

Testimony Submitted to the U.S. Sentencing Commission
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The Humane Society of the United States
March 9, 2016

My name is Chris Schindler and I oversee The Humane Society of the United States' work on animal fighting. Over the course of my 18 year career, I have worked with law enforcement on thousands of dogfighting and cockfighting cases – providing key intelligence, expert testimony, and critical investigative assistance. I have worked on shutting down some of the country's most significant animal fighting operations and I have unique knowledge of this criminal industry.

On behalf of The Humane Society of the United States (HSUS), the nation's largest animal protection organization, I would like to thank the U.S. Sentencing Commission (USSC) for considering an amendment to the animal fighting guideline. The Commission's attention to this issue is welcomed by our organization and American citizens who are increasingly intolerant of animal abuse, including animal fighting.

Dogfighting is a violent "contest" in which two dogs—bred and conditioned for dogfighting—are placed in a pit and forced to fight for purposes of entertainment and gambling. Fights average one to two hours, ending when one of the dogs will not or cannot continue. The injuries inflicted and sustained by dogs who participate in dogfights are frequently severe and even fatal.

Cockfighting is a blood sport in which two or more specially bred birds known as gamecocks are placed in an enclosed pit and forced to fight, often with metal weapons attached to their legs. A typical cockfight can last from several minutes to more than half an hour and usually results in the death of one or both birds.

Although animal fighting is a cruel and barbaric practice and routinely associated with other criminal activities, it is often irregularly prosecuted and insufficiently sentenced by the majority of judges. For that reason, The HSUS is enormously grateful for the Commission's work on updating the sentencing guidelines for animal fighting and we hope we can be of assistance as you consider this issue.

For more than 50 years, The HSUS has worked with federal law enforcement on dogfighting and cockfighting cases. In 2013, for example, The HSUS was a part of a federal crackdown on dogfighting that spanned across four states; Alabama, Georgia, Mississippi, and Texas. More than 300 dogs were seized and federal charges brought against 15 individuals. The HSUS has worked with federal and state law enforcement on hundreds of animal fighting cases across the country, including cases that involved major animal fighting operations.

The HSUS has also helped to pass over 55 state and federal laws on animal fighting – including laws to outlaw cockfighting and laws to make dogfighting a felony offense in all 50 states. Our organization was the principal proponent of the 2007 federal Animal Fighting Prohibition Enforcement Act, which made interstate dog fighting activities a felony crime; and the 2014 Animal Fighting Spectator Prohibition Act, which made it a federal crime to be a spectator at a dogfight or cockfight, and a felony to bring a child to such a fight.

In a relatively short time period, there has been a sea change in the way our nation considers and punishes animal fighting. The public, Congress, and the Administration view animal fighting as a serious crime and we are pleased that the USSC has undertaken an amendment to the animal fighting guideline and recommend that the base level be raised from 10 to 16.

We believe raising the base level alone, however, falls short of Congress's intent to significantly increase the penalties for animal fighting. Twice since 2008 Congress has enacted federal animal fighting laws, providing penalties of up to five years in prison for dogfighting and cockfighting activities. On the other hand, an increase in the base offense level from 10 to 16 could still result in sentences as low as 12 months, after mitigating circumstances – such as acceptance of responsibility – are considered. A 12-month sentence for animal fighting does not achieve Congress's intent to significantly increase the penalties for the worst crimes. 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 penalties for animal fighting.

To better reflect the will of Congress, The HSUS urges the USSC to include the following three specific offense characteristics for sentencing of animal fighting crimes. A base level increase of two points in these circumstances would encourage judges to target the worst animal fighters in a way that is intended by the law and that would help protect our communities.

An enhancement of two points when the offender intentionally and cruelly kills an animal, or subjects them to severe animal abuse.

The worst animal fighters commit acts of unimaginable cruelty and the animals they fight suffer every day of their lives. Over the many years of our work against animal fighting we have recovered animals who have suffered immeasurable and unnecessary pain and suffering. A specific offense characteristic for particularly egregious acts of cruelty 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 often constitutes the worst brutality.

For example, dogfighters kill losing dogs in especially cruel ways. If the losing dog is perceived to be a particular embarrassment to the reputation or status of its owner, the dog may be executed or tortured. We have also known dogs to be doused with chemicals, hung, burned alive, or beaten to death. And dogs who are mauled in a fight may be abandoned and left to die from their extensive injuries.

Violent animal cruelty is inexcusable and exactly the type of crime Congress intended to punish with significant penalties. For that reason, it is important to allow for a two point increase in cases of animal fighting that involve severe animal abuse.

An enhancement of two points when the offender demonstrates an exceptional degree of involvement in the business of animal fighting.

Animal fighters who commit the most violent acts of cruelty deserve elevated sentences, but so do those most actively involved in perpetuating the criminal enterprise of animal fighting. Those who engage in breeding, organizing, sponsoring, and promoting animal fighting are most responsible for the proliferation of the crime and they should be held accountable. They not only cause harm to the largest number of animals, they also encourage the high profits that draw many people to the blood sport. Creating a specific offense characteristic for those who demonstrate an exceptional degree of involvement in the business of animal fighting would ensure higher sentences for those most responsible.

For example, in June of 2009, The HSUS assisted USDA/OIG in the raid of a significant dogfighting operation in Michigan. The defendants from the case were not only breeding a popular bloodline of fighting dogs, there were also hosting high-stakes fighting and publishing an internationally significant underground dogfighting publication. Despite their high level of involvement in an enormously significant dogfighting operation, the defendants were sentenced to six months in jail with two years of probation – which we believe is a clearly inadequate punishment for their crimes.

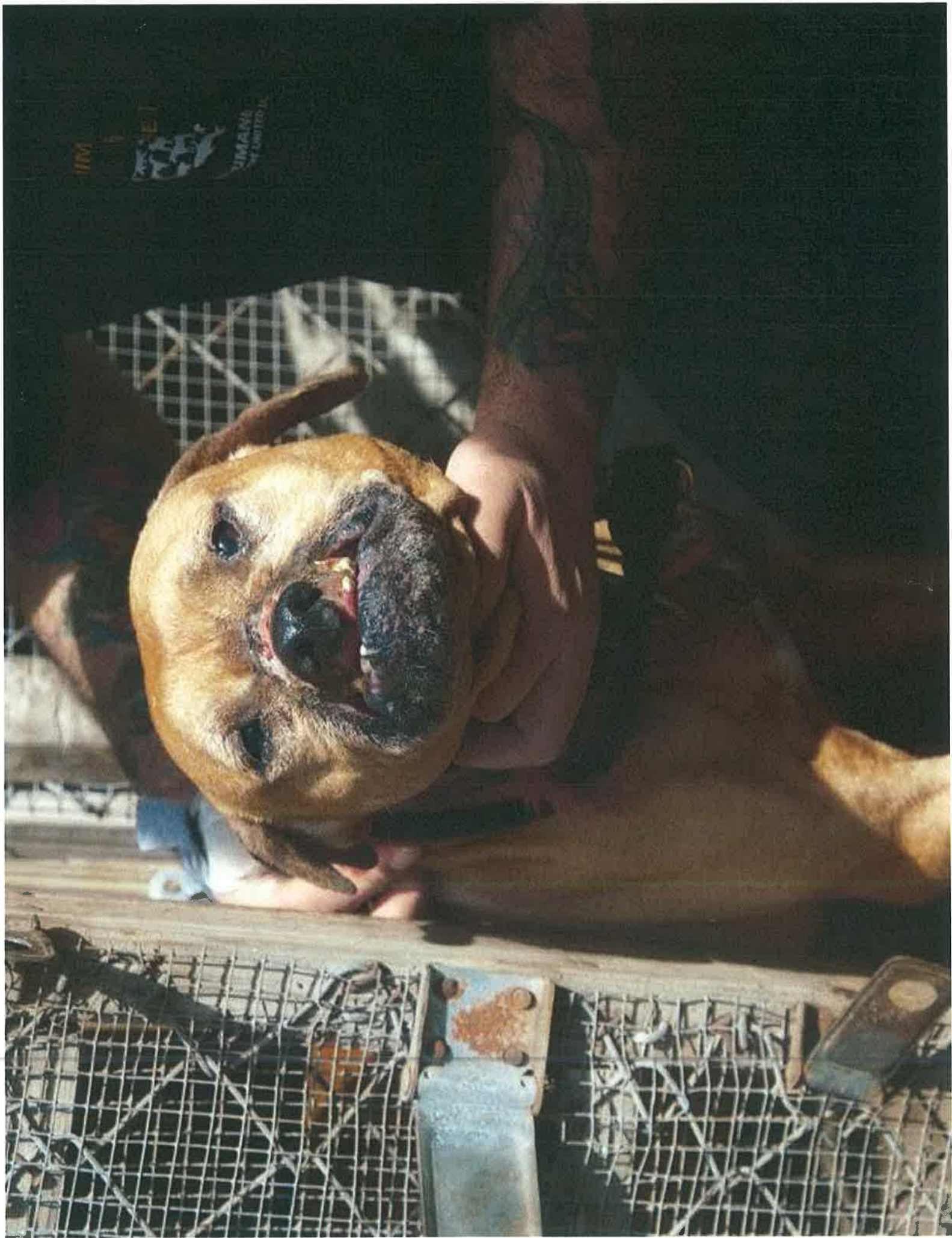
An enhancement of two points when the offender possessed a dangerous weapon.

In the HSUS's experience assisting federal law enforcement agencies with animal fighting raids, weapons are often present. The presence of guns and knives escalates the level of danger to law enforcement and to bystanders, especially when used in a criminal enterprise. Animal fighters are violent by nature and typically have weapons to protect their criminally acquired money – sometimes hundreds of thousands of dollars that can be acquired in a single match. Animal fighters who possess dangerous weapons are a greater threat to the community and the sentencing guidelines should reflect that fact.

In 2015, The HSUS assisted with a dog fight in progress in South Carolina with more than 400 spectators. After the property was secured, dozens of guns were found scattered in the woods. In 2013, our team assisted on a raid of a fight in progress in Mississippi where participants fired shots at law enforcement when they were making entry. In 2010, while Arkansas law enforcement prepared to execute a search warrant against a major dogfighter, the defendant committed suicide by gun. When they made entry they found more than 100 guns, including fully automatics with high capacity magazines.

The animal fighting guideline should account for this increased risk to law enforcement, bystanders, and field staff from animal organizations participating in raids. The HSUS urges the USSC to include a specific offense characteristic that increases the base offense level by two points when the offender possesses a dangerous weapon.

The HSUS is pleased the USSC has proposed an increased baseline for animal fighting crimes, and we now encourage the Commission to adopt the three specific offense characteristics suggested above that would help bring sentences more in line with Congress's intent in increasing the statutory maximum. Thank you for taking my comments into consideration and please let me know if I can be of assistance.





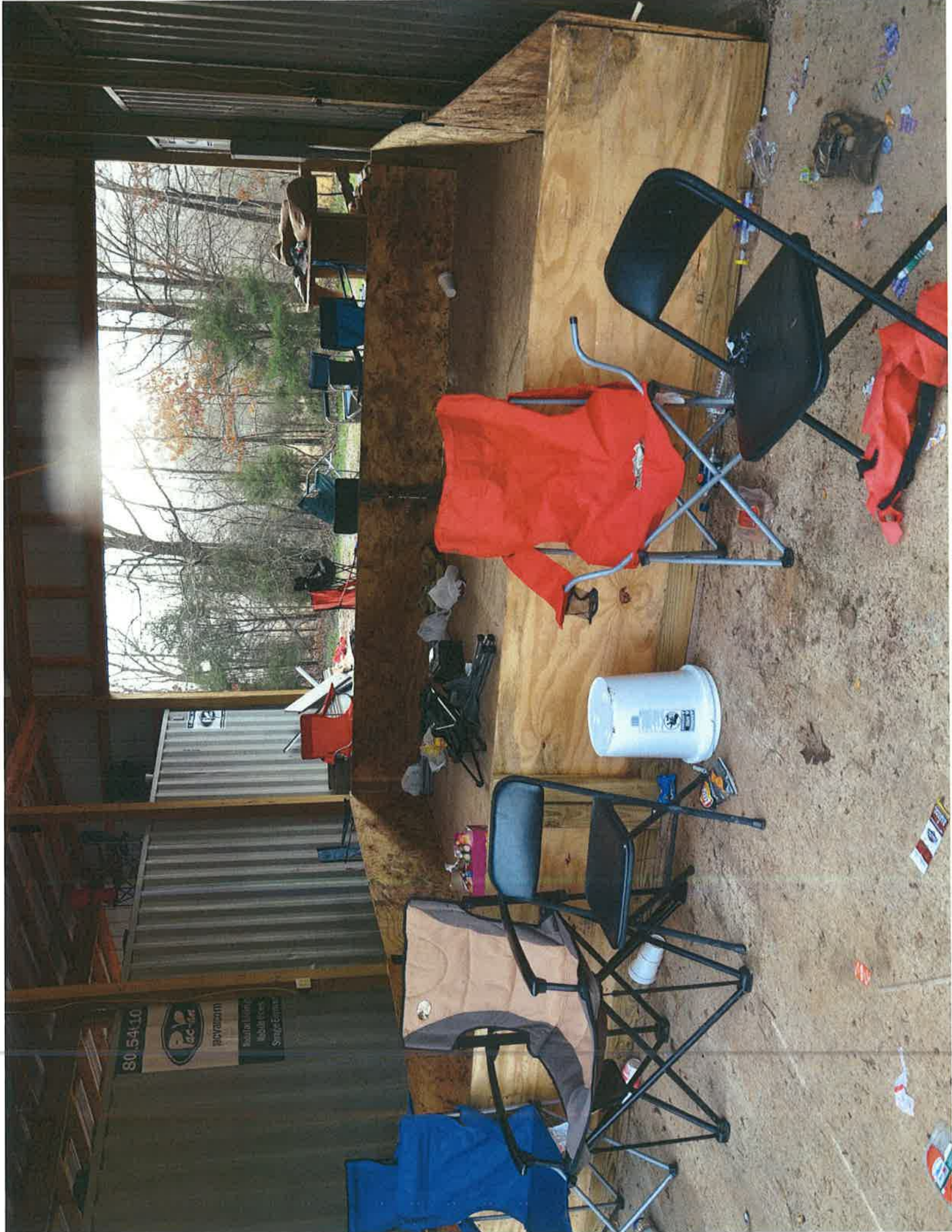
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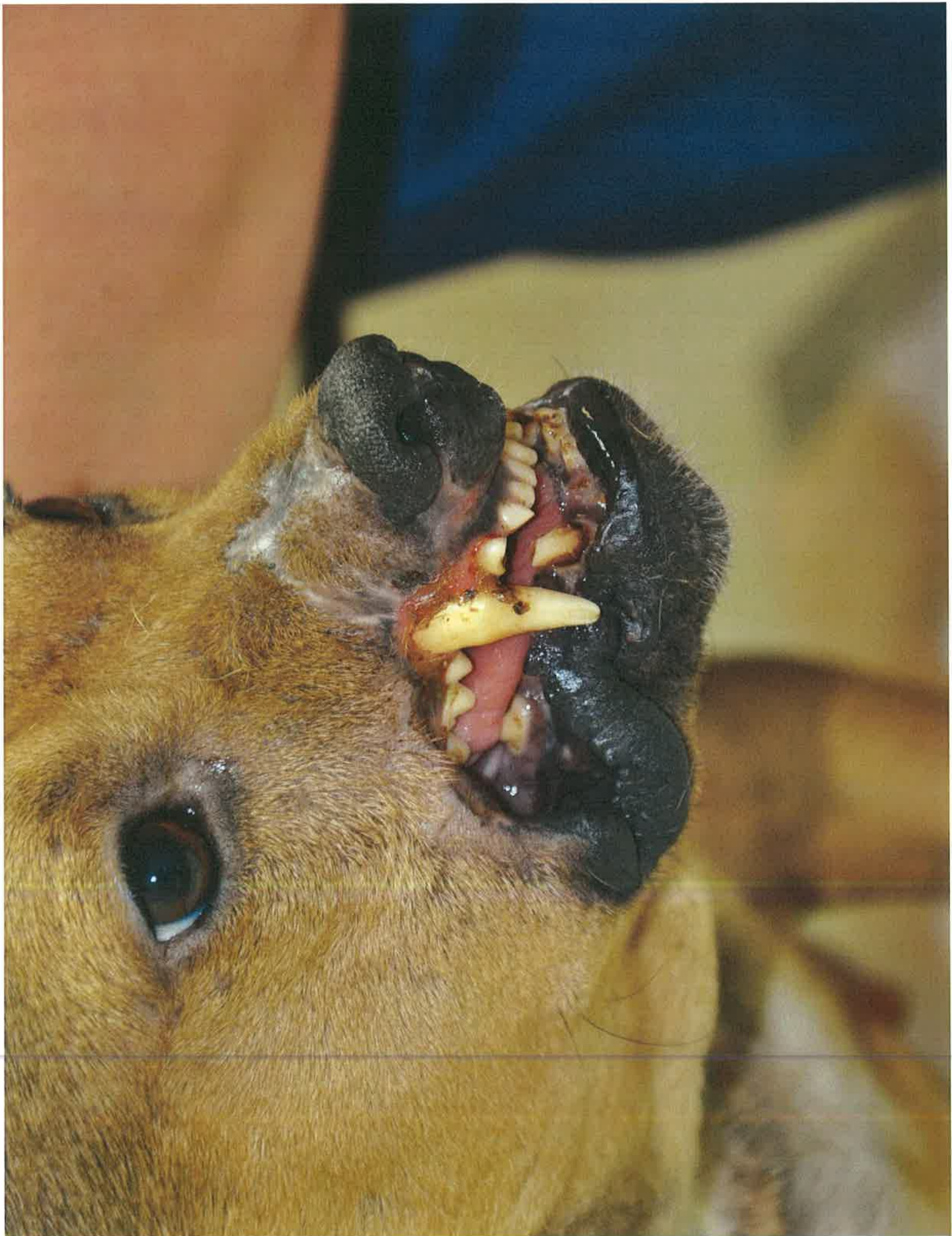
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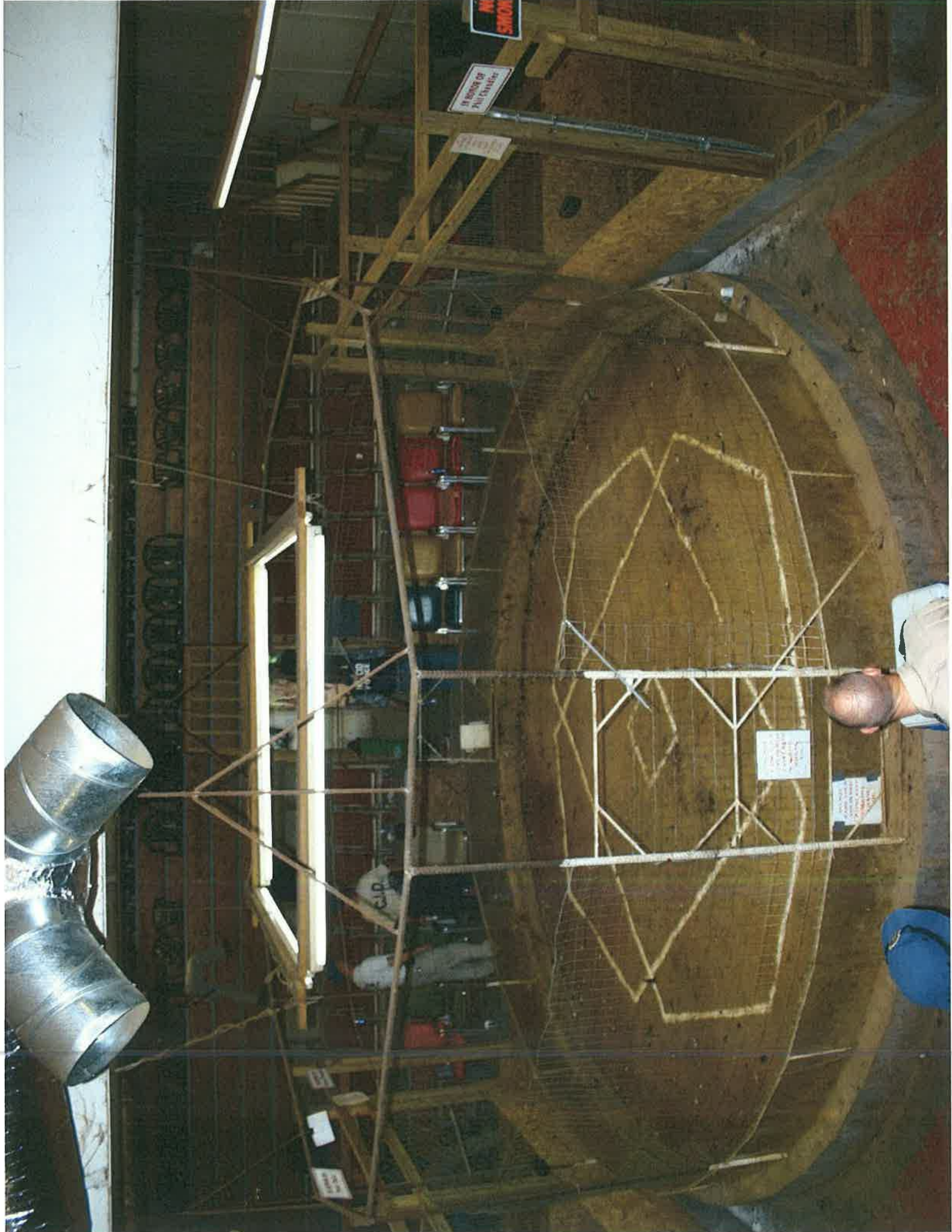


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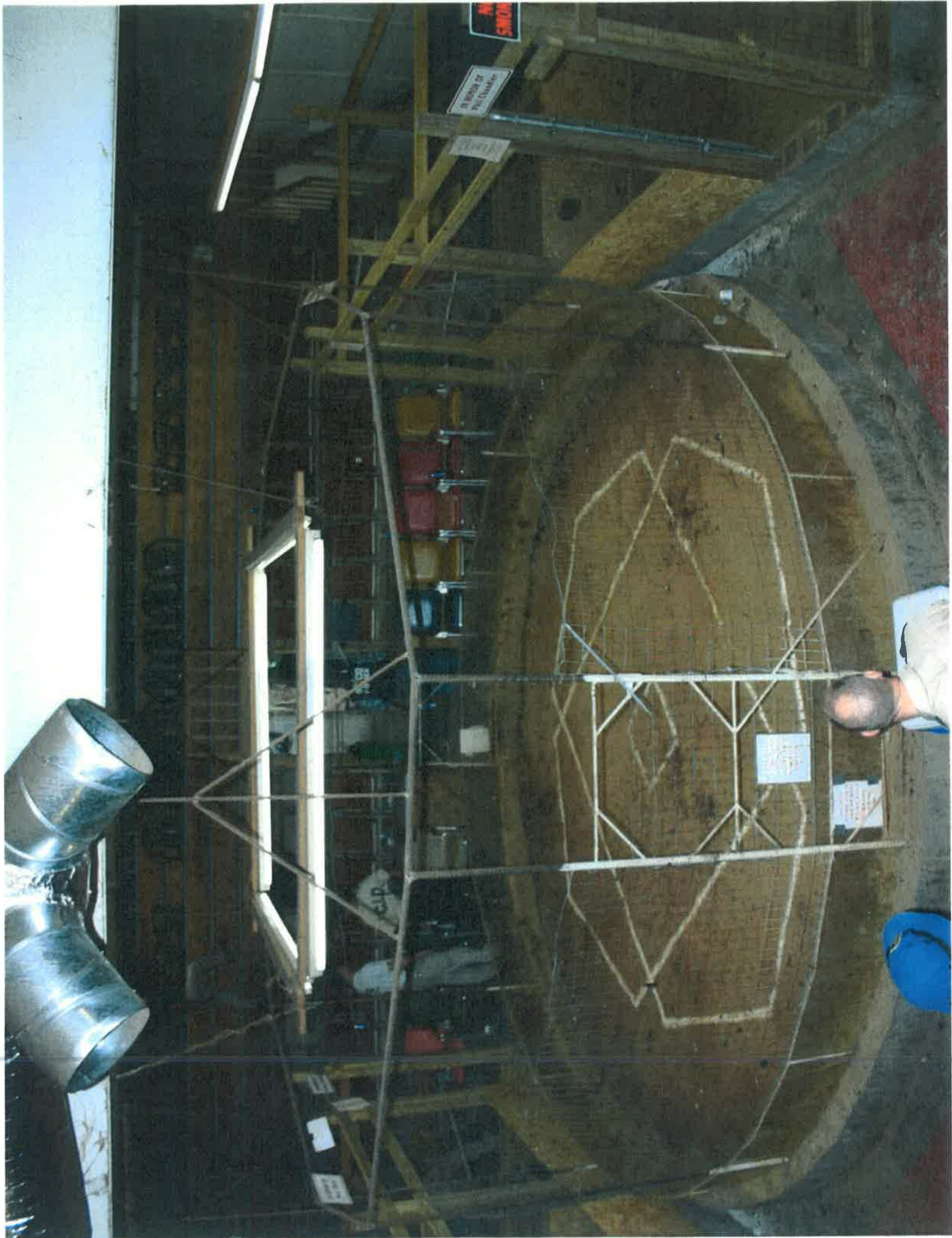
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