustained during fighting increase by 2 points;**
- **When there is a pattern of activity showing that the defendant has had a substantial level of involvement in the business of animal fighting as indicated by breeding animals, selling animals, or organizing, sponsoring, or promoting animal fights increase by 2 points; and**

- **When a dangerous weapon (including a firearm) is present increase by 2 points.**

1. The Commission should provide an enhancement of 2 points when the offender has inflicted exceptional acts of cruelty on animals used in animal fighting.

The worst animal fighters commit acts of unimaginable cruelty. The animals they raise may suffer every day of their lives. In the worst cases, animals live without basic nutrition or shelter and die in agony. While the nightmarish violence of the fighting pit is common to all animal fighting offenses, how animal victims are treated outside the fighting ring is what distinguishes the worst offenders.

The fight itself is just a starting point for the cruelty endured by animal fighting victims. Fights can last just a few minutes or several hours. During a dog fight, animals puncture and tear at each other in a ring often carpeted or covered with sawdust to absorb blood. The fight lasts until one of the animals is too badly injured to continue. Both animals may suffer injuries, such as puncture wounds, lacerations, blood loss, crushing injuries, and broken bones. In cockfighting, two roosters in a pit strike each other with their beaks and legs. Cockfighters attach razor-sharp blades or needle-like instruments called gaffs to the birds' legs to maximize the damage inflicted on the other bird. These roosters suffer injuries such as punctured lungs, broken bones, and pierced eyes. Losing birds are often discarded in a trashcan near the fighting pit, whether dead or still alive and suffering.

A specific offense characteristic for particular brutal acts is necessary because the cruelty of the fighting ring does not nearly encompass the extent of the suffering endured by animals used in fighting ventures. Their treatment before and after the fights can constitute the worst brutality.

Law enforcement classifies dog fighters into three categories: professionals, hobbyists, and street fighters. While dog fighting is inherently inhumane, customs specific to each of these offender classes exceed even the horrific baseline of cruelty.

The Commission should include specific offense characteristics that target the following exceptionally cruel practices: 1) neglect; 2) failure to provide veterinary care for injuries sustained during fights; and 3) intentionally killing an animal. These specific acts of cruelty

would be appropriate specific offense characteristics because they distinguish the worst animal fighters from the merely bad, and a judge can easily recognize them.

a. Intentionally killing an animal

Professional dog fighters are highly organized and aim to maximize profits from fighting, breeding, and selling fighting dogs. Professionals usually keep large numbers of dogs—fifty or more—whom they view as investments. Professional fighters are more likely to kill a dog they do not consider a worthwhile investment or who loses or performs poorly in a fight. They may execute dogs by one of several cruel and painful methods, including hanging, electrocution, shooting, or drowning. The Michael Vick case notoriously exposed this practice. Vick and his co-defendants hosed down two dogs with water and then electrocuted them; hanged three dogs by their necks from trees using a nylon cord; drowned three dogs by forcing their heads into five-gallon buckets of water; and repeatedly slammed a dog into the ground until his neck and back snapped.¹

Most dog fighters are street fighters. Street fighters lack the organization of professionals and hobbyists and may be associated with gangs. Street fighters typically own only one or two dogs. Fights occur in backyards and alleys without formal rules. Though less organized, this type of fighting can be equally brutal, with animals disfigured and killed with stunning cruelty. If the losing dog is perceived to be a particular embarrassment to the reputation of its owner, the animal may be executed as part of the entertainment. In order to reestablish his reputation after losing a fight, a gang member may publically torture and kill the losing dog. Dogs may be doused with chemicals, burned alive, or beaten to death. Dogs that are not killed after the fight may be abandoned and left to die from their injuries.

b. Severe neglect and failure to provide veterinary care for injuries sustained during fights

The typical animal fighter will provide adequate care to potentially lucrative dogs or birds that come from established bloodlines. Professional fighters may even provide their prized animals with quality nutrition and basic veterinary care.

¹ Stuart, T. “Reminder: Michael Vick’s Dogs were Shot, Electrocuted, Hanged and Beaten to Death,” *The Village Voice*, March 25, 2014, available at <http://www.villagevoice.com/news/reminder-michael-vicks-dogs-were-shot-electrocuted-hanged-and-beaten-to-death-6702521>.

However, in the worst cases, dogs and fighting birds generally receive little food and water and little if any medical attention. We may find animals suffering from emaciation,² diseases, broken limbs,³ and open and infected wounds from previous fights.⁴ Low-value animals may be left on the chain to starve to death.

When the ASPCA, at the request of the United States Attorney's Office and the Federal Bureau of Investigation, assisted in seizing 367 dogs in Alabama, Mississippi, and Georgia—one of the largest dog fighting cases in U.S. history—many of the dogs were emaciated. In one yard, 114 dogs tethered to heavy chains sat in 90 degree heat with no food or water. In January 2015, the Humane Society of the United States rescued 60 starving dogs in Alabama, bred as a part of a “hog-dog” operation—a type of animal fighting that pits packs of dogs against a pig while spectators place wagers. The dogs, including several puppies, had likely not been fed for weeks.⁵

These cases were extraordinarily grave, even to organizations that witness cruelty on a daily basis. We urge the Commission to include a specific offense characteristic adding 2 points when the offender has intentionally killed an animal or caused an animal to suffer due to neglect or a lack of veterinary care for injuries sustained during fighting.

2. The Commission should provide an enhancement of 2 points when the offender demonstrates an exceptional level of involvement in the business of animal fighting as indicated by breeding animals, selling animals, or organizing, sponsoring, or promoting animal fights.

Animal fighters who commit the most brutal acts of cruelty deserve elevated sentences; but so too do those who perpetuate this criminal enterprise through breeding and selling animals and organizing, sponsoring, and promoting animal fighting. Their actions maximize the profitability of the blood sport, drawing more people to participate. Creating a specific offense characteristic for an exceptional level of involvement in the business of animal fighting would ensure longer

² See Appendix, Exhibit A, photo of emaciated, nursing female dog recently used in a fight. Photo by ASPCA Veterinary Forensic Services.

³ See Appendix, Exhibit B, photo of chronic luxation of left antebrachio-carpal joint in a fighting dog likely due to previously untreated injury during a fight. Photo by ASPCA Veterinary Forensic Services.

⁴ See Appendix, Exhibit C, photo of infected head wounds inflicted during a dog fight. Photo by ASPCA Veterinary Forensic Services. See also Appendix, Exhibit D, photo of face wounds inflicted during cockfight. Photo by ASPCA Veterinary Forensic Services.

⁵ “Emaciated Dogs Rescued in Alabama,” The Humane Society of the United States, January 12, 2015, video of rescue available at <https://www.youtube.com/watch?v=tOOt-ojtxwg>.

sentences for those who create the infrastructure and profits that allow the animal fighting industry to thrive.

This specific offense characteristic would work well in conjunction with the Commission's proposed upward departure provision for animal fighting on an extraordinary scale. The upward departure provision would be available for offenders who harm large numbers of animal victims, while a specific offense characteristic for an exceptional involvement in the business of animal fighting would capture those fueling the industry.

This specific offense characteristic is measurable and easily defined. Activities that constitute organizing, sponsoring, and promoting animal fighting include financing the purchase and training of the fighting animals; securing and financing the venue; fronting money for wagers; providing event security; and soliciting participants and spectators. Activities that constitute breeding and selling include profiting from stud fees or the sale of puppies, breeding dogs, or birds from fighting bloodlines.

a. Breeding and selling

Breeding is one of the most lucrative aspects of animal fighting. Stud fees and the sale of dogs or puppies from winning bloodlines can fetch thousands of dollars. For professional and hobbyist dogfighters, the sale of puppies from parents who have won several fights is a major source of profit. Underground dogfighting publications and websites commonly advertise puppies or the availability of breeding stock. Some street level fighters may also make money breeding and selling dogs. Those who breed dogs breed cruelty and condemn greater numbers of animals to lives of suffering.

Breeding for cockfighting creates its own strain on public resources. A single fighter can breed thousands of roosters. Large breeding operations that ship nationally and internationally may produce tens of thousands of birds. Breeding results in highly aggressive roosters that can seldom be rehomed once seized.

These operations also present a significant public health threat, inevitably resulting in the euthanasia of thousands of birds. In 2014, the ASPCA participated in a cockfighting raid that resulted in the euthanasia of over 4,000 roosters due to the presence of infectious laryngotracheitis, fowl pox, and infectious bronchitis.

b. Organizing, sponsoring, and promoting

Professional fighters who organize, sponsor, and promote animal fighting events generate the infrastructure and profits that perpetuate this crime. Organizing, sponsoring, and promoting involve providing a venue; taking gambling deposits; fronting money for wagers; taking money at the gate; providing event security; and soliciting participants and spectators.

The level of profits generated by professional fighters is astonishing. Major dogfight raids have resulted in seizures of hundreds of thousands of dollars. It is not unusual for \$20,000-\$30,000 to change hands at a single fight. At highly organized fights, purses for winning handlers can reach \$500,000. The potential for profits in these large ventures incentivizes breeding and fighting on a large scale.

Creating a specific offense characteristic for those professional-level fighters who demonstrate a substantial degree of involvement in animal fighting ventures would ensure longer sentences for those who profit most from perpetuating large-scale harm.

3. The Commission should provide an enhancement of 2 points when the offender possessed a dangerous weapon.

In the ASPCA's experience assisting law enforcement agencies with animal fighting seizures, weapons may be present. Animal fighting is commonly linked to other felonies, including drug and human trafficking, child abuse, domestic violence, and money laundering. Often, animal fighting operations are discovered while law enforcement is investigating these other crimes. The large wagers involved, the likely occurrence of other criminal activities, and the violence of the offenders increase the probability of weapons being present at animal fights. The presence of guns and knives escalates the level of danger to the communities in which these crimes are perpetrated, to law enforcement responding to the crimes, and to the public and private animal welfare organizations often called upon to assist law enforcement with animal fighting investigations and seizures.

For example, participants in a large Mississippi dog fight fired shots when the fight, attended by over 200 people, was raided by police in 2013.⁶ Law enforcement investigating the Anderson case were forced to call off a planned raid of the dog fighting ring because of the presence of guns. The dog fight was located on the second floor of a bar, and the FBI determined that officers had no safe route of entry into the venue given the likely presence of weapons at the event.

Currently, the heightened danger presented by the presence of weapons is not being captured by other criminal charges because offenders are rarely charged for illegal possession of weapons at animal fights unless they have prior felony convictions. In general, animal fighting is not treated as a crime of violence or a drug trafficking crime that would warrant a firearm charge. The ASPCA reviewed 30 federal animal fighting cases initiated between 2010 and 2015 and found that charges for illegal firearms were present in only one-third of the cases. In many cases, sentencing likely has not accounted for the increased danger posed by weapons.

The animal fighting guideline should account for the increased danger to law enforcement, the public, and responders from animal welfare organizations that assist with these cases. The Commission should include a specific offense characteristic that increases the base offense level by 2 points when the offender possessed a dangerous weapon.

We commend the Commission for its attention to this horrific and too often overlooked crime. Thank you very much for your consideration.

Sincerely,



Deborah Dubow Press

⁶ H. Hohr, "Police bust 'All Star' dog fighting ring in Miss.," Associated Press, April 2, 2013, *available at* <https://www.policeone.com/investigations/articles/6181434-Police-bust-All-Star-dog-fighting-ring-in-Miss/>.

APPENDIX



EXHIBIT A

Emaciated, nursing female who was recently fought.

Photo by ASPCA Veterinary Forensics Services.

Exhibit B

Photo of chronic luxation of left antebrachio-carpal joint in a fighting dog likely due to previously untreated injury during a fight.

Photo by ASPCA Veterinary Forensics Services.



EXHIBIT C



**Infected head
wounds on fighting
dog.**

Photo by ASPCA
Veterinary Forensic
Services.

EXHIBIT D

Rooster with facial
wounds inflicted during
a cockfight.

Photo by ASPCA Veterinary
Forensic Services.



Testimony Submitted to the U.S. Sentencing Commission
Jennifer Chin, Vice President, Legal Advocacy
American Society for the Prevention of Cruelty to Animals
March 9, 2016

My name is Jennifer Chin. I am Vice President of Legal Advocacy at the American Society for the Prevention of Cruelty to Animals (ASPCA). The Legal Advocacy department works alongside the ASPCA's Field Investigations and Response, Forensic Sciences, and Anti-Cruelty Behavior teams to provide a full menu of support to law enforcement and prosecutors in animal cruelty and animal fighting cases nationwide. In the last several years, the ASPCA has provided substantial assistance to federal law enforcement and prosecutors in several large-scale dog fighting cases, and to state and local authorities in numerous other animal fighting investigations and prosecutions.

Prior to joining the ASPCA in 2012, I served as Assistant United States Attorney in the Appeals Division of the United States Attorney's Office for the District of New Jersey, where approximately 70 percent of my caseload involved sentencing matters. I began my legal career as law clerk to the Honorable William G. Bassler (ret.), U.S. District Court for the District of New Jersey, and subsequently to the Honorable Julio M. Fuentes, U.S. Court of Appeals for the Third Circuit.

On behalf of the ASPCA and its 2.5 million supporters, I thank the U.S. Sentencing Commission ("the Commission") for considering an amendment to the animal fighting guideline. Although dog fighting is a felony offense in all 50 states and cockfighting is a felony in the majority of states, organized animal fighting still takes place in every part of the country. The Commission's attention to this issue reflects the importance Congress and the American public have placed on preventing this abhorrent form of animal cruelty and the danger it poses to our communities. We are pleased to provide you with our testimony.

Recent Changes to Animal Fighting Statute

Several high-profile animal fighting cases have drawn greater attention to this crime in recent years. In response, Congress passed legislation in 2008 that increased the maximum sentence for animal fighting to 5 years in prison, and again in 2014, when it created federal penalties for attending an animal fight and bringing a child to one of these heinous events. We applaud the Commission's responsiveness in proposing to amend the United States Sentencing Guidelines (the "Guidelines") to better reflect these statutory changes. We encourage the Commission to adopt the higher of the two proposed base offense levels (10 rather than 8) for the new felony of bringing a child to an animal fight.

We appreciate the Commission's proposal to raise the base offense level for the crime of animal fighting to 16, thereby achieving greater consistency with the increased statutory maximum enacted by Congress. However, that change alone falls short of Congress's intent to provide for longer sentences of up to 60 months to punish the most serious animal fighting crimes, and warrants the inclusion of specific offense characteristics. The typical sentence for animal fighting is currently 6 months. An increase in the base offense level from 10 to 16 could still result in

sentences as low as 12 months after acceptance of responsibility is considered (a 2- 3-point reduction). In many cases, a 12-month sentence for animal fighting does not achieve Congress's intent to address the most egregious violations of the animal fighting statute. Including specific offense characteristics when the animal fighting offense is exceptionally cruel or dangerous would help bring sentences more in line with Congress's intent in increasing the statutory maximum.

Specific Offense Characteristics

The proposed amendment should include specific offense characteristics to allow for longer sentences when a case involves aggravating factors that make certain animal fighting offenses more dangerous, cruel, and harmful to the public interest than others. The Guidelines should provide for higher sentences in cases in which these factors are present:

- When an animal is intentionally killed by methods including but not limited to shooting, hanging, electrocution, or drowning or suffers due to lack of veterinary care for an injury sustained during fighting or from neglect;
 - When there is a pattern of activity showing that the defendant has had a substantial amount of involvement in the business of animal fighting as indicated by breeding animals, selling animals, or organizing, sponsoring, or promoting animal fights;
 - When a dangerous weapon (including a firearm) is present.
1. The Commission should provide an enhancement of 2 points when the offender has intentionally killed or egregiously neglected the suffering of an animal used in fighting.

All animal fighting is cruel and violent. Fighters keep their animals in horrendous conditions, either confined in small cages or restrained with heavy chains around their necks. During the actual fights, these animals experience extreme violence in bouts that can last up to several hours. Dogs in these fights suffer puncture wounds, broken bones, lacerations, and other injuries. In cockfighting, two roosters in a pit strike each other with their beaks and legs, often with needle or razor-like attachments strapped to them. The birds sustain injuries such as punctured lungs, broken bones, and pierced eyes. Notwithstanding the inherent violence of this crime, some practices found in large-scale, professional animal fighting enterprises should demand longer sentences.

The cruelty of animal fighting is not confined solely to the fighting pit. Fighters may also escalate the level of cruelty by withholding food and shelter or by failing to seek professional medical attention for wounds. Animals who no longer have value to their owners may be executed by methods such as electrocution, shooting, drowning, or hanging. When an offender has intentionally killed an animal or the animal has suffered due to lack of veterinary care for an injury sustained during fighting or from neglect, a specific offense characteristic should provide for longer sentences.

2. The Commission should provide an enhancement of 2 points when the offender demonstrates an exceptional degree of involvement in the business of animal fighting.

Animal fighters who commit the most brutal acts of cruelty deserve elevated sentences; but so too do those who actively perpetuate this criminal enterprise through breeding and selling animals and organizing, sponsoring, and promoting animal fighting. They are responsible for causing harm to larger numbers of animals and making the blood sport more profitable. Creating a specific offense characteristic for those professional-level fighters who demonstrate a substantial degree of involvement in animal fighting ventures would ensure longer sentences for those who profit most from inflicting large-scale harm.

Activities that constitute organizing, sponsoring, and promoting animal fighting include financing the cost of the fighting animals and training; securing and financing the venue; putting up money for wagers; obtaining security; and soliciting participants and spectators. Activities that indicate involvement in the business of breeding and selling include profiting from stud fees or the sale of puppies, breeding dogs, or birds from fighting bloodlines.

3. The Commission should provide an enhancement of 2 points when the offender possessed a dangerous weapon.

In the ASPCA's experience assisting law enforcement agencies with animal fighting seizures, weapons may be present. Animal fighting is commonly linked to other felonies, including drug and human trafficking, child abuse, domestic violence, and money laundering. Often, animal fighting operations are discovered while law enforcement is investigating these other crimes. The large wagers involved, the likelihood of other criminal activities occurring, and the violence of these offenders, increase the probability of weapons being present at animal fights. The presence of guns and knives escalates the level of danger to the communities in which these crimes are perpetrated, to law enforcement responding to these crimes, and to the public and private animal welfare organizations that are often called upon to assist law enforcement with animal fighting investigations and seizures.

The heightened danger presented by possession of weapons is not currently being captured by other criminal charges because offenders are rarely charged for illegal possession of weapons at animal fights unless the offender has a prior felony conviction. Nor is animal fighting generally treated as a crime of violence or a drug trafficking crime that would warrant a firearm charge. The ASPCA reviewed 30 federal animal fighting cases initiated between 2010 and 2015 and found that charges for illegal firearms were present in only a third of cases. In many cases, sentencing likely has not accounted for the increased danger posed by weapons.

The animal fighting guideline should account for the increased danger to law enforcement, the public, and responders from animal welfare organizations that assist with these cases. The Commission should include a specific offense characteristic that increases the base offense level by 2 points when the offender possesses a dangerous weapon.

Upward Departure Provision

We appreciate the expansion of the upward departure provision to account for offenses involving animal fighting on an exceptional scale, thereby making it explicit that harm to a large number of animals is an appropriate basis for imposing longer sentences.

Thank you very much for your attention to this important matter and for the opportunity to present our testimony.

March 16, 2016

The Honorable Patti B. Saris, Chair
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Re: Clarification of testimony on animal fighting amendment

Dear Chief Judge Saris:

Thank you very much for the opportunity to provide our testimony on the proposed animal fighting amendment today. We are grateful for the Commissioners' interest and valued the opportunity to answer your questions.

We hoped to clarify a few points from today. First, we wanted to clarify what constitutes a "typical" animal fighting defendant. A typical offender is someone who attends animal fights occasionally and has one or two dogs or a few roosters who he uses for fighting a few times a year. *U.S. v. Donnie Anderson*, the case heard by Judge Watkins in Alabama, is a great illustration of typical versus high level involvement. Donnie Anderson, who received an 8 year sentence for animal fighting, organized numerous fights, secured venues, took gambling deposits, bred thousands of puppies, and habitually executed dogs who performed poorly. Other defendants in that case were more typical—attending and participating to a far lesser degree and without the additional level of involvement in the conspiracy. Whereas Mr. Anderson was responsible for orchestrating, promoting, and perpetuating this highly sophisticated animal fighting enterprise, many of the other lower level participants played no such role.

We would also like to clarify what typically triggers the involvement of federal authorities in animal fighting investigations and prosecutions. It is not the scale of the animal fighting enterprise, but rather, the presence of an interstate nexus. We have assisted with federal cases involving as few as 25 dogs. The scale of the ventures can be small, but the participants may travel from different states to participate. In many of these cases, federal officials are actively investigating drug or other federal crimes and discover relatively small-scale animal fighting incidental to the primary investigation. In such

cases, federal law enforcement has jurisdiction and will charge under the federal animal fighting statute. We heard the Commissioners' concern today that all federal cases are large in scale, however, that is not the case in our experience.

Thank you very much for the opportunity to provide this clarification.

Sincerely,

Jennifer Chin

Vice President, Legal Advocacy

American Society for the Prevention of Cruelty to Animals













