



Animal Welfare Institute

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

RE: Animal Fighting Sentencing Guidelines

Dear Chief Judge Saris:

Thank you for proposing an amendment to revise animal fighting penalties in the U.S. Sentencing Commission Guidelines. The Commission's attention to this issue reflects the importance the American public has placed on preventing this abhorrent form of animal cruelty, as well as the seriousness with which prosecutors are more often treating this crime. We hope the final amendment will lead to meaningful sentences that will deter potential perpetrators, empower prosecutors and judges to deal with offenders appropriately, and further encourage the law enforcement and criminal justice communities to work to eradicate this horrific crime.

Recent Changes to Animal Fighting Statute

Several high-profile cases have drawn increased attention to animal fighting in recent years. In response, Congress passed legislation in 2008 that increased the maximum sentence for animal fighting to five years, 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 appreciate the Commission's responsiveness in amending the guidelines to reflect these statutory changes. We encourage the Commission to adopt the higher of the two proposed base offense levels (10) for the new felony of bringing a child to an animal fight.

The Commission's proposal to raise the base offense level for the crime of animal fighting to 16 will bring that level closer to the five-year statutory maximum but falls short of Congress's intent for longer sentences of up to 60 months. The typical sentence for animal fighting is currently six months. An increase in the base offense level from 10 to 16 could still result in sentences as low as 12 months once judges consider mitigating circumstances and acceptance of responsibility (a two- or three-point reduction). We believe that a 12-month sentence for animal fighting does not achieve Congress's intent to further punish and deter this despicable activity. Including specific offense characteristics when the animal fighting offense is exceptionally cruel or dangerous would bring sentences more in line with Congress's intent.

Specific Offense Characteristics

The proposed amendment should include specific offense characteristics that increase the base level offense to allow for longer sentences when a case includes certain factors that make animal fighting a greater threat to the public interest.

The Commission should provide an enhancement of 2 points in each of the following circumstances:

1. 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. When subjected to 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. Even with its inherent violence, some customs and practices found in large-scale, professional animal fighting enterprises should command longer sentences.

The cruelty of animal fighting is not confined solely to the fighting pit. Fighters may also continue their cruelty by withholding food and shelter or by failing to seek professional medical attention for wounds. Animals that no longer have value to fighters are killed through terrible methods like electrocution, shooting, drowning, or hanging. When an offender has intentionally killed an animal, or caused additional suffering through neglect, a specific offense characteristic should allow for longer sentences.

2. 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 do those who actively perpetuate and inflate the profitability of this criminal enterprise through breeding, organizing, sponsoring, and promoting animal fighting. They are responsible for causing harm to larger numbers of animals and enabling the high profits that draw many people to the blood sport. Creating a specific offense characteristic for those professional-level fighters who demonstrate an exceptional degree of involvement in the business of animal fighting via their participation in breeding, organizing, sponsoring, and promoting animal fighting would ensure longer sentences for those who profit most from inflicting harm and endangering community safety on a large scale.

3. When the offender possessed a dangerous weapon.

Finally, a specific offense characteristic should be included if a dangerous weapon is 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. Because of the violent nature of the crime and the large wagers placed on the fights, firearms are often present at animal fights. Due to the increased risk that violent and armed offenders pose to law enforcement and the public, a specific offense characteristic should provide for an increased sentence when a dangerous weapon is present.

Upward Departure Provision

We welcome the expansion of the upward departure provision to account for offenses involving animal fighting on an exceptional scale. This will allow judges the discretion to provide longer sentences where an unusually large number of animals have been harmed.

The Animal Welfare Institute appreciates your attention to this important matter and is grateful for the opportunity to present our comments. Like the FBI's new initiative to collect and report animal cruelty

crimes—including animal fighting—as a Group A offense under the National Incident-Based Reporting System, the Commission’s willingness to improve its guidelines with respect to animal fighting evinces the criminal justice system’s growing commitment to dealing more forcefully with animal cruelty crimes.

Sincerely,

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