



# **Analysis of UK Dog Fighting, Laws and Offences**

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## Introduction

This research working paper examines legal aspects of the phenomenon of dog-fighting in the contemporary United Kingdom (UK). Its aim is to, so far as is possible, examine the extent of dog-fighting activity, the nature of dog-fighting offences and the complexity of dog-fighting criminality and criminal justice responses to dog-fighting with a view to assessing whether contemporary social and criminal justice policy is adequate to deal with the level and nature of dog-fighting issues. In respect of this issue, the research makes a number of policy recommendations, as well as recommendations for future research to further assess the current enforcement landscape.

The focus of this research working paper is primarily the law relating to dog-fighting in England and Wales, examining the nature and extent of dog-fighting offences within UK legislation. Ortiz (2010, p.7-8) argues that dog-fighting is primarily a working class pursuit which arose as a consequence of urbanization in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries as the popularity of bull-baiting declined and rural labourers migrated to the cities bringing their love of blood sports with them. 'Pit sports' such as dog-fighting offered not only the entertainment of the fight but also the release and excitement of associated gambling activities and the opportunity for workers to hold evening matches indoors while being able to return to work the following day (Ortiz, 2010, p.8; Evans and Forsythe, 1998). Accordingly, dog-fighting existed within a predominantly white, working-class subculture of like-minded enthusiasts and represented a distinct type of organised animal exploitation. However, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and others, report that contemporary dog-fighting has moved away from its organised pit-based origins to encompass street dog-fighting in the form of chain fighting or chain rolling, the use of dogs as status or weapon dogs (Harding, 2012). Thus one question for this research is whether legislation and enforcement policy has kept pace with developments in dog-fighting and the evolution of its linked criminality. In assessing this issue, the research conclusions and recommendations (see later in this working paper) identify some shortcomings in the current approach to dog-fighting albeit the need for further research and analysis is specified.

It worth noting early on that the literature and research on dog-fighting remains extremely limited. This is particularly the case for UK literature. Consequently it is necessary to draw upon the somewhat wider literature from the USA. This literature is both historic and contemporary and often culturally situated. Nevertheless there are many aspects of dog-fighting, including the Rules of Dog-fighting and the guidance for preparing and training dogs which have direct cross over, similarity and applicability to the UK situation, despite the obvious different cultural contexts. As a result we shall draw upon this work and this is often reflected in the use of American references and citations. Naturally the legislative provisions and processes differ extensively in the USA which limits the applicability of US legislative solutions to the UK context.

### **Aims and Objectives:**

This working paper examines dog-fighting law and its implementation with the following aims:

- To clarify and summarise the key elements of dog-fighting as an activity

- To identify the range of offences and offending behaviours in contemporary dog-fighting;
- To analyse current legislation and case law on dog-fighting and to identify the range of offences provided for in legislation.
- To assess, so far as is possible, the level of dog-fighting activity

Achieving the latter objective is potentially problematic. A cursory analysis of UK legislation identifies that the specific offence of 'dog-fighting' does not exist. Instead, dog-fighting would be contained within the broader offence of 'animal fighting' prohibited by provisions of the Animal Welfare Act 2006 (which came into force in 2008). However, beyond the actual activity of pitting dogs against each other or allowing them to attack humans, there are a range of other offences associated with dog-fighting including: illegal gambling; attending dog-fighting events; harms caused to the dogs; and the breeding and selling of dogs for fighting. This analysis examines how the law deals with these issues and also discusses the extent to which illegal field sports (e.g. dog-fighting and cock-fighting) are dominated by gambling and distinctly masculine subcultures through which a hierarchy of offending is established and developed (Gullone, 2012; Groombridge 1998). This includes discussion of dog-fighting 'Dogmen' and the cultural imperative of animal harm (Nurse, 2013a) which influences when and where offences are committed.

This research working paper also examines the individualistic nature of dog-fighting offences noting that 'organised' dog-fighting reveals a 'gang' culture and group mentality heavily situated within initiation rites, denial of authority and challenges to law enforcement through which much offending is learned behaviour consistent with Sutherland's (1973 [1942]) differential association theory. Hawley's (1993) research on cock-fighters, Forsythe and Evans' (1998) research and observation of the 'Dogmen', Saunders' (2001) infiltration of badger-digging groups, and the submissions of those who hunt with dogs to the UK's 2000 Burns Inquiry into Hunting with Dogs (Burns *et al.*, 2000) reveal much about the attitudes of those who are engaged in different aspects of wildlife crime within the hunting, shooting and fishing industries and their rationalizations and justifications for doing so. Bloodsports adherents distinguish between the suffering of animals for no purpose and the bravery and combative nature of a sport that has value to all participants (Hawley 1982, Matz 1984, Huggs 1993; Nurse, 2013a). In the illegal field sports world it is precisely the ability of certain animals to withstand suffering and continue fighting (e.g. fighting cocks or dogs) that identifies them as 'game' or worthy participants in the sport (Nurse, 2013a). Thus animal protection laws which seek to enshrine animal protection principles (e.g. freedom from harm) and educational schemes aimed at diverting offenders away from dog-fighting are arguably unlikely to succeed in addressing dog-fighting activities where offenders already active as animal abusers adopt anthropocentric views of animals that argue that they exist primarily for human exploitation (Sollund, 2008; Beirne, 2007).<sup>1</sup>

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## 1.

This is not to suggest that animal education should not be pursued, but instead recognizes that those engaged in dog-fighting hold entrenched views that cannot easily be 'educated away'. As this research shows, the use of neutralization techniques (referred to in several places) indicates that offenders understand that their activities are both socially and legally unacceptable. Thus in policy discourse there is a need to distinguish between policies aimed at diverting people from becoming offenders and measures aimed at existing offenders. It is, of course, entirely appropriate to consider providing legal animal rights as an additional legislative measure to address or attempt to address

## Methodology

This project was carried out via desk research, primarily via a doctrinal method (Watkins and Burton, 2013) analysing relevant statute and case law and applying legal research methods to dog-fighting problems. A preliminary analysis of the relevant literature was also undertaken and is developed further in a more detailed technical research report that follows on from this preliminary report.

As identified earlier, the academic and practitioner literature addressing this topic in the UK context is extremely limited with only a handful of studies or accounts published. This therefore presents a sizeable gap in our knowledge and a challenge in developing any sophisticated understanding of this topic. This gap has been partially addressed by the recent work of Dr Simon Harding in his publication, *Unleashed: the phenomena of status dogs and weapon dogs*, (2012; 2014). This work includes direct interviews with those who choose to fight their dogs and thus takes forward our understanding of both theory and practice. Whilst focussed on the wider topic of using dogs to build the status and reputation of young men, rather than dog-fighting per se, it nonetheless provides a context for, and a typology of, dog-fighting in the UK. His study identified that dog-fighting in the UK remains a significant issue in some communities and is worthy of further research. Therefore this work provides an underpinning for this report and also provides a platform for moving forward in our understanding and analysis of this phenomenon. Similarly, Dr Angus Nurse's work published in *Animal Harm: Perspectives on Why People Harm and Kill Animals* (2013a) is based on extensive interviews with animal law enforcers and analysis of cases and case law involving criminality towards animals.

The approach taken was primarily based within a functional comparative law approach (Samuel, 2014) which analysed the scope and functions of law and compared how individual cases are solved in an attempt to assess the function of the laws which address dog-fighting. Thus the analytical approach taken primarily examined the content and application of the law rather than employing a structural method which compares how the structure and institutions of justice systems impact on the administration of justice and case outcomes. However, this latter approach potentially offers benefits to examining the manner in which social and criminal justice institutions interact with dog-fighting problems and it is envisaged that a second stage of this project will attempt a functional analysis that will likely involve examination of both insider and outsider views and the views of critics of contemporary animal protection systems. Relevant law was identified via the Government's online legislation portal following a search undertaken using three core legal databases; Lexisnexis, Westlaw and BAILII. The primary search terms used to identify relevant material included 'dog-fighting', 'animal fighting', 'animal abuse + fighting' and the broader term 'animal welfare' as being the most likely to identify relevant legislation and case law. The results were then subject to secondary searching to filter out the case law and legislation unrelated to dog-fighting. But it should be noted that wider animal welfare and animal protection law is of relevance in some places.

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such harm or to provide a wider range of enforcement options. The use of education programmes combined with early intervention in animal offending is also worth considering.

Legislative analysis identified the core offences that relate to dog-fighting taking into account that a specific offence of 'dog-fighting' is not enshrined in legislation (discussed later in this working paper). As a result the analysis identified those aspects of dog-fighting that would be caught within different legislative provisions via content analysis of the wording of legislation and the use of the terms 'animal' and/or 'fighting' or 'abuse' within case law. Thus searching would identify animal or fighting legislation and case detail for further analysis. The legislative analysis was supplemented by content analysis of policy documents, newspaper reports and case law transcripts to create a legal typology of offences related to dog-fighting. This confirmed the initial hypothesis that dog-fighting offences are not all concerned with *actual* fighting i.e. the physical interaction between dogs (or between dogs and other 'targets'), but that dog-fighting legislation and case law incorporates a range of different activities some of which anticipate dog-fighting or classify activities as being associated with dog-fighting even where no direct physical contact takes place (discussed further below).

It should be acknowledged that there are limitations to the desk-based, content analysis approach; not least its inability to conduct the functionalist analysis outlined earlier but also in respect of its limitations in respect of a hermeneutic approach – which looks not just at law but its socially-constructed meaning (Leyh, 1992). Case law analysis provides some indication of how law is interpreted thus the meaning of specific sections of legislation can be understood. But to correctly interpret the intent, social context and understanding of law requires a more detailed empirical research project that examines the *intent* of legislators and prosecutors as well as the consistency of legislative interpretation by the courts. This working paper contends that to conduct such analysis effectively requires consideration not just of those cases that successfully reach a first hearing and are thus classified as prosecutions (see later data location section), but also those cases that are abandoned or discontinued. Arguably these cases reveal much more about the manner in which dog-fighting offences are viewed by investigators and prosecutors and the evidentiary problems that inhibit the successful prosecution of dog-fighting in the UK. Thus, a second stage is envisaged for this research where prosecutors and investigators are interviewed to assess how their behaviour and operating practices impact on enforcement of dog-fighting laws. But initial informal conversations with NGO investigators formed part of this project and informed some of the analysis presented here.

## Historical context

### Animal fighting

Dogs in general, and fighting dogs in particular, have a certain mythology to them which has developed over centuries, if not millennia. Over time they have actively and loyally performed a wide range of tasks for humans including hunting, guarding, protection, tracking, fighting, watchful guardian, shepherding, playmate. Since historical times there have also been clearly identifiable and defined breeds. Similarly from historical times Man began to breed dogs for specialisms, selecting dogs for purpose or for performance. This might include specialisms which are either physical/anatomical or possibly mental/psychological. Throughout these human/animal relationships the potential for exploitation was identified early and has been practised knowingly ever since.

Dogs have, for example, been widely used on the battlefield and early illustrations in both visual art and literature depict their use from the early Persian, Greek and Roman armies to similar use by Henry VIII and Napoleon.

In the UK bear baiting can be traced back to around 1050. This had begun as a court sport and noble entertainment for the gentry and overtime became public entertainment and 'common' sport. The use of mastiffs to fight bears was common entertainment at the court of Elizabeth 1<sup>st</sup> and James 1<sup>st</sup>. When the Puritans took power under Cromwell in the 17<sup>th</sup> century, animal fights were banned, only to be reinstated with the Restoration.

From the reign of King John in the 13<sup>th</sup> century, Bull-baiting was also a common sport, (Semencic, 1984) providing an opportunity for farmers to test the keenness and performance of their dogs and then to gamble on the outcome. The aim of the sport being to grab the bull by the nose and bring it down by the nose – the nose being the most sensitive area. Eventually a dog breed was established which was ideal for this purpose – The English bulldog. It possessed a strong, musculature but one which was low-slung (a characteristic developed to prevent it being gored) with a protruding lower jaw.

Commercial games of bull baiting were soon established. This in turn led to opportunities for advancement for those who owned or bred dogs. Whilst many bull-fights or bull-baiting were free events, those involved were able to match or fight their dogs against others for private fees. In this way, some bull dogs were for hire whilst others were exhibited as champions. There were soon opportunities for profiteering, for example, by setting up matches or by breeding. It is these activities which shaped the fighting dog over time.

Fighting dogs are however clearly also mentioned in early classifications from Roman Times, (Fleig, 1996b). Indeed the techniques for training and fighting dogs were in wide practice and in use in the 14<sup>th</sup> century. Fighting dogs were also used to great extent in Europe and in India and later in the Americas for hunting wild game – from boar, bear, bison and bull. However such use was linked to its potential as a working dog. Through bull-baiting and later dog-fighting new opportunities existed for commercial exploitation for immediate profit.

### **The Emergence of dog-fighting**

In 19<sup>th</sup> century UK dog-fighting was not the only commercially viable popular animal fighting entertainment. As Dieter Fleig (1996b) illustrates badger-baiting or 'drawing out the badger' became a popular sport, again involving gambling. Rat-killing, which involved the placing of one or two dogs in a pit with multiple rats, was also a recognised pastime. Here the pit would be covered in wire mesh. The dog would have to kill the same number of rats as its own body weight. A win was decided by the quickest kills, the number and weight of the rats killed. Some dogs achieved kills of up to 15 rats per minute.

The emergence of what might be described as commercial or public dog-fighting quickly became a commercially viable and popular 'sport'. The 'sport' offered endless opportunities for variation of the programme of entertainment. Dogs were sometimes pitched against monkeys from the late 18<sup>th</sup> century and such events drew large crowds. Often the monkeys were given sticks to use in their defence. Interestingly contemporary accounts indicate the monkeys often won the fight. Other

examples of variety in the fighting programme include wild pigs (common in the Americas). Seldom but occasionally organised fights were established against men – or against dwarves.

Animal fighting including dog fights were widely popular in the early 19<sup>th</sup> century in the UK and even by 1800 were both widespread and accepted as popular public entertainment. The traditional bulldog was thought too heavy and insufficiently agile to fight off other dogs and thus a faster animal was required. In this way, terriers were crossed with bulldogs to create the 'bull and terrier'.

The new Bull and Terrier dogs displayed considerable bravery and tenacity alongside speed and agility. As a 'sport' it became more visibly interesting to spectators. Also with the new breed there began to be more opportunities to breed and to profit from the activity. The activity of gambling upon the outcome of the dog fight became a skilled sporting activity in its own right. With faster, more agile dogs, these new dog fights were thus more appealing; more of them could be held in one afternoon and thus opportunities for gambling increased. Accordingly, cash stakes were raised and went straight to the winner. Bets could be placed to win/lose. This gave heightened engagement for the public. Admission fees could be charged with varying rates depending upon the match. By the early part of the 19<sup>th</sup> century dog-fighting was a fully established and profitable 'sport'.

The rules of engagement were quickly codified so that inter-regional matches could be established as dog-fighting moved beyond its local roots. Increased urbanisation and the creation of industry saw rural practices move to rapidly urbanised towns and cities. Here new audiences were found and the newly codified rules of engagement helped to ensure a common understanding of the practice and to dispel arguments over what had previously been localised rules of practice. Fleig notes that in the USA the rules of engagement used in 1910 by Eugen Glass had been summarised from Old English fighting contracts (Fleig 1996b, p.89).

By the end of the 19<sup>th</sup> century dog-fighting had become highly codified with highly detailed rules in operation indicating a high level of organisation. Common rules asserted that only dogs of the same weight can compete against each other; there should be no gender difference in a match, i.e. male dogs will fight a bitch. (For a detailed look at some of the common rules see the appendices).

What is clear is that dog-fighting as a 'sport' is really centered upon the exploitation of the animal for immediate profit, and a speciesist notion of animal use (Sollund, 2008; Beirne, 2007). Fleig (1996b) notes that due to the huge sums of money that could be made through fighting, the pit bull terrier was often called '*the million dollar breed*'.

### **Prohibition**

The moves to outlaw animal fighting did not achieve early success and it took many years to bring this into legislation as the following timeline indicates:

- 1802 - House of Commons bill against dog-fighting is defeated
- 1822 - The Houses of Parliament passes an Act to prevent Cruel and Improper Treatment of Cattle – this becomes the first law against cruelty to animals. It covers horses, sheep, oxen etc., but does not cover dogs.
- 1824 - The Society for the Prevention of Cruelty to Animals is founded in London



- 1829 – 2<sup>nd</sup> bill against dog-fighting is introduced in the House of Commons – but was defeated. It suggested that the poor needed distraction and entertainment and that the English Bulldog could die out: (By then it was a symbol of English national character).

Advocates however suggested the English Bulldog had become a 'criminal among dog breeds' (Fleig 1996b, p.132) – a view supported by the Anglican Church.

- 1835 – Parliament amends the 1822 Act and extends this to cover bulls, bears, sheep and dogs. Thus dog-fighting is outlawed and all animal fights are prohibited. Fleig notes (1996b, p.132) that during a Cholera outbreak in the Black Country dog fights were held on a Sunday during prayers for the dead. This outraged the public and led to calls to amend the earlier Act. At the same time Princess Victoria had become royal patron of the Society for Prevention of Cruelty to animals.
- 1849 – The Acts of 1822 and 1835 are repealed in favour of a new Cruelty to Animals Act of 1849 (An Act for the More Effectual Prevention of Cruelty to Animals). This provides penalties for the ill-treatment of animals.

The new Act of 1835, 'Prohibited operating a house, a pit, or any other place for the purpose of allowing a bull, bear, dog, or any other animal to fight there', (Fleig 1996b, p.132). Despite the Act bull baiting continued. However such events were easy to spot and locate and thus it was easier to enforce their prohibition. The newly established police constables (1829) were used to enforce prohibition.

Despite the Act of 1835 prohibition of animal fighting took years to enforce and it has never quite been eradicated. Contrary to bull baiting, dog-fighting went underground and most probably increased in popularity as other fights ceased. The fact dog-fighting thrived was also due in part to the fact the pit was small and could easily be erected. The principal period of UK dog-fighting was between 1816- 1860. Public spectacle dog-fighting probably did not fully cease until the end of the 19<sup>th</sup> century, by which time of course it had been exported to both the USA and Canada.

### **Links between the USA and UK**

In the early 1800s the Staffordshire Bull terrier dog was developed and by 1817 this animal had found its way over to the USA. Dog-fighting became popular entertainment amongst the poor and working class and it was often promoted or endorsed as a 'sport' by notable individuals, groups or organisations such as the United Kennel Club. Since then dog-fighting has been an aspect of American culture despite the fact that by the 1860s many states in the USA had begun to outlaw the practice. Such was the acceptance of this activity as a 'sport', the newly developing railroad companies even offered special ticketing rates to well publicised matches. The professional Dogmen of the USA soon adopted their own fighting rules for example, the Cajun Rules were written by Lafayette, Louisiana Police chief, Gaboon Trahn (Strouse, 2009, p.45). Whilst some of these Rules (e.g. Al Brown's Rules) are now a century old, they are still widely used and referred to as Canon by the dog-fighting faithful, both in the USA and the UK.

In 1878 the Society for the Prevention of Cruelty to Animals in the US established an official ban on dog-fighting with little effect. From the 1880s onwards dog-fighting events were routinely held in the large cities of Chicago, Baltimore, Boston and St. Louise. By around 1900 in the USA dog-fighting

was a relatively common pastime in rural and semi-rural communities and continued to be until the 1940s. By this, it is meant the practice was not hidden or considered underground. Instead it was openly advertised and easily located in many states with matches available for general spectators. During this period, dogs which were considered Champions or Grand Champions were widely advertised and eagerly reported in local and specialised press reports, including at times, in the local Police Gazette. Specialist newsletters and magazines were established to report on matches and through this process certain dogs and their bloodlines became venerated and reputed as Champions or champion stock. Famous dogs would be sketched or photographed and extensive narrative accounts of their ability and prowess in matches would be generated and widely distributed.

In addition, during this time several prominent Dogmen came to be acknowledged as 'Masters of The Game' and were widely known amongst, and beyond, the dog-fighting fraternity, for example: Earl Tudor (influential in the development of the pitbull breed), Con Feely, George Armitage, (dog fighter and promoter), John P. Colby (breeder), Al Brown (dog fighter and referee) and Howard Heinzl (breeder). Many of these famous Dogmen produced their own dog-fighting manuals and/or breeding charts and lineage charts which continue to be widely cited by contemporary Dogmen.

As individuals, these 'old-timers' are still venerated and referenced today and for anyone deeply involved in the practice of dog-fighting, these names and their subsequently enduring bloodlines act as a form of quotable and verifiable history offering distinguished provenance which then reinforces the claim of dog fighting as a 'noble sport'. As a result this report cites George Armitage (1882 – 1959) in reference to his guidance and manual for keeping and training dogs as his guidance, and those of similar 'old-timers', remain relevant to contemporary UK dog fighters.

## **The Dogs**

The dogs which are most appropriate for dog-fighting are those which have been selectively bred for the purpose of dog-fighting. Over the years this has changed from large mastiff type dogs to the smaller, but more agile bull terrier type dogs. The most instantly recognisable of the fighting dogs is the American pit bull terrier which Strouse (2009, p.45) describes as 'the most consistently exploited and abused breed of dog today'.

Throughout the breeding process dogs are effectively engineered so they do not respond to pain to the extent that they ignore their own suffering. The stated aim being – to create a ferocious fighting machine.

## **Fighting Dogs**

The dogs utilised for modern dog-fighting activity include the following:

- The Akita
- The Tosa
- The Fila Brasileiro
- The Dogo Argentino
- The American Pit Bull Terrier
- The Staffordshire Bull Terrier

- The Bull Terrier
- The Dogue de Bordeaux
- The Bandog
- The Bully Kutta
- The Neapolitan Mastiff
- The Shar-Pei
- The olde Bulldogge

(See also later sections on dog-fighting laws.)

### **‘Gameness’**

As Merck (2013, p.244) notes, ‘the most desirable characteristic of fighting dogs is gameness – the animal’s willingness to continue to fight regardless of the adversity, risk, injuries, pain or suffering the dog endures. Dogs may also be considered ‘deep game’ or ‘dead game’ which references its willingness to fight to the death. Merck notes (2013, p.244) that ‘fighting dogs seem to have increased pain tolerance as part of their gameness which appears to be a general characteristic and not limited to the fighting environment’. It is argued however by some that this has been selectively bred into them.

Strouse (2009, p.3) concurs noting that, ‘A fighting dog will hopefully become a Game Dog. Game is the term used for a dog that has the tenacity, will, and drive to stay in the pit and to fight beyond its own endurance, exhaustion and sometimes even its own survival’. Gameness is therefore the most desirable characteristic amongst fighting dogs and is most sought after by breeders and fighters alike. A dog exhibiting gameness will exhibit ‘a willingness to fight’ and ‘insensitivity to fight to the death’ (Fleig 1996b, p.119). Indeed as noted again by Fleig, (1996b, p.119), ‘These animals lack – intentionally, from centuries of breeding – the willingness to submit to any other will in the fight’; and (1996b, p.121) ‘These dogs fight, and – once they are fully engaged – they can scarcely be controlled by man until the end of the fight! The dog would not accept submission and would not stop biting a bitch. When fully aroused/engaged it will seek out the fight’. Fleig says under these conditions it could turn on its master.

It is often argued by Dogmen that the ‘sport’ simply provides the opportunity for dogs to show ‘gameness’. This claim is supported by evidence that some Dogmen will not fight their dogs to the death. However the reality is somewhat different, as Fleig notes, ‘these dogs were developed through systematic breeding and robbed of their natural social behaviour to carry out these fights for the sensation-seeking public. The sports fans were acting out of their own greed, not in the interest of the poor dogs’ (Fleig 1996b, p.99). The assertion of gameness also fails to emphasize the cruelty in rearing and training.

Curiously a dog can lose a fight but still be named the ‘gamest dog in show’, because it will fight on, (A show being more than one fight). Dogs which do not exhibit gameness will be sold on (often to unwitting novice dog fighters) or will be culled by their owners.

As the well-known US 'old-timer' dog fighter George Armitage (1935, p.116- 119) notes in his much quoted chapter, *'Schooling a young dog or pup and testing out a dog for Gameness'* notes that a dog fighter can begin schooling a pup from 8 – 10 months. He notes that dogs quickly learn various holds through experience and thus develop their own 'style of fighting'. From this it is possible to determine if a dog is a leg biter/ fighter or a chest biter, (deemed preferable and more advanced).

Game dogs, and notably those who became Champions and Grand Champions, would be instantly venerated and lauded amongst the dog-fighting fraternity. Often they developed their own following, becoming famous in their own right, which then led to richly prized breeding rights and stud values.

### **Breeding**

Breeding is essentially the selection of certain traits and abilities above others and the culling or disposal of those where the required attributes are absent or under-developed. In this way the selection process advocated 'gameness' whilst setting aside the pleasantries of hair length, colour and appearance. Only the attributes which contributed to success in fighting were considered viable and others were 'bred out' (Stahlkuppe, 2000).

Successful fighting dogs depended upon the breeding of dogs from those who had won in the pits. Having a dog which was deemed a winner/champion meant the ability to breed and raise more money. Dog performance was therefore carefully tracked, monitored and recorded. This led in turn to a form of 'experts' in breeding and in dog-fighting. Dogs of pure blood with parents and ancestors who famously survived the pit were most sought after. The quality and provenance of the dog relates to the bloodlines and the quality of the bloodline stock will raise the value and price of the dog. As Strouse notes (2009, p.103) 'In dog-fighting, it is all about the bloodlines. Desirable dogs are those that come from proven fighting stock'. Professional Dogmen will therefore invest considerable time and energy to locate appropriate breeding stock and ensure a breeding pairing. Sperm may also be imported from abroad at a cost of several thousand pounds a time.

Selective breeding has been a central component of fighting dogs from the early development of Bull Terriers. Fleig argues that 'the basic social order of the dog pack was systematically bred out of these dogs', (2009b, p.94), e.g. it will be separated early from its parents and reared alone. Often this also meant that there would be no contact with other dogs, only its master.

Pit bulls for example, which are often described as the ultimate fighting dog, have been bred to ensure they do not display the typical animal signs of aggression such as raised hackles or baring of the teeth, (McMillan and Reid, 2009). Other dogs might seek to avoid a fight by displaying submissive postures, vocalising or displaying opportunities for resolution and or cut-off. Pit bulls however do not respond to such cut-off signals and will continue to prosecute the fight. McMillan and Reid (2009) identify this as an altered response to social signals. This also apparently significantly reduces the ability of fighting dogs, such as pit bulls, to socialise with other non-fighting dogs. As such they are often considered to be animal-aggressive. When this characteristic is considered alongside the pit bull trait to become easily and quickly aroused, then it is easy to see why pit bulls socialising with other dogs can quickly become a combustible situation.

According to Fleig (2009a and b) even in litters of fighting dogs the heritage of fighting is evident in their play and their behaviour to siblings, e.g. young pups can fight for 20 minutes without intervention.

Fighting dogs will often fight without making a sound. Dogs of more bulldog blood are considered soundless whilst those of more terrier blood will make a noise.

Armitage (1935) claims that around the year 1900 there were not so many pit dogs around but those that were, were largely 'game dogs' and that many breeders would fight their dogs, as a way of evidencing their stock value. Armitage also bemoaned the numerous 'dog pedlars' with 'haphazard matings' (this issue remains pertinent in 2015). The reason for a greater abundance of game dogs then than in the 1930s (when he published his book) is because there was more 'line-breeding and in-breeding'. He claims in his book that 'outcrossing may not provide a breeder with the opportunity for the bloodlines to 'niche together'.

Merck (2009, p.244) claims that since the 1970s a noticeable shift has occurred again in breeding, i.e. that of certain breeders desiring more human aggressive traits – notably in the pit bull. This she claims is linked again to the issue of status dogs. The outcome being the creation of more aggressive, more threatening looking bull breed dogs which are intended to intimidate. This includes pit bull mixes and also cross-breeds of other types of dog.

## **Justifications used by Dogmen for fighting dogs**

In association with the choice of dog a number of claims or justifications are made by those engaged in dog-fighting. These claims have traditionally been made by professional Dogmen, however they are widely echoed and articulated by the new breed of street based dog fighter, namely that:

- Dogs love to fight
- The dogs are bred for the pit
- The dogs want to be in the pit
- Dogfighting is not a hobby – but a 'passion'.

Such myths are routinely vocalised until they become 'undeniable truths' and are also regularly repeated and aired on pro dog-fighting websites. Denying such 'truths' is used as a means of quickly identifying that one knows nothing about dog-fighting and is therefore 'anti' the 'sport' and its advocates. These myths become techniques of neutralisation used by Dogmen to validate their actions and to muffle the conscience (Sykes and Matza, 1957). For example, Dogmen claim they love their dogs whilst the animals remain chained up on barren ground for hours with no human contact.

## **Creating 'Champions'**

The creation of championship status for the dogs involved also becomes a justification for the dog fighters. In this sense the success of the dogs in the pit becomes validated and accredited by so called 'experts' or judges. Championship status is awarded to a dog that wins three sanctioned matches. Winning five consecutive matches will confer the status of 'Grand Champion'. At this stage

the Grand champion is expected to retain a record of consecutive wins and any loss will see this status relegated back to Champion.

A further designation or title which is sought after is the Register of Merit, (ROM). This is a designation placed upon a male dog which has produced five Champions, or alternatively a female dog which has produced four champions.

The award of Champion or Grand Champion will instantly increase the dog's status and value. Increased sale and purchase prices will be accorded. Puppies from such dogs will increase in price and achieve a high value. Breeding rights will be sold and again this becomes a lucrative issue for those fighting their dogs. Even puppies from dogs with a Register of Merit will command high prices due to the expectation that they will reproduce good fighting stock.

The key justification for dog-fighting is the frequently articulated claim for it to be a 'noble sport'. Dog fighters are sensitive to the claim by others that it is a sport borne out of poverty and thus often claim fights are equalising events, i.e. events where blacks, whites, rich and poor all mix at the match. In this regard they draw parallels to the similar social mix which often accompanies the sport of horse racing.

## Typology of dog-fighting

Dog-fighting takes different forms and occurs in different locations depending upon the type of dog fighting taking place and the type of offenders engaged in the activity. The locations and offenders vary largely depending upon the motivations of the offenders. For example if the offender is motivated by forms of street capital', (Harding, 2014a), then they are most likely to fight their dogs as an impromptu 'roll' with other like-minded young men. Such events take place in parks and housing estates all across the UK. They are swift and violent and usually over in under five minutes.

Alternatively offenders might be professional dog-fighters who seek to breed and raise champion dogs and then fight them professionally. Thus it is possible to view dog-fighting as a spectrum ranging from low level street-based dog fighting to professional dog-fighting involving 'Dogmen'.

Harding (2014b) sets out the spectrum as a Typology which can be seen in Table 1, below.

**Table 1. The Three Levels of Dog Fighting.**

Level	Activity
<b>One</b> 'Off the Chain fights'	<ul style="list-style-type: none"> <li>• One on One impromptu street fights</li> <li>• Arranged by teens (who or may not be gang involved)</li> <li>• Little/ no money involved</li> <li>• No dog fight rules employed</li> </ul>
<b>Two</b> 'Hobbyists'	<ul style="list-style-type: none"> <li>• Fights in abandoned buildings or garages</li> <li>• Often gang affiliated</li> <li>• Gambling involved</li> <li>• Trunking – placing dogs in car boots (trunks)</li> </ul>
<b>Three</b> 'Professional'	<ul style="list-style-type: none"> <li>• Sophisticated Dog Rings</li> <li>• Carried out in a Pit</li> <li>• Spectators, Handlers, Referee</li> <li>• Hundreds of thousands of pounds wagered</li> </ul>

**Ref:** Tio Hardiman, Humane Society of the US (HSUS)

Harding (2014b) verified that this typology, (first set out by the HSUS in the USA), does indeed apply to the UK. This typology is now widely used by other authors, e.g. Gibson (2005); Merck (2013).

This typology is an important starting point for the discussion of dog-fighting firstly because it permits us to differentiate between different types, but moreover because these different types also impact upon motivation, location and ultimately upon different levels of investigation and prosecution. In short, the nature of the activity, the type of offenders and where the activity occurs will vary depending upon which Level of dog-fighting is involved. This in turn will determine:-

- the visibility of the activity
- the frequency of the activity;
- the possibility of the activity being viewed or witnessed;
- the likelihood of the activity being reported to the police;
- the nature and the extent of any police response;
- the potential cost and intricacy of any investigation or surveillance by the authorities;
- the likelihood of offenders being apprehended;
- the likelihood of action by the CPS or the CJS
- the potential success of any prosecution, and ultimately;
- the judicial disposal and outcome

In essence, street-based 'impromptu rolls' of the type occurring at Level One, will almost certainly occur every day somewhere in the UK. These events will be rapidly assembled and arranged on the spot, with no referee or applied rules. They are often simply an immediate response to an immediate challenge from one youth to another, to 'test' one's dog or 'put it up' to demonstrate its ability. By their nature, these events are however much more likely to be viewed or witnessed, or even heard by local residents and by the public. This is partly because they will take place on housing estates, in local garage areas, local parks, or places where young people gather. Reporting of these incidents to the police will vary hugely depending upon the locality and those viewing the incident. It should be noted that such activity frequently occurs in areas of multiple deprivation where traditional working-class communities have at best an ambivalent attitude towards the police and at worse, a hostile one. This is often manifested by low levels of crime reporting.

Hobbyist based dog-fighting, or Level Two, will almost certainly occur somewhere in the UK every few weeks. This activity is much more discreet and out of sight, thus rendering it unlikely to be viewed by the public, though it may possibly be reported by anxious neighbours. Some of these events occur in urban localities and some in urban fringe localities or urban fringe farms. Such activity usually comes to light following tip offs to the authorities. These events require some moderate organisation and are usually held within a small pit or fighting area with spectators who have been specially invited to view the event. Often these are the friends and extended families of the offenders.

Level Three dog-fighting operates as professional dog-fighting rings. These are secretive events and most likely occur in the UK every few months. They are highly organised and may be international in their operation. They take place in hidden locations and accessing them is strictly via pre-authorised and sanctioned invitations. This usually involves personal networks and links with other dog fighters and dog breeders and slowly becoming closer to the 'ring', which will eventually bring an invitation. As a result of the professional level at which these events operate, the need for secrecy, and the organisation involved in arranging, promoting and fixing such events, they are by nature held less frequently than dog-fighting at levels One and Two. In addition, once a match has been set for a future date the dogs will enter The Keep to prepare for the fight. This process, and the adherence to it indicates a dog-fight operating at a highly professional level. It will further add to the timing of the event as both parties to the fight will be expected to follow the 'professional' guidance of pre-fight preparation. In this regard a future fight date occurring every few months is realistically expected. The clandestine nature of these events makes it extremely difficult for the authorities to locate them or to even know that they are taking place. As such these dog-fighting 'rings' as they are often known, are best accessed by undercover investigators acting at considerable personal risk to their own safety (Saunders, 2001). Prosecutions of such 'rings' are rare due to the extended and challenging nature of the investigations. However prosecutions, when they do occur, tend to be highly publicised media events which can break up an entire regional or international network.

It should be clarified that current data does not permit us to calculate exactly the frequency of these events. The frequency of events stated above represents a professional conclusion based on the evidence available to a range of professionals, practitioners and investigators working in this area rather than being determined by funded research. This professional conclusion takes into account a range of signifiers and clues such as the number of public complaints and observations; observations and reports from park wardens and dog wardens; evidence of dog-fighting in public areas such as parks and play areas; levels of arrests and prosecutions; match diaries seized when dogs are taken into custody; social media communications; reports from local veterinary surgeons and animal hospitals treating injured animals; animal welfare charities and rehoming centres; and so forth.

Furthermore, it is the adherence to the guidance and rules of dog-fighting (or non-adherence in the case of Level One fighters) which can determine frequency of these events. In this way Level One dog-fighting is more immediate and thus more publicly visible, and more likely to be reported to the authorities. Moreover professional dog-fighters will not present their injured animals to a local vet for treatment but will either treat the animals themselves on site or dispose of the animals post-fight.

Both Levels Two and Three will operate a 'Purse' – this is the stake minus the fees paid for the match. In the case of Level Two and Level Three dog-fighting, this purse might be considerable and run into thousands of pounds. Level One street rollers may also gamble small amounts of cash; however it is seldom collated by a money man into a 'purse'.



## **The Dog fight**

For impromptu street fights, the dogs are simply squared off against each other by young males. The dogs may be tethered on the chain or taken off the chain for the fight. The fights usually last only a few minutes and are over quickly. These street fights utilise no rules or referees and the laborious and often rigorous preparations listed below will not be required or necessary. The preparations listed below are therefore really for fights occurring at levels Two and Three.

Prior to a professional dog fight at level Two or Three a series of conditions and then conditioning will be required. These pre-requisites are well documented and are, at least for professional Dogmen, undertaken with utmost rigour. These activities also help to separate professional dog fights from street based 'rolls'. They also help to generate a sense of awe, accomplishment and mystique which Dogmen also point to as the requirements of the 'sport'. Dogmen will often refer to the conditioning and preparation required for a fight similar to that required for conditioning and preparing a race horse.

Following agreement that a match will take place, contracts might be drawn up stipulating the details of the match. Mostly males will fight males. The contract will clarify the agreed timing and location of the fight, as well as the requirements for the dog, e.g. agreed weight and type. In addition all details including the referee, the betting stake, etc., will be fully stated.

Strouse (2009, p.11) notes that Dogmen will prefer not to use the term 'fight' – preferring instead to use 'game', 'match', or 'show' or even 'bump' or 'roll'.

### **Pre-fight**

Prior to the match (other than at Level One) the dog enters 'the Keep'. This is a period of confinement and preparation to ensure the dog not only performs well in the fight but meets the conditions of the pre-established contract – notably regarding weight. The Keep therefore relates to a fully monitored regime of training, dietary intake and exercise, etc. The idea here is to prepare the dog and improve its endurance and stamina for the fight. If the dog presents as overweight on the day then a penalty will be paid, (Strouse, 2009, p.11).

Such training regimes to prepare dogs for fighting were first established by Dogmen in the 19<sup>th</sup> century in England and following the prohibition of UK dog-fighting were exported as knowledge to the USA. Here they were further fashioned and codified by professional Dogmen and by the early 20<sup>th</sup> century the Rules, and guidance on training, had been written down and circulated via newsletters and magazines. Professional Dogmen were then free to promote their own version of dog-fighting Rules and their own preferred guidance on training regimes. Slight variations might also appear from country to country, e.g. In Louisiana, Cajun rules were adopted whilst in Ireland, Irish Rules were adopted (see Appendix One). Contemporary Dogmen will still use these Rules and refer widely to the guidance established in the early 20<sup>th</sup> century – a period sometimes referred to as the Golden Age of dog-fighting in the USA. Training regimes have thus changed little in over one hundred years and younger contemporary Dogmen will often cite these older published works as definitive text or sacrosanct versions of practice. In this way cruel practices remain unchallenged and calcified into the minds of Dogmen.

Numerous versions of the Keep exist, published by professional Dogmen and offering both novices and seasoned Dogmen their favoured and tested top tips. For example the 'Barney Fife' (Ben Colopy) rules for 'The Keep' - can be downloaded from the Internet and has been published many times in various dog-fighting journals, (he later became an author on dog-fighting). These rules and processes for training, established by the renowned Dogmen in the USA were in fact common to dog-fighting in Europe and in the UK in particular.

In his memoirs, *Thirty years with Fighting Dogs*, George Armitage (1935) recommends getting the dog to empty its bowels by walking it around. If unsuccessful then it is possible to insert a 6 inch straw into the rectum. To prevent the dog from becoming ill he further recommends that handlers should provide the dog with water from your own home location and ensure pills and potions are not slipped to the dog. Armitage (1935, p.142) further recommends that full details of The Keep are retained by the handler to chart progress. He recommends keeping the dog in shape so no more than 5lbs have to come off him to match the required weight. He also notes that if dogs fail to meet their required weight they can vomit the dog before a fight using 'turpeth mineral (mercury) mixing it with butter.

The Keep usually lasts around 4 weeks from agreeing the fight to the match and can involve all of the following (Fleig, 1996b):

- The dog might be kept in a closed dark room
- The dog being fed only raw meat and blood
- The dog being used to fight against a mongrel dog (cur) to permit the dog in training to be 'blooded', to incite it; and to help it to recognise victory
- The dog being used to fight in high temperatures – here a coal fire is used to significantly increase the temperatures. This is said to prepare the dog for heightened exertion.

Other small animals, from small dogs to cats or rodents might also be used during the Keep. The dogs may be tethered to the wall via a rope and then shown a rat or cat - but the rope is elasticated/or short, so it's out of reach. Sometimes the 'trainers' may use a mongrel/cur as bait animal with the dog eventually then allowed to kill it.

One technique is to place a cat in a sock suspended from the roof with its paws jutting out. The dog then jumps up to catch the swinging cat. Later the dog gets the cat as a reward. Eventually the dog will jump up and catch any rope or sack – this strengthens jaws and neck.

Treadmills might also be used for training and the dog can be forced to run upon a treadmill for several hours a day. This technique commences with short five minute sets before working up to one hour sets with no breaks. This technique aims to strengthen the heart and lungs rather than to lose weight. Dogs may also be required to swim in pools or to hang for hours from a tyre suspended on a tree branch. This is undertaken to strengthen the dog's upper body, in particular its neck and shoulders. Weights might be added to the dog's collar or harness (Harding, 2014b).

Throughout the Keep it is important to ensure the training is a process of not only body building and conditioning, but of controlled diet, exercise and weight control and also endurance as eventually

the dog will need to be active in a 4/5 hour fight. Diet is key with raw/ cooked lean beef with bread crumbs/ raw eggs a staple. Daily walks of 9/10 miles over rough ground are common to toughen paws.

Post exercise the dog is usually given hard hand rub-downs and massage lasting 30 minutes. This is thought to be important. Advice for the Keep stipulates the benefit of good bedding with warm straw in a draft-free room.

Drugs, notably diuretics might be used to ensure the dog reaches the required weight. These will be administered ad hoc by the trainer, (Merck, 2013). A range of medicines such as fungal creams, dewormers, etc, and dressings are all kept handy.

The Keep not only conditions the dog but is an opportunity for building the link and relationship between dog and trainer. The dog becomes used to the trainer's instruction and ability to inspire and spur on the dog to excess. Dogmen often report that the Keep is more difficult than preparing a racehorse.

The owners and handlers of dogs being prepared for dog-fighting in the UK often claim to follow this guidance to demonstrate their commitment and allegiance to the 'sport'. However it appears that many will only partially commit to this process and thus skip elements or partially commit to it. Commitment also relates to how seriously the offender takes the preparation for a fight and the level in which the dog-fighting takes place. In this way, a professional dogman will most likely undertake all the steps of 'the Keep' whilst young men seeking to roll their dogs in an impromptu fashion in the local park will not. They may however sling a tyre or rope from a nearby tree and try to 'train' their dog using these more makeshift techniques.

### **Bait Animals**

It is commonly believed that smaller animals are used by some dog-fighters during the training process or The Keep, as bait, or to 'blood' the fighting dogs and prepare them for the taste of killing. Such reports are common in the old 'sporting' annuals of Dogmen from the southern states of the USA. There is little doubt that this did indeed occur and may even continue to do so. Bait animals are often thought to be stolen from local neighbourhoods and illegally acquired. Whilst such activity is entirely possible and is occasionally alleged by local media, the actual firm evidence of this practice is almost non-existent. It is however quite possible that in raiding a dog-fighting outfit such details are possibly overlooked, or the evidence has long gone.

In the UK such stories also surface from time to time in local media. Again however evidence remains scant and there has been no identifiable research into this activity. As a result it is not possible to claim conclusively that such activity takes place in the UK or that it plays any significant role in UK dog-fighting.

However a recent report of a trial in Belfast as reported by the Belfast Telegraph (and summarized in Appendix 2) describes the activities of the Kirkwood family and their family friend Jamie Morrow. It appears that at this trial evidence was presented showing local animals being used as bait animals for the preparation of dog-fighting.

## **The fight**

The fighting pit, if one is used, is generally 16 feet by 20 feet with walls up to three feet high. It may be portable or specially constructed for the fight using hay bales or wooden boarding. They may also take place in forest clearings, disused swimming pools, enclosures or even in sunken garage repair bays. At the hobbyist level Two there are some reports of fights taking place in living rooms or bedrooms which have been converted. In opposite corners 'scratch lines' are painted or taped and behind this the handler will retain their dog until it is ready to face its opponent and cross the scratch line. Behind each corner is an assistant and usually also an opponent's assistant to keep a watchful eye on any cheating. The two dog handlers and the referee will be the only ones (besides the dogs) in the pit. Carpeting can be used on the floor to provide better 'traction' for the fight.

Dogs are weighed in and a forfeit is paid if the dog does not match the agreed weight.

The referee will call upon the handlers to 'face their dogs' and then 'loose' their dogs. The dogs are then expected to charge actively across the scratch line to engage in the fight. Handlers will often be shouting encouragement to the dogs whilst on their knees in the pit. Strouse (2009, p.14) comments that the need for the handlers to be so close to their dog's face in the pit is one key reason why 'man-biters' have been traditionally culled from the bloodlines of fighting stock.

A dedicated timekeeper will ensure time is carefully monitored. As renowned Dogman Armitage notes (1935, p.123), the Rules of the timekeeper are important as the Referee has much to do, e.g. Watch the handlers; Watch the dogs; Handle the bucket of water and the sponges; Get sponges back; Keep the rules.

Dogs can only be lifted upon the instruction of the referee. The fight then continues until such time as one dog turns away from its opponent. This 'turn' then requires the dogs to be taken back to their corners and rested for 30 seconds until reengagement. The handlers will wipe down blood and saliva. The dog which previously turned away is released first to ensure it actively engages. Occasionally dogs are 'fanged', i.e. a canine incisor tooth becomes embedded in the dog's tongue – this requires the dog to de-fanged. A 'break-stick' will be inserted into the dog's mouth to spate its tooth.

Finally the fight ends if a dog refuses to engage its opponent, the dog is removed by its handler due to serious injury or the dog dies.

Fights will last between 30 minutes and four hours. The dogs are left exhausted, dehydrated, breathless and with considerable loss of blood. They are also left bitten, scarred and badly damaged which can include torn flesh and even disembowelling.

## **Cheating**

Criminal opportunities are prevalent within the world of dog-fighting and cheating is one way of maximising those opportunities.

Cheating amongst dog fighters at all levels is, and always has been common. In fact, it could be said that the cheating at Level Three dog-fighting is greater than at Level One. This is largely due to the money exchanging hands and the bets placed on the dog to win. With large fees and money to be gambled some fighters will go to considerable lengths to ensure their dog wins. This has always

been the case and as such the Rules have been established to take this into account, e.g. Dogs are bathed to remove any 'caustic substances' on their coats. As a result of the potential for cheating in this way, Fighters will wash their opponent's dog and this process is then supervised.

The prevalence of cheating and its frequency appear to have impacted heavily upon the 'sport' and multiple and often inventive ways of cheating have been documented. Some of these related to cruelty involving the dog:

- Poison on the dog's coat
- Poison in the dog's water or food
- Poison injections – insertion in the ears or mouth
- Cayenne pepper on the dog's coat – so other dogs would not bite there
- Bird shot in the dog's ears – makes the dog mad with pain
- Teeth sharpening
- Use of steroids on the dogs

Some forms of cheating can be inventive, e.g. The Rub'. 'The Rub' is applied to dogs following washing: 'One such rub is made by boiling down chewing tobacco, drying out the thick paste, and grinding it to a fine powder. The result is an injectable diuretic 'which can be given to allow the dog to empty its bowels before a fight – so it can make the weight' (Strouse, 2009, p.13). The resultant Nicotine Sulphate is a very potent drug. Shampoos are used to remove this so a real cheat will only apply this after washing the dog. Other dogs will refuse to bite these infected areas - even in a ferocious fight. In addition it causes side effects: 'When absorbed through the skin, it causes the heart to begin racing and can lead to severe overheating or even a heart attack'. Yard boys can be bribed to apply this after the wash, using Vaseline on their own hands for protection but then applying it to the dogs feet pads. After 10 minutes in a fight the dog begins to overheat. Strouse (2009) talks of one fighter who engaged a pharmacist who was a dog-fighting sympathiser to develop an undetectable rub for \$25,000.

George Armitage, (1935, p.123) a famous dog fighter in the early part of the 20<sup>th</sup> century in the USA, clearly had cheating foremost in mind when he set out his own Armitage's Rules. Included in his 23 rules are provisions to ensure that it is the referee who handles the bucket of water and then hands the sponges (to mop down blood and saliva) to the handlers. In this way there can be no undue interference with the water or the sponges.

Other forms of cheating involved bending the rules to your favour, for example picking up the dog before time, or to give your dog an advantage, was and remains, a common form of cheating. Often the Seconds (individuals acting as secondary assistants in the pit) would wear the same colouring as the dog in the pit. The idea being to make the dog look bigger than reality when viewed by the dog from the other side of the pit, (Fleig, 1996b).

Amongst 'sporting' Dogmen the key tips to prevent cheating were also widely publicised – such was the extent of various forms of cheating. Bribery however, which was and remains common, is harder to detect.

### **Post-fight**

Injured dogs may die from their injuries or may simply be executed by their owner/handler for bringing disgrace upon them in front of peers, or because the dog is so badly injured it is deemed unsalvageable ( due to a need for further investment to save its life, or the extend of its injuries). Dogs will be summarily executed by shooting, drowning or electrocution. However some may be strangled, knifed or left to die. Evidence in US is that some would be buried alive in the backyard. Strouse (2009, p.94) notes that older Dogmen see no issue in executing dogs deemed by them to be poor fighters or see any betrayal in the fact these dogs had once been devoted to him. Surviving dogs may be taken to a local Vet but many go into shock if not treated or if left tethered and hurt. Skills of triage are much welcomed amongst the dog fighting fraternity, including treating dogs with electric blankets, antibiotics injections and blood etc. Some fights will retain the 'skills' of a 'street-surgeon' (Harding, 2014b) who will seek to mend the dog using a range of household or layman methods including super-gluing torn ears or using a retail store staple gun in lieu of stiches to close wounds.

The majority of dogs have bite inhibitions – i.e. they only bite when necessary and to a limited extent. Fighting dogs however have been selectively bred to ensure they have reduced or no bite inhibition (Merck, 2013). In addition they will ignore submissive displays and continue to attack to maximise damage to their opponent. Injuries are also aggravated by the technique of shaking and tearing violently from side to side. Injuries are mostly located to the face, neck and front legs, though other injuries may be evident to the hind legs, groin or ventral areas.

Injuries include:

- Deep tissue punctures
- Fractures
- Lacerations
- Blood loss
- De-gloving injuries to legs and skin

### **Investigations**

The variety of paraphernalia used in dog-fighting is extensive, but may also provide opportunities for those investigating dog-fighting to utilise an extensive array of potential evidence. In addition to the evidence provided by the dog and the pit (it is visible and able to be used as evidence) are all of the documentation used including contracts, weight records, Keep records, journals, manuals, etc. The dietary supplements and medicines used might also be seized for evidence and, as later sections of this working paper discuss, materials used for dog-fighting can themselves be subject to criminal charges. Breeding records and bloodline records can also be used. Frequently there exists photographic records and even video film footage of dogs, their injuries or of the fight itself.

Veterinarians will often use DNA evidence to identify that dogs have been engaged in a fight. Blood samples may be taken from the pit itself. However Dogmen can offer a range of excuses as to how and why blood tissue exists in a pit or on a dog's coat. According to Merck (2013, p.246) they may cite 'male-female fighting during attempted breeding, female estrus, or whelping'. At times evidence and swabs may be analysed at crime laboratories to establish if a crime has been committed.

## **The Offenders/ Participants**

The dog-fighting Typology, listed above in Table 1, permits us to also easily distinguish between the types of offender. Although there will be a cross-over of offenders it is possible to identify key characteristics of offenders based upon the Level of dog-fighting, (Harding, 2012):

### **'Street-rollers'**

Those engaged in dog-fighting at this level are overwhelmingly young men aged between 14 – 25 years. They are often portrayed as young men, who may, or may not, be gang-affiliated, but who are attracted to, or embedded in the street world. Thus many have difficult relations with the police, are involved in petty offending or drug taking and occasional violence. It should be noted that this activity is not the sole preserve of such youth and it therefore may occur amongst groups of bored teenagers. It is common for only one or two youths to have dogs and not all such youth will fight their dogs. Peer pressure amongst this group is high and young men will be pressured into fighting their dogs for 'fun', for money and to settle scores or debts or disputes.

Fights will occur in a variety of disused premises such as warehouses, garages, abandoned property or in public spaces such as parks, housing estates and commons which have easy pedestrian access but limited vehicle access.

Sometimes their dogs are kept in neglectful conditions and dogs themselves are subject to spurious enhancements, such as de-barking, ear-clipping or injection with steroids. In some urban areas dogs have been fed cocaine as a way of making them 'mad for the fight'.

In consideration of dog-fighting, Hughes, Maher and Lawson (2011, p.44) note that young people differentiate between 'ad-hoc' fighting (street-rolling) and more 'organised' dog-fighting. They stress that the young people interviewed for their study claim the dogs are using intra-canine violence to work out their canine hierarchy (in the same way humans do) and moreover, that the dog chooses to fight.

### **Hobbyists**

These are identified as individuals or groups of people who take an active interest in dog-fighting at a higher level than street-rollers, but not as fully organised or as hidden as the professional Dogmen. Essentially they operate on a localised fighting circuit. They are distinguished from level One by the level of organisation involved and the deliberate establishment of dog fighting pits. These might be erected in their homes, in their garages or outhouses or might be set up in rural outbuildings. There will be on-site gambling and hostessing provided. Some describe these as highly social events and some may even occur in suburban homes under the pretence of dog fancying, or breeding clubs.

The activities of the dog-fighters operating at Level Two may only come to light following complaints from neighbours about noise, tip-offs to the police, following arrests for other offending behaviour, issues regarding animal cruelty or dangerous dogs.

Hobbyists may also be involved in several of the 'front activities' which surround underground dog fighting. These include in the USA at least, Bully shows, weight-pulling contests and more generally, showing.

### **Professional Dogmen**

The professional Dogmen have reached the highest tier of the 'sport' hierarchy and will travel around the country, or even internationally to attend a fight or to enter their dogs into a fight. If not fighting, they will offer their services (for a fee) as referees, organisers, promoters, etc. They will invest heavily in the dogs and their preparation for the fight in a process known as 'The Keep'. They thus seek to recoup this investment by high-stakes gambling on the outcomes of matches. They will only work with highly trained dogs of reputable bloodlines. Their dogs, if successful, will be used for breeding and the stud fees can be considerable (Dinnage, Bollen and Giaccopp, 2004).

Strouse (2009, p.41) argues that 'Self-worth for Dogmen is forever linked to the ability of their dogs to fight and win'. She suggests that Dogmen begin a quest for the 'ultimate fight' and on the way they 'get hooked like a drug'.

Of all the participants it is professional Dogmen who are most difficult to reach as their activity is hidden and secretive. They are also the most likely to claim the activity as a 'sport' and cite the rules and lineage of the 'sport' as evidence of its noble and historical provenance.

### **The private world of dog-fighting**

It could be argued that dog-fighting, certainly at Levels Two and Three occupies a private and often hidden 'world' where the abuse and cruelty is both normalised and rationalised by those within it. Essentially it has become a world of altered states, where the dog is simultaneously lionised and venerated but cruelly abused. Where the abuse perpetrated is both purposefully and instrumentally actioned by those who seek to advance their social status in this private social world. These altered states relate to the normality of violence which in places can extend beyond the pit and the match into their social relations with family and others: animal welfare workers in the USA often state that domestic violence and child neglect accompany dog-fighters in their domestic setting.

This private world generates and thrives upon exclusivity and a necessary withdrawal from society and society's values. It permits and then expects an almost unionised agreement of staunch values which are vocally anti-authority and anti-government. This further generates deeply rooted feelings of suspicion and paranoia amongst participants. This it seems becomes conspiratorial in places and certainly professional dog fighters and dog-fighting rings will go to great lengths to keep their activities hidden from view. This includes making their world not only difficult to locate, but difficult to penetrate. Here higher ranks within this world remain elusive and access to them is restricted even within this closed world; this lack of access only adding to their mystique and mythology.

This exclusivity can be alluring or seductive for young men who approach elder Dogmen with reverence. It is deemed a confirmed honour to be welcomed into this rarefied world. Importantly this internal hierarchy provides an identifiable sense of 'elevation' with the social field, which further



confers the sense of privilege. Others view the hierarchy a descent into an exclusive world. For young men it becomes a world they may seek to explore, to dive into, learn about and become an expert in. Here, as in horse racing, even betting on the fight becomes an acquired skill.

It seems also that the dogs used to fight in the pits become an embodied personification of their owners. Strouse argues that this allows Dogmen to 'align themselves with qualities they will never have themselves', (Strouse, 2009, p.47). In this world poor fighting performance is a failure often met with death and Dogmen will kill dogs that perform poorly. Dogmen will however often refer to the fight as if they themselves were in the ring and performing for the crowd. Certainly the more interesting and engaging accounts of fights use this technique when the story is written up in dog-fighting journals.

### **Old school versus new school**

Level One fighting (impromptu 'rolling') has always existed, however the resurgence of dog-fighting in recent years has seen dog-fighting move from rural areas to urban areas. It has also seen dog-fighting become a new recreational pastime of some street youth and urban street gangs. It is this new group that are often referred to as the 'new school'.

Many of the traditional, 'old-school Dogmen' will view themselves as separate from this group. They consider themselves to be the sporting elite, particularly the ones who have professionalised the sport and who are responsible for maintaining the Rules, codes of honour, and maintaining the bloodlines and breeding stock. They ensure strict training regimes and 'Keeps' for their dogs and will only engage in matches established by contract and governed by Referees. They profess a love for their dogs and a love for the sport, claiming profit is secondary to the dogs. Traditional Dogmen retain an ability to recall kennels, bloodlines, pedigrees, matches, as a form of street capital (Harding 2014a) and such skill is worthy of respect. This skill also serves to separate old timers from new thuggish elements.

Whilst much of this is highly debateable the historical narrative and biography of the 'sport' is written by the old time Dogmen and thus they lay claim to the provenance and heritage of dog-fighting. It is this which sets them apart from urban street youth who they see as simply setting their dogs off against each other at the back of a garage in a five minute fight.

Issues of race and ethnicity perhaps are also evoked here as many traditional Dogmen, certainly in the USA and the UK, were white, working class men, often from rural backgrounds. Those offenders still undoubtedly still exist, though possibly in lower numbers. In the USA the 'new school' dog-fighters are often classified as young urban black or Hispanic men. In the UK the 'new school' dog fighters are often said to be young black men or young Asian men. Even their love for the dogs involved is questioned by some older Dogmen who believe the new fighters are really only in it for the money. Although, as shown later, clearly, financial reward underpins the entire dog-fighting world. Old Dogmen also think the Internet and its advent ruined the game.

This divergence of dog-fighting worlds has been identified by other authors including Kathy Strouse who is superintendent for the city of Chesapeake, Virginia Police Department Animal Control Unit since 1994. Strouse (2009, p.27) signifies the 'old school' from the 'new school' by suggesting two types of dog-fighters:

‘One will spend every penny on the set up for the dogs, whilst their families live in dirty, mice-infested shacks or trailers. The other type live in luxury themselves while begrudging their animal’s even life’s most basic needs – clean water’.

It is felt that the new school fighters and younger generation fighters have changed the way some traditional things were done, viewed or valued. For example:

- Traditional Dogmen will sift out the man-biters and discard them whilst the new ‘gangster boys’ will not – or will even actively seek them out.
- Also old rules/customs say an old dogman would know when to save his dog by a pick-up. Now commonly thought to be the young thugs just let their dogs fight to the death.
- New thuggish fighters will place side-bets at a fight which often leads to a reluctance to pick-up an injured dog or failing dog as there would be much argument and derision voiced.
- Real Dogmen value the tenacity and ferocity of the determined pit bull. Nor would they actually put another dog into a fight with a pit bull whereas gangster dog fighters would seek to put other breeds in against a pit bull.
- Some think the new urban street gangs are pushing the Old time Dogmen out of business and amending the old rules. In addition the older Dogmen claim that the new gangster dog fighters use too much violence as often weapons are used to resolve disputes. Criminal activity is also thought to have expanded now as large winnings require money laundering.
- It is widely acknowledged that many gangsters and drug dealers have become involved in dog-fighting, not least because they can afford the bets. Also dogs have a ‘street bling’ appeal (Harding 2013a) for this group. Dog fights may now take place against a background of drug dealing and marijuana smoking which can heighten levels of paranoia about cheating, fixed matches and underhand behaviour. This in turn can lead to increased levels of violence – again much derided by the old school dogman.

### **Additional Offender/participants**

In addition to these principal offenders there are a significant range of other additional participants who have involvement in dog-fighting. This ranges from enthusiasts to wannabees and from breeders to spectators. The type of offender/participant differs again depending upon the nature of the event and the level of the dog-fighting activity. Naturally dog-fighting occurring at Level One may simply have handlers and spectators and no Referee will be present.

However it is interesting to group these offender/participants into categories depending upon the role in fight, it’s planning or its aftermath. The Animal Welfare Act implicitly acknowledges some of these additional roles by setting out various subsections of the Act in relation to dog-fighting (and the associated offences are discussed later in this working paper). In terms of future campaigns to combat dog-fighting there may be value in targeting campaigns towards some of these different offender/participants.

It is also worth acknowledging that many of the roles are also multiple roles carried out or undertaken by the same person. For example, a fight promoter may also take money and film the event and then distribute the film footage; a breeder may also be a fighter and handler and then executioner of a dog. As noted earlier impromptu street rolls frequently just involve several young men sparring their dogs with no pit or referee involved. However it should be noted that in almost all instances spectators are present. Increasingly with the advent of smart phones and social media, such events are quickly filmed and posted on social media.

## **Participants**

Dog-fighting actually retains a much wider range of participants than is first assumed. These are individuals who are drawn to the activity or engage with it either as central protagonists or as peripheral people engaging only partially or on the fringe of the activity. To identify those involved it is useful to consider the participants as they relate to the fight:

### **Pre-fight participants**

*Breeders/suppliers* – an individual or individuals who breed dogs for dog-fighting or supply dogs which have already been bred for dog-fighting.

*Fancier/Dogman* – an individual who engages in dog-fighting

*Fight Promoters* – an individual who will either initiate a match or fight by setting the players in motion, or who is actively involved in promoting the fight by making contact with his extended network. In many cases this might simply be the person who is seeking to put their dog in the ring. At other times it is someone who may provide a small set up fee to ensure the initial outgoings are paid up for the match.

*Fight organisers* – an individual who will take it upon themselves to organise a match or fight by bringing the various participants together.

*Pit providers* – an individual who makes their premises available for a dog fight or who agrees to modify their premises to accommodate the fight

*Keeper or trainer* – an individual whose job it is to train the dog in preparation for the fight. Often this will simply be the person whose dog is to fight. For Level Three professional fights, an experienced trainer will retain the dog during its 'Keep', (the period of training prior to the fight).

### **Fight participants**

*Handler* – an individual who is handling or fighting their dog or dogs

*Second* – an individual who acts as a second handler to the main handler

*Yard boys* – usually boys or young men who act as runners, gofers, setting up the yard and marshalling spectators, fetching water, etc.

*Referees* – an individual who acts as a fight referee and adjudicator of the rules. They will aim to be impartial and ensure a fight is conducted within the rules, (if indeed rules are applied – depending upon the level of the dog-fighting). These are usually highly regarded individuals with some status within the wider group, e.g. older or experienced dog-fighters.

*Timekeeper* – an individual who is responsible for keeping the time of the fight and ensuring each round is held to time. This allows the Referee to focus on the rules and ongoing fight. In smaller fights or hobbyist matches it is likely this will simply be undertaken by the referee as the strict timekeeping required by Referred Rules may not be adhered to.

*Spectators* – Individuals or groups who attend the dog fight. This usually involves paying a door or gate fee for more organised matches. Some spectators may act as Intermediaries with a role for organising other spectators.

*Video-maker* – an individual who actively film records the fight, usually for the purposes of later distribution

*Street surgeon* - an individual responsible for repairing the dog following a fight. This can include stitching up the dog, providing fluid injections etc. For significant and high value matches, these individuals may be present at the fight. Alternatively they may be located away from the fight and a dog requiring their services will be transported to them.

*The Money man* – an individual responsible for holding the money gambled during a fight.

*Caterer* – an individual who will provide the catering for those attending a dog fight. Often this might be the partner, girlfriend or wife of the handler or fighter.

### **Post-fight participants**

*Enforcers* – someone who undertakes to enforce an outstanding debt. Often this might simply be the person to whom the debt is owed, though in many cases debts are chased up by a ‘heavy’ or ‘enforcer’.

*Distributor/retailer* – Individuals engaged in the distribution of film footage of dog fights or who upload dog fights onto the internet. They might also be shop retailers who sell DVDs, frequently under the counter.

*Reviewer/ blogger* – an individual who having viewed a dog fight will post a review or a blog of the fight for others to read. This is essential if you wish your dog to progress to champion status.

*Fight watcher* – an individual who actively seeks out dog fights to view. This might be through purchasing a DVD of a dog fight or simply by browsing the web or more commonly by opening a link to view a nominated piece of footage that has been referred to them as of interest.

*Bystanders* – the wives, partners, girlfriends who are aware that dog-fighting is taking place

*Sympathisers* – individuals who are aware of dog-fighting and possibly linked to or connected to those dog-fighters or dog-fighting, either personally via family networks or professional such as providing medications, supplies, etc – but who take no active steps to report it or stop due to their sympathetic leanings, which may in some cases be purely financial.

### **Post-fight promotion**

Once a match or ‘show’ has concluded and the participants and spectators have dispersed there begins the process of PR, marketing and myth-making. It is in the interest of dog-fighters to ensure that a good account of the fight is urgently posted to social media. In previous times these accounts

were made available in various dog fighting magazines and newsletters. Accounts would be written up and distributed. Presently such accounts are dispersed hurriedly on social media. Accounts are often biased in favour of the author and his dog. They serve to enhance the reputational status of the dog-fighter and more importantly, the dog. The accounts will often be highly detailed and specific and if the fight ran to more than an hour, then the accounts will be lengthy. Each turn and bite will be referenced and generally elaborated in order to demonstrate the 'gameness' of their dog. The Purse (amount gambled) will be detailed to show the worth and value of the match.

Essentially this acts as a form of PR for the dog so it might generate wider interest and even online followers, who may then travel to be a spectator at the next fight. It will also act as an opportunity to generate interested parties offering to fight or to 'match' the dog against their own. This form of post-fight promotion also acts as a mechanism for myth-making and a form of legitimised bragging. Here the accounts link back to bloodlines and historical fights, linking the dog to the 'noble sport' and building into the mythology surrounding the sport. The post-fight promotional marketing takes place in key journals and well known dog fighting newsletters.

Accounts may be contested by the rival dog-fighter and follower will 'like' or approve the accounts accordingly.

Additionally these accounts serve purposes of verification, firstly for dog fighters to demonstrate that a fight occurred and should be duly recorded, secondly, for animal welfare authorities seeking to investigate or disrupt such activity.

### **The role of the Internet**

The advent of the Internet and social media has changed dog-fighting in several ways. Principally it allowed what was previously an underground network of like-minded individuals to come above ground and share their enthusiasm and activity with others. It provides virtual 'spaces' where dogs can be marketed and fights promoted, where social networking generates new advocates and admirers.

It provides a platform for discussion of the dog-fighting as a 'sport' - but also provides an opportunity for admirers and enthusiast to pull together historical accounts and generate both history and narrative. Some old school Dogmen claim the Internet has taken the 'sport' in a new direction by allowing a thuggish, gangster element to become involved. This group sits alongside the new group of 'novices' who have joined the sport from the Internet.

Personal biographies of dog-fighting can be established with fanciers posting images of their dogs alongside accounts of matches and fights. Individual enthusiast will offer details of their own 'Keep' or training regime, offer tips on fights, diets and exercising dogs. Reports of matches are often listed as 'fictional'.

To maintain privacy and avoid detection, either casual or investigatory, websites are usually membership only beyond the landing page. They require tiered or graded access to membership only platforms. However casual visitors can easily land upon such sites from an innocent search enquiry regarding dogs.

Dogs are also marketed and offered for sale on various websites alongside opportunities for breeders to advertise the sale and purchase of dogs. Alongside this sits multiple merchandising for dogs including vitamins, dietary supplements and kennelling enhancements.

The Internet has also become a space for airing strongly held views either pro- or against pit bulls, or pro- or against dog-fighting. On pro-dog fighting websites, Animal Welfare groups will be actively and openly denigrated and individuals will be identified as 'snitches'.

The internet provides a virtual network where spatial distance becomes irrelevant and virtual groups or networks can take root. It is a certainty that the revived interest in dog-fighting, both in the USA, globally and in the UK has been fired by the Internet and the ability to instantly link up with other enthusiasts or simply to view a dog fighting taking place.

These new developments have however lifted the lid on the dog-fighting 'sport' and helped to demonstrate to the public that it remains an activity which is widespread and enduring. It has also enhanced the ability of investigators to utilise online data in investigations which can lead to prosecutions. It is likely that any future work on dog-fighting undertaken by the League should seek to actively engage with online activity both for investigative purposes and for educational and awareness campaigns.

### **Graduation of offending in dog-fighting**

Implicit in the Typology of dog-fighting is the suggestion that one might commence at Level One and graduate to Levels Two or Three. Whilst further research is required to fully explore this hypotheses, research conducted by Harding (2014b) revealed that some dog-fighters have indeed progressed in this way, i.e. started fighting their dogs in impromptu street based 'rolls', before graduating to higher levels which are considered to be both more serious and more 'professional'. Such routes are also determinant upon the dog and its success or otherwise in the pit or fight, and also the ability and reputation garnered by the dog-fighter.

Other routes include commencing as either breeder, trainer or as spectator before entering a dog in fight. In general those progressing through the levels from One to Three are actively engaged as breeder, trainer and spectator at some stage and thus become fully practised and experienced in all these roles as their interest in dog-fighting graduates. Indeed a working background in each of these roles permits the dog fighter to claim a pedigree of skill which permits them to offer opinion. Others then come to view them as a source of knowledge and expertise.

### **Motivations for dog-fighting**

The motivations, whether they are latent or manifest, in choosing to fight your dog or to become involved in the world of dog-fighting varies from offender to offender. Key to the motivation is the level within which one engages, i.e. street rolling or professional.

Fleig (1996b, p.124) says fighting is used by the poor as a vicarious experience to overcome and defeat challenge and diversity. He argues that the poor valued and revered the stamina, skill, perseverance and strength and courage of the dogs. He further argues that violent actions such as dog-fighting provide the poor with a range of opportunities which might otherwise be denied them:

- Opportunity to accomplish what few men could accomplish – success
- Chances for creating wealth
- Winning very high and then far exceeding earnings
- To develop skills in betting
- The overlooking of any losses

Several motivations are often espoused for why people become involved in dog-fighting. Whilst no comparative work between the USA and the UK has been undertaken, it is highly likely that the motivations identified separately in each country have a great deal of similarity – not least because they originate in poverty, reduced opportunity and lack of education. However the over-riding central motivation is **Money**. Strouse (2009, p.18) agrees: ‘Dog-fighting is really about money’. She cites one dog who managed to generate significant income for his owner: In 2003, *Barracuda*, from Latin Force Kennels, USA, was a Grand champion with 9 wins. He made over \$750,000 for his owners; \$100,000 in stud fees; and \$80,000 for sale fee.

Harding (2012) in *Unleashed* argues that young men in particular are often deprived of status and respect amongst their peer group and thus seek to generate Street Capital through which they can reach elevated status and distinction. Dog-fighting or even the possession of a large bull breed, or status dog, might easily provide a mechanism for generating or building street capital. This process is most evidenced, he claims, in the street fighting Level One category of dog-fighting where bravado and street smarts are co-joined with violence and immaturity. New social media offers new and often inventive ways of building fast tracked reputations amongst peers. When dog fights are uploaded online such reputations can extend well beyond the immediate locality and live online forever, (Harding 2014b).

However, similar motivations of acquiring street skills to elevate one position amongst peers is also evident amongst professional dog men, although by this stage the monetary and financial rewards are usually to the fore. At this level the Dogmen will argue they are in it for the love of the ‘sport’.

Dog-fighters will often talk as if they themselves have been in the pit. They often link the ‘sport’ to others such as football or boxing matches – again as a way of authenticating the activity as a sport and giving it history and validity. For professional Dogmen it is often the ability and skill they bring, (or profess) which generates the reputation. This, alongside a regular winning of matches, serves to generate reputational advancement. This in turn is turned into profit via further matches with a larger purse and opportunities to breed and stud from their winning stock.

The Sporting Dog Journal (SDJ) would for many years become the outlet for reputational creation and success. Whilst again this opportunity is now to be found online, the SDJ would report on 2,000 fights a year in the US. It would feature championship announcements; sales; puppies, pedigrees; fight reports; etc., with access to the site only by being sponsored by a member or subscriber.

At its height it has a list of 6,000 US members (readership would be higher still). It ended in 2007 when the internet largely overtook published press and provided new ways of communicating the

success and building the reputation of Dogmen. The journal would cover validated fight reports and un-validated fight reports, issue Certificates (probably the only certificate many rural poor would ever get), and be written in coded language. Each of these elements, the coded language the certification etc. provided opportunities for reputational enhancement which might otherwise be denied the impoverished young men drawn to dog-fighting. The varied jobs of Referee, Trainer, handler, Street-surgeon, organiser, all vicariously offered differed skill sets by which one could advance and gain and build a localised (or even a national reputation). Notably increased reputation always increased fees.

A further possible motivational issue is the fact that the person, who is fighting their dog in a pit, instigates, develops and then finally achieves a level of control of both the animal and its environment. One can assume that this will generate a sense of purpose and achievement alongside power for the individual. In social circles marred by relative deprivation, such power and control may not be easily found or obtained and as such it might become an attractive feature – albeit one which is both highly personal and hidden, if not fully latent.

Many of these issues of reputational enhancement and street capital still pertain today, online social media offers the opportunity to swap and share images and data which were hitherto taboo or obscure or difficult to acquire. These forbidden fruits, such as video of a dog-fight, now equally increase the reputational status of young people amongst certain peer groups.

### **Links to criminal behaviour**

It is widely reported in the media that those who seek out status dogs and dangerous dogs are themselves linked to, if not involved in various forms of criminal behaviour. As pointed out by Hughes, Maher and Lawson, (2011, p. 42) this occurs in four ways:

- 1) Committing an offence with the dog;
- 2) Committing an offence on the dog;
- 3) theft of dog;
- 4) committing an offence to protect or avenge their dog

Their report on *'Status dogs, young people and criminalisation: towards a preventative strategy'* continues by considering these different types of offences before concluding that there is a high degree of criminality falling under these above categories. Their report also indicates a high percentage of respondents used their dog as a weapon. They also note that 'negative training techniques' were common but assumed, by the young men involved, not to be considered abusive behaviour towards the dog.

Harding (2014b) however thinks the links to criminality are far more extensive than those listed by Hughes et al. It is perhaps useful to consider the different types of criminality linked to dog-fighting and undertaken by those who engage in it. Essentially there are offences linked to the dog and then offences linked to the world of dog-fighting, (see Table 2).



**Table 2 - Criminality linked to dog-fighting**

Offences linked to the dog	Offences linked to the wider world of dog fighting (at all levels)
<p>Cruelty including physical abuse, neglect, and issues relating to the Animal Welfare Act 2006, Section 9 which requires owners and handlers to ensure that they take all reasonable steps to ensure that they meet the following needs for their dog:</p> <p>(a) its need for a suitable environment;  (b) its need for a suitable diet;  (c) its need to be able to exhibit normal behaviour patterns;  (d) any need it has to be housed with, or apart from, other animals; and  (e) its need to be protected from pain, suffering, injury and disease.</p>	<ul style="list-style-type: none"> <li>• Interpersonal violence</li> <li>• Firearm offences</li> <li>• Money laundering</li> <li>• Demanding money with menace</li> <li>• Harassment</li> <li>• Criminal Damage</li> <li>• Drug distribution or possession</li> <li>• Destruction of property</li> <li>• Illegal use of medicines</li> <li>• Fraud</li> <li>• Prostitution</li> <li>• Probation violations</li> <li>• Illegal gambling (where applicable)</li> <li>• Loan sharking</li> <li>• Handling stolen goods</li> <li>• Perverting the course of justice</li> <li>• Conspiracy</li> </ul>

From analysing the data provided by the Metropolitan Police in policing operations in three London boroughs, Harding (2012, p.135) also identified that young men who owned dangerous dogs or status dogs (as defined under the DDA 1991 Section 1) were widely associated with or involved in an extensive range of criminal activity. This included: ABH, Assaulting the police, robbery, Breach of Bail, Common Assault; threats to kill, theft from person, drug possession, amongst others. Whilst those analysed in this data set had not specifically been involved in dog-fighting, each list of offenders had a substantial history of criminal offending. Links to gang behaviour and organised crime were also present. Nor were these issues restricted to the London area as further research in Merseyside and the West Midlands confirmed the findings with 23 out of 25 Merseyside offenders having 87 convictions amongst them; and 79 of the 126 dog owners in the West Midlands evidencing criminal convictions. The links between those owning or favouring or handling bull breed animals, fighting dogs or dangerous dogs, and criminal activity was thus firmly established.

Evidence from the USA further supports the view that those linked to fighting dogs, status dogs or more specifically to dog-fighting, are regular and repeat criminal offenders. The reports by the Los Angeles City Attorney and the Regional Animal-fighting Investigations Division (RAID) confirm these findings (LAPD 2004). In stating the goals of the RAID programme they set out to 'demonstrate through field experience, the irrefutable connection between dog-fighting, gang activity, drug distribution networks, racketeering, overall community violence, and the desensitization and criminalization of inner-city youth, (2004: 3). This is achieved within the report by a 'comparative analysis of peripheral criminal activity and seizures which illustrates available data on several dogfighting raids that have taken place across the USA over previous years. Their report illustrates not only the number of arrests and dogs seized in each raid, but the quantity of money seized, the type and value of drugs seized alongside the seizure of weapons and assets.

Taking this further still Gibson (2005) considers the criminal profile of the Urban dog-fighter and affirms that ‘most of the individuals in (her) sample population have a history of drug distribution or possession; many are also violent criminal offenders with crimes ranging from armed robbery to criminal sexual conduct to assault with intent to commit murder’, (2005, p.1). Stating that there exists ‘an overwhelming correlation between dog-fighting and other criminal activity’, she notes the mass arrests for multiple offences which take place during raids on dog fighting premises. Her reports continues to cite the list of criminal behaviours linked to those taken into custody during these multiple raids and concludes that the criminal profiles of the urban dog fighter are both lethal and extensive. Sadly such research in the UK is almost non-existent and further research into this field is urgently required as is research into cultural factors (see Conclusions and Recommendations).

## **Contextualizing Dog-fighting Offences**

Previous research has identified mistreatment of nonhuman animals as occurring for many reasons; being either active or passive (Nurse and Ryland 2014; Nurse 2013a, Petersen and Farrington, 2008). *Active* mistreatment covers various deliberate acts and intended consequences that cause harm to nonhuman animals. *Passive* mistreatment can include neglect caused by ‘failure to act’ such that nonhuman animals are insufficiently cared for and harm is caused either as a result of misunderstanding an animal’s needs or through deliberate neglect.

Schaffner identifies animal law as ‘legal doctrine in which the legal, social or biological nature of nonhuman animals is an important factor’ (2011, p.5) with animal law being socially constructed according to specific notions of animals’ value within society. Most countries have laws protecting domestic animals primarily through anti-cruelty laws codifying prohibited activities and criminalizing actions inflicting pain or suffering on companion animals. In some jurisdictions legal terminology defines this as causing ‘unnecessary suffering’ reflecting the fact that within domestic settings human harm to nonhuman animals frequently occurs, while also reflecting a contemporary reality that much animal exploitation and harm remains legal. Indeed some forms of accidental harm or harm that constitutes a ‘necessary’ part of human–companion animal relationships (such as neutering, spaying or castrating domestic companions) may constitute legalized suffering. Animal protection legislation has developed in part to implement such recognition, providing a legal framework within which harms against animals are codified, albeit generally falling short of providing animals with actual rights (Radford, 2001; Wise, 2000; Kean, 1998). Thus ‘animal protection legislation serves multiple purposes and is intended to address a variety of human activities considered harmful towards animals’ (Nurse, 2013a, p.6) while at the same time preserving anthropocentric interests in the continued exploitation of animals, for example for food. Neglect involving companion nonhuman animals; contextualizing neglect as both acts and omissions which inflict harm and cause unnecessary suffering to nonhuman animals whether deliberate or accidental are relevant factors in dog-fighting activity given that fighting dogs are legally classed as companions. Fighting dogs are ‘owned’ or have a human ‘responsible’ for their well-being thus the same principles and duties of care that apply to ‘pets’ under current law apply to fighting dogs irrespective of their more aggressive nature. In this respect this research working paper also discusses the link between animal abuse and other offences arguing that much abuse of companion nonhuman animals, including fighting dogs, is caused by a conception of animals as property and an

anthropocentric view of animals which fails to adequately consider their status as sentient beings with specific needs (Linzey, 2009; Wise, 2000).

### **Direct Animal Fighting Offences**

Within the UK, dog-fighting laws exist within animal welfare and cruelty statutes to the extent that dog-fighting laws do not exist independently of general anti-cruelty statutes as is the case in the US where dog-fighting is generally a felony and carries much stiffer penalties than general anti-cruelty laws (Schaffner, 2011; Ortiz, 2010). UK law makes it not only illegal to actually coordinate or promote a dog fight, but also to keep, possess or train a dog for fighting or to attend a dog fight as a spectator. This section considers *direct* dog-fighting offences; i.e. actual participation in dog-fighting which is primarily covered by Section 8 of the Animal Welfare Act 2006 as follows:

- (1) A person commits an offence if he—
  - (a) causes an animal fight to take place, or attempts to do so;
  - (b) knowingly receives money for admission to an animal fight;
  - (c) knowingly publicises a proposed animal fight;
  - (d) provides information about an animal fight to another with the intention of enabling or encouraging attendance at the fight;
  - (e) makes or accepts a bet on the outcome of an animal fight or on the likelihood of anything occurring or not occurring in the course of an animal fight;
  - (f) takes part in an animal fight;
  - (g) has in his possession anything designed or adapted for use in connection with an animal fight with the intention of its being so used;
  - (h) keeps or trains an animal for use for in connection with an animal fight;
  - (i) keeps any premises for use for an animal fight.

It is worth noting that the Act contains a definition of animal fighting that defines an animal fight as ‘an occasion on which a protected animal is placed with an animal, or with a human, for the purpose of fighting, wrestling or baiting’. The wording used makes clear that animal fighting is a tightly defined activity which in part is dependent on proving the intent of those involved in order to prove the commission of an offence. Arguably the specific wording ‘placed *with*’ [our emphasis] would place ‘impromptu’ street fights and chain rolling outside of a strict Animal Welfare Act 2006 definition of animal fighting albeit such activities would be caught by other legislation. Thus commensurate with other areas of criminal law and animal law, *mens rea* becomes a factor in prosecuting certain offences. However, even where this is not the case a challenge exists in prosecuting for ‘taking part’ in an animal fight, not least clearly identifying the human participants in

an event with multiple participants and spectators. These provisions, however, do capture the activities of the key participants in dog-fighting those who: enter their dogs into a fight; organise or hold a fight, referee a fight; and arguably 'veterinary' advisers. The clear intent of the law is to criminalize both the act of dog-fighting and the support network of fights whose activities are also caught in legislation which indirectly captures dog-fighting related activity.

### **Indirect and Associated Dog-Fighting Offences**

A number of secondary or indirect offences also exist within animal protection legislation such that those present at dog-fights also commit indirect offences under Section 8(2) of the Animal Welfare Act. The precise wording of this section is that 'A person commits an offence if, without lawful authority or reasonable excuse, he is present at an animal fight'. Section 8 also states that:

- (3) A person commits an offence if, without lawful authority or reasonable excuse, he—
  - (a) knowingly supplies a video recording of an animal fight,
  - (b) knowingly publishes a video recording of an animal fight,
  - (c) knowingly shows a video recording of an animal fight to another, or
  - (d) possesses a video recording of an animal fight, knowing it to be such a recording, with the intention of supplying it.
- (4) Subsection (3) does not apply if the video recording is of an animal fight that took place—
  - (a) outside Great Britain, or
  - (b) before the [Act's] commencement date.

The wording of Section 8 in respect of spectators and supporters captures the activities of those providing secondary support through, for example the distribution and sale of dog-fighting videos. However the use of the word 'knowingly' is problematic, again requiring investigators and prosecutors to prove an offender's intent and 'guilty mind'. Arguably, substituting 'knowingly or recklessly' would better reflect a need to only prove an offender's actions and participation in dog-fighting related activities and to consider whether they failed to take adequate steps not to commit an offence.<sup>2</sup> Following the decision in *R v G* [2003] UKHL 50; [2004] 1 AC 1034, a defendant has acted recklessly as to a given consequence if they have foreseen the risk of a consequence but goes on 'unjustifiably' to take the risk. As an established principle of the mental elements of offending in

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There are exemptions in the Act that would apply to journalistic and undercover investigations into dog-fighting so that filming and broadcast of dog-fighting as part of a 'programme service' is allowed. Thus the Act distinguishes between the intent of dog-fighting enthusiasts and the intent to show film of dog-fighting to educate, expose or inform on illegal activities.

the law of England and Wales arguably 'knowingly or recklessly' serves the purpose of capturing offences where the possibility of an offence is an aggravating factor should a defendant proceed. But there is also an argument for using 'intentionally or recklessly' as the Law Commission (2013, p5-6) originally proposed in respect of other elements of wildlife law. (However the Commission's 2015 proposals for wildlife law reform instead talk about 'deliberate' action; this is discussed later in this working paper. )

It is perhaps worth noting that the Act's definition of 'video recording' means 'a recording, in any form, from which a moving image may by any means be reproduced and includes data stored on a computer disc or by other electronic means which is capable of conversion into a moving image'. Thus the Act applies to mobile phone and tablet recordings and not just 'professional' filming. The Act also specifies that its references to supplying or publishing a video recording extend to 'supplying or publishing a video recording in any manner, including, in relation to a video recording in the form of data stored electronically, by means of transmitting such data' and that this extends to 'showing a moving image reproduced from a video recording by any means'. Thus the Act creates offences in relating to publishing dog-fighting clips on the internet, to sending images by text, tablet, mobile phone or email and communication through social media, even where this is arguably done as a private form of communication – e.g. a subscriber-only service or private Facebook page.

Arguably the provisions of the Communications Act 2003 are also relevant to prosecuting distribution of dog-fighting material. Section 127(1)(a) relates to sending a message etc. that is grossly offensive or of an indecent, obscene or menacing character.<sup>3</sup> For the purposes of the Communications Act it is irrelevant whether the message is received, sending is enough for prosecution. The test for whether a message is 'grossly indecent' was decided by the House of Lords in *DPP v Collins* [2006] 1 WLR 2223 was one of whether the message would cause gross offence to those to whom it relates (which in that specific case was ethnic minorities), who need not be the recipients. As animals cannot be victims of a crime due to their status as 'property' (Radford, 2001; Wise, 2000) there are challenges in using the Communications Act in respect of the notion of 'grossly offensive'. But an argument can be made for dog-fighting as 'indecent' given the deliberate intent to inflict harm on animals (and indeed to see how much they can endure) and the graphic nature of some images.

## **Welfare Offences Related to Dog-Fighting**

Under section 4(1) of the Animal Welfare Act 2006, it is a summary offence to cause unnecessary suffering to a protected animal or if being responsible for a protected animal to permit any unnecessary suffering to be caused to any such animal (CPS 2014). This encompasses several potential offences relating to dog-fighting and it is worth further outlining the detail of section 4 which is as follows:

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This section of the Communications Act 2003 has been used in respect of indecent phone calls and emails.

(1) A person commits an offence if—

- (a) an act of his, or a failure of his to act, causes an animal to suffer,
- (b) he knew, or ought reasonably to have known, that the act, or failure to act, would have that effect or be likely to do so,
- (c) the animal is a protected animal, and
- (d) the suffering is unnecessary.

(2) A person commits an offence if—

- (a) he is responsible for an animal,
- (b) an act, or failure to act, of another person causes the animal to suffer,
- (c) he permitted that to happen or failed to take such steps (whether by way of supervising the other person or otherwise) as were reasonable in all the circumstances to prevent that happening, and
- (d) the suffering is unnecessary.

A range of dog-fighting activities are caught by section 4 of the Act which applies to companion animals (i.e. those dependent on humans for food and/or shelter whether actually ‘owned’ or merely those animals for whom humans have accepted some responsibility to provide food, shelter or veterinary treatment). Given that much exploitation and use of animals is legal, precisely defining animal abuse and cruelty poses some challenges (Nurse, 2013a; Agnew, 1998) particularly in distinguishing between the lawful and unlawful and between active and passive harms. Defining neglect of an animal is also problematic given that neglect encompasses a range of acts or omissions that adversely impact on nonhuman animals (with associated harms), rather than being specifically defined in law via a universally accepted offence of neglect. Accordingly legal systems often define neglect within animal abuse discourse via the term ‘unnecessary suffering’, consistent with Ascione’s definition of animal abuse and cruelty which contextualizes animal abuse as being ‘socially unacceptable behaviour that intentionally causes unnecessary pain, suffering, or distress to and/or death of an animal’ (1993, p.228). Thus, academic and policy discussions of animal abuse tend to concentrate either on *active* mistreatment or *deliberate* neglect where intent to cause animal harm is a significant factor and an indicator of either anti-social personality disorder, mental illness or of other forms of abuse, particularly within domestic contexts (Nurse, 2013a, p.94). However, within dog-fighting passive or unintended harm linked to neglect of an animal is a key element of investigatory and prosecutorial scrutiny of dog-fighting activities. As the data in this report clearly identify, relatively few prosecutions are taken for the offence of animal fighting and identifying the specific dog-fighting element within Section 8 prosecutions is also problematic. Accordingly harm caused to dogs by fighting is an important dog-fighting offence to consider, as is the failure of dog fighters and supporters to prevent such harm whether caused directly or indirectly.

While dog-fighters may argue that fighting is a natural state for their particular breed of dog and claim that the dogs enjoy the fight (Forsythe and Evans 1998) the Animal Welfare Act's consideration of whether suffering is 'unnecessary' includes the Section 4(3) qualifications on:

- whether the suffering could reasonably have been avoided or reduced;
- whether the conduct which caused the suffering was in compliance with any law or license; and
- whether the conduct which caused the suffering was for a legitimate purpose.

Thus the prohibitions on animal fighting and possession and use of fighting dogs contained in Section 8 of the Animal Welfare Act and in the Dangerous Dogs Act 1991 are relevant. Dog-fighting, as a prohibited activity, does not constitute a 'legitimate purpose' and so any suffering or harm caused to the dogs cannot be considered as incurred in pursuit of a legitimate purpose. In *R (on the application of Gray and another) v Aylesbury Crown Court* [2013] EWHC 500 (Admin) a former horse trader who had 115 equines seized from his premises under section 18a of the Animal Welfare Act 2006, on grounds that it was necessary to do so to prevent their likely suffering, appealed against his convictions for unnecessary suffering. Gray argued that sections 4 and 9 of the 2006 Act required either *actual* knowledge or a form of constructive knowledge that the animal was showing signs of unnecessary suffering, and that negligence was not sufficient. The court, however, held that Section 4(1)(b) of the 2006 Act clearly aimed to impose criminal liability for unnecessary suffering caused to an animal either by an act or omission which the person responsible either had known or should have known was likely to cause unnecessary suffering whether by negligent act or omission. Section 9(1) also sets an *objective* standard of care which a person responsible for an animal is required to provide. This being the case, the distinction between section 4 and 9 is whether the animal had suffered unnecessarily, not the mental state or beliefs of the person concerned.

Elsewhere in animal law, the Law Commission (2015, p.65-69) has recommended transposing the word 'deliberate' into UK wildlife law as a means of capturing action in respect of wildlife that relates to a range of intentional acts. While it is beyond the scope of this research to engage in exhaustive application of the 'deliberate' principle to dog-fighting, the range of dog-fighting related offences and manner in which they are investigated is such that both intentional and negligent acts are important, particularly in respect of the associated animal welfare offences for which offenders are often caught. Applying the logic of *Gray and Others* to dog-fighting, the intentions of those involved are irrelevant, the only consideration is whether the animal has been caused injuries (and their associated suffering) that could have been avoided. Thus, while investigators and prosecutors may find it problematic to prove beyond reasonable doubt (the criminal standard of proof) that a person had organised or knowingly taken part in illegal dog-fighting, proving harm caused to a dog may be a relatively straight forward matter, for example examination by a veterinary surgeon can prove the existence of injuries and would be admissible in court. Thus animal welfare offences are likely easier to prove and prosecute than animal fighting offences. Anecdotal evidence from animal welfare investigators suggests that the wording and nature of legislation may lead them to use these 'lesser' offences as a tool to secure progress in a case and remove dogs from the dog-fighter's possession as was the case for the horses in the *Gray* case (see appendices ). Thus there is a risk that

the reality of dog-fighting is obscured by the use of 'lesser' offences by investigators and prosecutors, a subject discussed later in this working paper.

### **Associated dog-fighting Offences**

Another range of arguably 'lesser' and preparatory offences relating to dog-fighting also exist within the form of the Dangerous Dogs Act 1991. The long title of the Act is:

An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to the types of dogs which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes.

Section 1 of the Act specifically controls dogs classified as 'fighting' dogs; namely the pit bull terrier; the Japanese Tosa; the Dogo Argentina; and the Fila Brasileiro. Controls enacted under Section 1 make it a summary offence to:

- possess such a dog, except for purposes permitted by the Act;
- breed, or breed from, such a dog;
- sell exchange or advertise such a dog;
- give away a fighting dog as a gift, or advertise such a purpose;
- allow a fighting dog to be in a public place without being muzzled and placed on a lead; and
- abandon a fighting dog or allow it to stray.

The provisions of the Act arguably criminalize possession of fighting dogs except under tightly controlled circumstances, and prosecutions data obtained from the CPS indicate that prosecutions for failing to control fighting dogs are relatively commonplace (discussed later in this working paper). From an investigatory and prosecutions perspective, an advantage of the Dangerous Dogs Act provisions is that while courts may have to determine whether a particular dog is actually a fighting dog, a reverse burden of proof (Hamer, 2007) effectively exists where the onus is placed on the defendant to show that his dog is not a fighting dog (Section 5 of the Act). This matter has been considered in some detail by the courts and hinges on the wording and intentions of the Act. In *R v Knightsbridge Crown Court, Ex parte, Dunne; Brock v Director of Public Prosecutions* [1994] 1 WLR 296 the court considered arguments that: a) the word 'type' should be treated as being synonymous with the word 'breed' and; b) that whether or not a dog showed dangerous proclivities was relevant to determining whether it was a pit bull and thus arguably in determining whether it was a kind of fighting dog.

The Court concluded that the meaning of 'type' within Section 1(1)(a) of the Dangerous Dogs Act was wider than the issue of 'breed' and that whether or not a dog was 'of the type known as the pit bull terrier' within the Act's confines was a matter of fact. In reaching a decision on whether a dog was a pit bull, the court could take into account the breed standard of the American Dog Breeders Association (ADBA) even where the evidence did not suggest that a dog conformed to every criterion of the ADBA's standard for being a 'pure' pit bull. The court in *Dunne* and *Brock* noted that the ADBA standard identifies that pit bulls should have the following characteristics:



- i) Gameness;
- ii) aggressiveness
- iii) stamina
- iv) wrestling ability
- v) biting ability

In assessing the weight that should be applied to considering such fighting dog cases the Court held that:

On appropriate evidence, a court would be entitled to express its conclusion in such words as: “We find that this dog has most of the physical characteristics of a pit bull terrier. The fact that it appears not to be game or aggressive is not sufficient to prove, on balance, that it is not a dog of the type of the pit bull terrier.”

The Sentencing Council for England and Wales published proposals on dangerous dog offences in March 2015 following changes to the Dangerous Dogs Act 1991 which came into force in 2014, substantially increasing the maximum sentences for dog offences. While it is beyond the scope of this paper to assess the full detail and impact of these changes, they arguably represent a more punitive criminal justice approach to dog-fighting and its consideration by jurists. However, we note that UK sentencing tariffs for dog-fighting lag behind those of some other European countries and the recommended sentences for serious wildlife crime offences recommended by the Law Commission (2015). There is, therefore, a case for increasing the level of available sentencing options on grounds of consistency (see Conclusions).

## A Legal Typology of Dog-fighting

Based on this analysis, arguably a *legal* typology of dog-fighting exists that distinguishes between active and passive dog-fighting and direct and indirect dog fighting according to the offences committed. This working paper would classify such offenders according to offence type as follows:

**A. Active Participant** – those with a direct (and sometimes personal financial) benefit from dog-fighting activities whose activities are directly defined within law as *active* dog-fighting (i.e. physical engagement in dog-fighting). This includes: fanciers/Dogmen, handlers and seconds as offenders.

**B. Passive Participant** – those who are involved in dog-fighting activities but whose activities are legally defined as ‘secondary’ activities for example those who facilitate the commission of *Active Participant* activities by holding or organizing dog fighting events and those who cause dog-fighting events to occur through the facilitation of the subsequent physical event. This includes: fight promoters, fight organizers, referees and timekeepers.

**C. Active Supporter** – those who directly support dog-fighting activities but who may not necessarily be directly engaged in or participate in the activity. This category would include, for example, secondary animal fighting offences such as gambling on the outcome of an event,

providing secondary or support services such as veterinary services. This includes: yard boys, spectators, street surgeons, the money man and enforcers.

**D. Passive Supporter** – those whose support for dog-fighting is removed from active engagement such as a video supplier, editor or retailer not present at a dog-fight but who nevertheless falls within the remit of Section 8(3) of the Animal Welfare Act by distributing dog-fighting film and material or who runs a dog-fighting appreciation website. This includes: video-makers, distributors, reviewers and bloggers.

**E. Indirect Participant and Associated Offenders** – those who commit offences defined within dog-fighting legislation but who are not directly involved in dog-fighting events and are arguably removed from the activity and associated with dog-fighting at arms length. This includes those who possess, breed or sell ‘fighting’ dogs as defined by the Dangerous Dogs Act 1991 and who by default are caught within dog-fighting statistics and prosecutions even where there is no direct fighting involved. It also includes sympathizers.

These preliminary categories are fluid and reflect the notion that animal offenders can exist in more than one category and have a range of motivations and behaviours that sometimes defy ‘neat’ classification (Nurse, 2013a; Schaffner, 2011). However, the manner in which UK laws are constructed broadly distinguishes between different offences type and categorizes dog-fighting activities according to perceived seriousness and the extent of engagement with actual fighting activity. Doubtless these categories will be developed further following detailed analysis of cases (currently underway) but this preliminary legal typology illustrates the manner in which contemporary law classifies different dog-fighting activities.

## The Extent of Dog-fighting

Smith (2010) referring to the broad area of ‘environmental’ (including animal) offending argues that ‘we only have a fuzzy notion of the stereotypical rural criminal and find it difficult to acknowledge the existence of a rural criminal underclass’. Yet the opportunities for criminality provided to rural criminals make it likely that specific types of offending endemic to rural areas and the field sports industry exist, multiple classifications of and perspectives on rural crime notwithstanding. Previous research, for example, identified distinct types of offender involved in animal crimes, concluding that in addition to the ‘traditional’ criminal who commits offences for financial gain, other specific offender types exist (Nurse, 2013a; 2011; Wyatt, 2013). Masculinities criminals – those who commit offences involving harm to animals as a representation of their male power and identity – are naturally drawn to activities such as countryside animal harm or urban bloodsports where their quarry (e.g. game or wild birds, badgers, hares) can be found and where their criminal behaviour exhibits a stereotypical masculine nature (Groombridge 1998, Kimmel et al. 2005) both in terms of their exercise of power over animals and the links to sport and gambling involved in such activities as dog-fighting, hare coursing, badger-baiting and badger-digging.

As mentioned previously (see section on Motivations) the reasons for involvement in dog-fighting or animal cruelty vary depending upon the offender. Offenders involved in the exploitation of animals and wildlife generally commit their crimes for the following broad reasons:

- profit or commercial gain;
- thrill or sport;
- necessity of obtaining food;
- antipathy towards governmental and law enforcement bodies;
- tradition and cultural reasons.

(Nurse, 2013a; 2011)

While these are the primary motivations and others may be involved, e.g. revenge attacks against animals in a domestic violence scenario, certain specific types of offending can only take place in rural areas as they are inherently reliant on countryside and wild species (e.g. hare coursing, badger-baiting, illegal fox-hunting and bushmeat hunting). But a specific urban conception on animal offending also exists and this research concludes that assessing the extent of this is problematic for the following reasons.

Producing clear quantitative data on the number of dog-fighting offences is problematic because it is difficult to establish both nationally and regionally. Problems of definition and in varied recording practices are factors; as with other areas of animal and wildlife crime, offences are sometimes excluded from 'official' crime statistics produced by justice agencies (police, Ministry of Justice, CPS) or are subject to variations in recording practice. In the UK, for example, police forces have historically not been required to record wildlife and animal crimes leading to some inconsistency and reliability issues (Conway, 1999). Where wildlife crime figures were produced they were historically included within 'other indictable offences' making direct analysis of wildlife crime levels problematic (Conway, 1999; Roberts et al., 2001; Nurse, 2003). The recording of dog-fighting is further complicated by the fact that the offence of dog-fighting, arguably does not exist with that specific definition. Instead, as the preceding text identifies, dog-fighting is incorporated into the broader offence of 'animal fighting' (under the Animal Welfare Act 2006) and within a range of other offences so that dog-fighting might variously be categorised as 'animal crime', 'animal welfare crime', 'environmental crime', or within more mainstream crime categories, for example, indictable offences, customs and revenue and gambling offences. The unreliability of official figures is partially negated by animal crime figures produced individually by those environmental and animal welfare NGOs that are directly involved in monitoring animal crime. At a national level, the RSPCA and SSPCA produce figures relating to the number of reported incidents of dog fighting and also produce prosecutions data. The Crown Prosecution Service (CPS) also produces data on public prosecutions (discussed further below) and some data are available from police forces on seizures of dogs and dog-fighting activity within their force area.

### **Locating the Data**

The range of organisations involved in compiling various animal crime figures means that producing a comprehensive analysis of the extent and nature of dog-fighting is problematic and potentially beyond the scope of this project to produce a *definitive* analysis of the exact scale of dog-fighting issues in the UK although producing indicative data on trends and the nature of dog-fighting is possible. However, it is not possible to produce complete figures on dog-fighting crime by simply combining all of the figures produced by NGOs and monitoring bodies. The exact position regarding the recording of animal crime is complex and the impression given of animal crime and dog-fighting

crime can be distorted by a number of factors which this section discusses. Lea and Young in their classic text *What Should be Done about Law Order* (1993, p.14) explain that before a crime is officially recorded it must go through a number of stages. The process is as follows:

1. Acts known to the public
2. Crimes known to the public
3. Crimes reported to the police
4. Crimes registered by the police
5. Crimes deemed so by the courts
6. The 'official' statistics

Lea and Young argue that at any of these stages it is possible for interpretation of the illegal act to halt the process of its 'official' recording:

[D]oes the member of the public think it worth reporting to the police (that is, is it a real crime and even if it is, will the police do anything about it?) Do the police think it is a real crime worthy of committing resources? And does the court concur? At each stage there is a subjective interpretation, very often involving conflict (for instance the police may think the crime not worth bothering about but the member of the public will) and often a reclassification (for instance, the crime begins as suspected murder and ends up as manslaughter), (1993, p.15)

These arguments take on increased validity in the case of animal crime; Padfield notes that 'the public's reporting of crime varies by offence' (2008, p.2). In some jurisdictions much reporting of animal crime by the public is direct to NGOs perceived as involved in enforcement and monitoring and not to policing agencies. Factors influencing reporting include the high profile of some organisations in the 'fight' against animal crime, for example, the high visibility of the RSPCA's uniformed inspectorate, SSPCA officers and other NGOs, such as the League Against Cruel Sport (LACS), who have achieved public recognition due to extensive media coverage and who are perceived as likely to take action in the event of an animal crime report. A secondary factor is public perception of animal crime and the role of the police in its enforcement. Media interest in policing and criminal justice predominantly focuses on public order issues such as anti-social behaviour, riots and policing of public protests and 'serious crime' priorities such as murder, rape, and even terrorism (Newburn, 2004; Joyce, 2010). Lea and Young argued that 'the focus of official police statistics is street crime, burglary, inter-personal violence – the crimes of the lower working class' (Lea and Young, 1993, p.89). This continues to be the case with public perception of animal crime possibly being something which falls outside their expectations of mainstream policing. (In developing countries, corruption issues may also mean that NGOs are trusted by the public and will receive information on wildlife crime, whereas state policing and conservation agencies are treated with mistrust (Garnett et al., 2011; Gore et al., 2013) accordingly public reporting of animal crime often bypasses state agencies, leading to under-representation of animal and wildlife crime in official figures.

By contrast, NGOs like the RSPCA, SSPCA, World Animal Protection, League against Cruel Sports, and Badger Trust have expended much effort on publicity to ensure that the public is aware that animal

crime and specific animal cruelty behaviours are major priorities. Glossy reports, press releases, direct mail campaigns, newspaper, television and radio advertisements and newspaper feature stories all contribute to the public's knowledge of NGO's involvement in preventing animal abuse. It is perhaps not surprising then, that those members of the public wishing to report wildlife offences routinely telephone the RSPCA, SSPCA, LACS and others to report crimes they have witnessed or heard about. This reflects both the perception that members of the public have that these are crimes that the police may not investigate and the success of the NGOs in promoting their involvement in animal crime investigation, particularly the RSPCA's uniformed role, and their policy development.

Such reporting, however, risks distorting the picture of animal crime somewhat; especially where NGO publication of animal abuse figures departs from the format used by mainstream policing agencies. Thus reporting may reflect a species-specific message (e.g. number of dogs, cats, horses, birds, etc. illegally killed), a broad campaigning message (worsening levels of crime or inadequacies of legislation) or an ideological position (moral wrong of animal harm, demonization of hunters or other deviant groups) commensurate with the NGOs ideological stance as campaigning, policing or lobbying organisation (Nurse, 2013b). This is not to suggest that there is anything problematic or wrong in producing figures that show a worsening picture of animal crime. However, from the perspective of accurately assessing the true nature of an offence such as dog-fighting, data which presents figures in a way that maximizes the level of animal abuse, for example by revealing reported rather than actual crimes, number of defendants or individual charges rather than number of crimes (Nurse, 2012) risks obscuring the reality of offences and leaves those figures that do exist open to challenge.

### **Regionality**

The issue of regional groupings or hotspots of dog-fighting in the UK is a case in point. It is possible to be led by the available data into quick conclusions which point to concentrations in south Wales, Lancashire, West Midlands, South and West Yorkshire, north east Scotland and parts of Northern Ireland. The reality is however that such groupings are based not upon actual activity but upon reports and convictions. These reports also vary depending upon the level of dog-fighting which is being reported. High volumes of reports of spontaneous dog-fighting rolls are most likely to come from urban areas, notably those with large municipal parks which sit adjacent to large areas of deprived social housing. Here again reports will vary depending upon the volume footfall of the park or open ground and the desire of local people to report this activity. Under such conditions London has a high level of reported activity.

Rural or semi-rural areas will feature more regularly in reports of level two and level three dog-fighting, i.e. the hobbyist and professional dog-fighting rings. However the nature of activity at this level denotes increased secrecy and covert activity, which in turn denotes lower levels of reporting. Hotspots may therefore be determined on the basis of arrests and prosecutions for dog-fighting or suspected dog-fighting. Hotspots may be temporary or short term as they may be determined by a coming together of likeminded individuals who link up to form effective networks and who have a ready supply of dogs for fighting and opportunities to fight. Such networks may be temporal.

Lancashire with its mixture urban / rural landscapes has emerged recently as one area where multiple investigations and prosecutions have taken place over the past several years. Table 3 below indicates how such issues have appeared in the local press. The frequency of prosecutions might of course point to a highly efficient investigative animal welfare service, although it probably also indicates an above average level of dog-fighting activity. This is perhaps notably so given that only a fraction of cases are reported and not all of these reach the courts. In one recent case at Burnley Magistrates court in Lancashire where three men were fined a total of £40,000 for their involvement in animal cruelty offences, District Judge James Clarke claimed dog-fighting had a role in ‘creating a black market economy’ in East Lancashire, (The Mirror 22/04/15).

Merseyside however is often reported in the press as another hotspot for dangerous and status dogs. Although as Harding notes (2012: 178) ‘proactive policing, dog wardens, high-level publicity and media interest – including a BBC documentary that reported on the prevalence of pitbulls and dog fighting – are offered by the police as reasons for the apparent decline in the number of reported cases of dog fighting on Merseyside’.

**Table 3: Lancashire Dog-fighting – recent press reports**

<b>Date</b>	<b>Location</b>	<b>Headline</b>	<b>Incident</b>	<b>Source</b>
2007	Accrington, Lancashire	Dog fight ring probed after arrests	Ten people arrested in suspected dog fighting ring	Lancashire Telegraph 22/06/07
2007	Blackburn	Fighting dogs ‘trainer’ jailed	Nasar Khan (25) jailed for four months after converting his terraced home into a pit bull training centre complete with treadmill and steroids	Lancashire Telegraph 02/07/07
2008	Accrington	Man jailed for arranging dog fights	Liaquat Ali jailed for six months. Film footage on his phone helped convict him.	Lancashire Telegraph 14/11/08
2009	Blackburn	Three Bailed in dog fight inquiry	Two men aged 22 and 25 and a woman aged 22 arrested on suspicion of animal cruelty	BBC News 07/04/09
2010	Accrington	Accrington man set pit bull on friend’s dog	Quadir Ahmed (23) who unleashed his crossbreed pit bull into a fight has been banned from keeping dogs for life	The Bolton News 31/03/10
2014	Accrington and Oswaldtwisle	‘Dog Fighting’ arrests in Accrington and Oswaldtwisle	Five people arrested and six bull terrier type dogs seized following raids and tip offs of dog fighting. Treadmills, electric collars and medicines seized.	BBC News 21/05/14
2015	Accrington and Oswaldtwisle	Men spared jail for offences linked to organised dog fighting	Father and son and another father given suspended sentences of four months jail with £40,000 costs.	Accrington Observer 20/04/15

Linked to Regionality are issues of ethnicity and culture. This is a tricky aspect of dog-fighting upon which to comment and links to the fact that dog-fighting is not illegal in several Asian countries, including Pakistan and Afghanistan. In UK communities which have a high number of ethnic

inhabitants from those areas, e.g. Tower Hamlets borough in east London, dog-fighting has surfaced as it has in some Asian communities in West Yorkshire, Lancashire and the West Midlands.

It should however be stressed that there are no identifiable data in relation to the prevalence, or otherwise of dog-fighting in the Asian community with the issue remaining un-researched. Anecdotally however local investigators have voiced concern that dog-fighting can have a high degree of tolerance in some Asian communities based on different cultural practices and beliefs and as a result there are a number of identifiable instances of dog-fighting which involve young men from Asian background. In 2007 a large number of Asian men were arrested following police interruption of dog fighting at Alum Rock in Birmingham.

BBC Radio Four journalist Amandeep Bassey, (BBC Radio 4 30/07/09) investigated the involvement of young men from Pakistani and Afghani backgrounds in the west midlands community. He identified a general acceptance of fighting with dogs and underlined the different cultural practices of rural Pakistan and Afghanistan where such activity is deemed both permissible as cultural tradition and widely endorsed as family entertainment.

Interviewed as part of this broadcast, Chief Inspector Ian Briggs of the RSPCA's Special Operations Unit commented that 'dog-fighting is up 400 per cent in the past three years in the UK. Out of all the work we do, 98 per cent of the dog-fighting work we do in our unit is to do with Asian gangs', (Harding 2012).

As Harding states (2012) Inspector Briggs felt his team were only 'scratching the surface' of this issue and evidence seized indicated a thriving trade in dog fighting DVDs being produced of fights in Pakistan which were then being sold under the counter in shops in the West Midlands. It is believed that some young Asian men will own dogs in Pakistan and Afghanistan and have them fought there by proxy. The fights are then screened back in the UK or streamed back online thus allowing young men in the UK to watch them and place bets on the outcome. Whilst this offers an intriguing insight into established cultural practices interfacing with UK law, this issue remains un-researched.

## **Caveats and Limitations**

In preparing this working paper, Middlesex researchers analysed the level of dog-fighting drawing on information from a range of different sources namely:

- Reports of organised animal fighting which primarily go to animal welfare organisations such as the RSPCA whose figures suggest that such reports have increased by nearly 33% from 2010 to 2014. The RSPCA identifies a total of 594 calls received in 2014 compared to 449 in 2010.
- Data from the public prosecutor the Crown Prosecution Service (CPS) which also identified a persistent level of prosecutions for dog-fighting related offences, particularly in respect of possession and breeding of fighting dogs – with a total of 316 of such offences charged and reaching a first court hearing in 2010-2011, 203 in 2011-12 and 273 in 2012-2013. In addition to these offences under the Dangerous Dogs Act 1991 there were 53 offences

charged and reaching a first court hearing in 2010-2011 for animal fighting and failing to ensure animal welfare and 57 in 2011-2012.

- Data from various court and legal databases which provides some conviction data which has been cross-referenced against other sources (See Appendix 3).

However, evidence from across the animal crime spectrum consistently shows animal crime as being under-reported and there are some limitations to the data. Conway (1999) discussing wildlife crime in Scotland concluded that police differentiation between incidents reported to them and those they actually accept as crimes meant that police discretion in rural areas and the distinction in the way that wildlife and animal crimes were classified meant that wildlife crime was not being reported accurately. Further complicating the distinction in wildlife crime is the manner in which wildlife crimes may be counted with other crimes and, as this paper illustrates, dog-fighting offences are 'hidden' within other animal fighting offences and animal welfare offences. The UK's RSPCA, for example, releases annual figures on animal cruelty which show that in 2013 the charity investigated 153,770 cruelty complaints and secured 3,961 convictions for cruelty offences in England and Wales, while the charity received over a million and a quarter (1,327,849) phone calls about cruelty issues (RSPCA, 2014).<sup>4</sup> Similar figures on numbers of calls received and levels of animal crime are produced by equivalent animal welfare bodies such as the RSPCA Australia, ASPCA (US) and Humane Society. However, some of these incidents will fit within broader definitions of wildlife crime or animal cruelty and some convictions will be for wildlife-specific offences (e.g. badger baiting, badger digging) rather than domestic animal abuses. But detailed analysis of these figures, subject to differences in recording practices and offence definitions is problematic, making collating precise animal crime figures from the available animal crime data difficult, specifying the precise element of dog-fighting within the broad range of animal crime, animal welfare and animal abuse data is further problematic. In addition, data were requested from various police forces under the Freedom of Information Act 2000. However, responses identified that the Home Office do not prescribe any notifiable offences for dog-fighting but only for dogs biting people which is an offence under the Dangerous Dogs Act 1991. In essence this means that current recording guidelines do not require the recording of dog-fighting data by police and, in fairness, it should again be noted that dog-fighting is not classified as a specific offence. Thus, while undoubtedly police forces hold some information on levels of animal fighting and dog-fighting related offences within their area, collating specific data on dog-fighting remains problematic (discussed further in Appendix 3).

These points notwithstanding, the available data on dog-fighting prosecutions is summarized in Tables 4, 5 and 6 that follow.

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As part of this project a direct request was made to the RSPCA for dog-fighting data. At time of writing an overview response has been received but a regional breakdown is not yet available. Further analysis has been attempted primarily via analysis of published data and cross-referencing of available data from different sources.



**Table 4 - Prosecutions for Dog-fighting and Dog-fighting related offences**

(Offences charged and reaching a first hearing in Magistrates Courts)

Offence	2007-8	2008-9	2009-10	2010-11	2011-12	2012-13
Animal Fighting (Section 8 AWA)	2	1	0	1	9	*
Participate in a hare coursing event	0	0	6	0	16	*
Attend a hare coursing event	0	0	4	0	0	*
Knowingly facilitate a hare coursing event	0	0	2	0	0	*
Digging for badgers	0	0	0	0	8	
Breeding of fighting dogs	*	*	*	8	8	1
Breeding from fighting dogs	*	*	*	2	2	0
Make a gift of a fighting dog	*	*	*	1	1	0
Allow a fighting dog to be in a public place without muzzle or lead	*	*	*	14	4	22
Abandon a fighting dog	*	*	*	1	0	0
Allow a fighting dog to stray	*	*	*	3	3	5
Possess/have custody of a fighting dog	*	*	*	287	184	242
Exchange a fighting dog	*	*	*	0	0	1
Advertise for sale or exchange a fighting dog	*	*	*	0	1	0
Advertise/expose as a gift of a fighting dog	*	*	*	0	0	2
<b>Total</b>	<b>2</b>	<b>1</b>	<b>12</b>	<b>317</b>	<b>236</b>	<b>273</b>

(Source, CPS, 2015)

\* denotes figures not readily available

Table 4 illustrates the complexity of assessing the exact level of dog-fighting activity. Issues in data availability mean that figures are not directly comparable year-on-year except for the two years (2010-2011 and 2011-12) where data are available for the full range of prosecution statistics. In addition, as this text identifies, dog-fighting is not a single, clearly defined crime, but actually consists of a number of different offences. In 2009 the RSPCA reported that public scraps and 'rolls' amounted to sixty-six per cent of the calls it received about dog-fighting but RSPCA and LACS data is not included in CPS data which relates only to action taken by the public prosecutor. Table 5 examines RSPCA Data.

**Table 5 - Prosecutions for Dog-fighting and Dog-fighting related offences**

(RSPCA Data on Convictions under relevant legislation)

Offence	2008	2009	2010	2011	2012	2013
Animal Fighting (Section 8 AWA) – includes <u>all</u> animal fighting offences <sup>5</sup> .	N/A	31	10	33	48	44
Dangerous Dogs Act 1991	N/A	21	12	14	9	2
Duty to Ensure Animal Welfare (Section 9 AWA)*	N/A	721	793	1,999	1,806	1,327
<b>Total</b>	<b>N/A</b>	<b>773</b>	<b>815</b>	<b>2046</b>	<b>1863</b>	<b>1373</b>

(Source, RSPCA, 2014, 2013, 2012)

\* It is important to note that figures on the Animal Welfare Act duty of animal welfare will include animals other than dogs but are included here to allow for discussion of associated offences, also covered by Table 6.

Table 6 illustrates the available 'official' data for associated offences.

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<sup>5</sup> Currently it is not possible to separate dog-fighting offences from other animal fighting offences. Further information is being sought to distinguish within datasets.

**Table 6 – Associated Offences**

(Offences charged and reaching a first hearing in Magistrates Courts)

Offence	2007-8	2008-9	2009-10	2010-11	2011-12	2012-13
Causing Unnecessary Suffering (Section 4 AWA)	61	138	210	252	241	*
Duty to Ensure Animal Welfare (Section 9 AWA)	21	13	34	52	48	*
Possession/Custody of a dog while disqualified	*	*	*	2	7	0
Failure to comply with dangerous dog destruction order	*	*	*	0	1	1
<b>Total</b>	<b>82</b>	<b>151</b>	<b>244</b>	<b>306</b>	<b>297</b>	<b>1</b>

(Source, CPS, 2015)

\* denotes figures not readily available

Tables 5 and 6 illustrate the difficulties of cross-reference based analysis. Data provided by the CPS relates to 'offences charged' whereas data available from the RSPCA relates to number of convictions. In the latter case, it should be noted that the number of convictions can represent a lesser number of actual offences because one incident can involve several offenders each of which could be subject to multiple charges; thus multiple convictions. Convictions data also does not reveal the number of offences reported or the number of failed cases, albeit RSPCA data does exist on the success rate of RSPCA prosecutions, taking into account total percentage of defendants convicted as a percentage of defendants summonsed.<sup>6</sup>

A Parliamentary question asked on 8 September 2015 and answered 16 September 2015 queried how many (a) prosecutions and (b) convictions there were for dog fighting in 2014. In 2014 in response to a Parliamentary question, the Government acknowledged that distinguishing dog fighting from other animal fighting was problematic due to the way that offences are recorded and in its 2015 written answer commented.

10 defendants were proceeded against at magistrates' courts, and five were found guilty at all courts of offences related to dog fighting in England and Wales, in 2014. This information was obtained from a manual review of court case files that centrally held data indicated may

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<sup>6</sup> RSPCA data shows a success rate for convictions consistently in the region of 97%

be relevant, and as such has not been through the same quality assurance processes as for routinely published data.

(House of Commons, 2015)

As the 2015 written answer suggests: identifying the precise number of prosecutions and convictions is problematic. It is unclear, for example, what the precise definition of ‘dog-fighting’ is within the Secretary of State’s answer. If this relates solely to the *direct* animal fighting offence contained within the Animal Welfare Act 2006 then arguably this represents an increase in prosecutions activity given that only 10 such prosecutions reached first hearing between 2007-8 and 2011-12 according to the ‘official’ figures (e.g. CPS data). But note that RSPCA data shows a larger number of convictions, noting that convictions and prosecutions are different measurements (i.e. a prosecution may fail and result in acquittal, a conviction denotes a ‘successful’ prosecution). From a research perspective further information is required on the criteria used to select the manual files used to answer the parliamentary question and whether there is a distinction between defendants and actual cases; i.e. did any of these cases involve more than one defendant? Crucial to the answer is the suggestion that collating such data is only possible via a manual examination of files. Potentially this would also be the case if one were to attempt to match RSPCA data and CPS data given the differences in recording practices as Table 7 indicates.

**Table 7 – Dog-fighting Convictions**

(Dog-fighting Offences convicted at Court)

Offence*	2008	2009	2010	2011	2012	2013	2014
Animal Fighting (Section 8 AWA) – includes only dog-fighting offences <sup>7</sup> .	1	2	2	0	1	2	1
Dangerous Dogs Act 1991	1	0	4	2	3	2	3
Causing Unnecessary Suffering (Section 4 AWA) in respect of fighting dogs	0	0	1	0	3	6	4
Duty to Ensure Animal Welfare (Section 9 AWA) in respect of fighting dogs	0	0	0	0	0	1	0
<b>Total</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>7</b>	<b>11</b>	<b>8</b>

(Source, Court and newspaper reports)

Table 7 has been compiled via a manual analysis of court records, cross-referenced against newspaper reports for dog-fighting offences. The results are broadly consistent with the CPS data

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<sup>7</sup> Currently it is not possible to separate dog-fighting offences from other animal fighting offences. Further information is being sought to distinguish within datasets.

although we concluded that seven defendants were found guilty of dog-fighting offences in 2014. The difference can partly be explained by our analysis including all available cases and not just those prosecuted by the CPS. It may also be explained by how dog-fighting is defined. This research notes that dog-fighters will 'discard' dogs considered to lack 'gameness' (see earlier sections of the report) and that failure to seek veterinary care or the causing of unnecessary suffering are also dog-fighting relating offences. Accordingly our Table 7 analysis includes those offences relating to fighting dogs where manual analysis of the case records suggests a likely link to dog-fighting. But the CPS qualification on rigorous quality control limitations equally applies to Table 7 which analyses available data but which cannot definitively say this is all data.

## **Dog-fighting Laws and Offences: Conclusions and Recommendations**

This research identifies that far from being a single, easily identifiable offence; dog-fighting incorporates a range of different offences in law, a range of different offence types, and a range of different offenders. Commensurate with previous research that identifies different offender behaviours and offending within animal and wildlife crime (Nurse, 2013a, 2011; Schaffner, 2011, Radford, 2001) this research concludes that variation exists in the nature of dog-fighting to the extent that a single approach to offending is unlikely to be successful. Instead, policy approaches need to consider the level and type of participation of individual offenders and the manner in which legislation codifies various dog-fighting activities. Ortiz (2010: 75), discussing American dog-fighting, identifies that 'prosecution of the crime is also made difficult by the secrecy of hobbyist and professional dog-fighting, the spontaneity of street-fighting, the unwillingness of many witnesses to come forward, and the necessity of using indirect evidence to prove most cases'. Ortiz argues that US states should amend their statutes to strengthen penalties for dog-fighting and related offences but this research identified that, as with numerous other animal, wildlife and animal welfare crimes (Nurse, 2013a; 2015), it is in enforcement and understanding of the nature of dog-fighting offences that problems most commonly occur. In particular:

- The level of dog-fighting remains an unknown quantity given the varied manner in which offences are recorded. Dog-fighting falls within the category of 'animal fighting' under Section 8 of the Animal Welfare Act 2006 and the available data does not distinguish between dog-fighting and other forms of animal fighting;
- The frequency with which dog-fighting takes place is similarly obscure. Whilst although practitioners are able to offer to guestimates, the lack of definitive research into the levels of dog-fighting impedes further policy implementation;
- Dog-fighting offences may not always be prosecuted or identified as such given the nature of harms caused to dogs during fighting activities and the availability of 'lesser' but more easily provable offences such as failure to provide animal welfare under the Animal Welfare Act 2006. Thus a conclusion of this research is that not only is the level of dog-fighting difficult to quantify but a likelihood exists that dog-fighting is both under-reported *and* under-recorded given the very real likelihood of dog-fighting offences being recorded under other legislation – e.g. as animal welfare and animal harm offences. Indeed it is also clear that in some circumstances dog-fighting offences are not required to be recorded as such;

- A logical inference from the preceding conclusion is that there is likely a lack of recording of the links between dog-fighting and other offences. But, analysis of the law and case law illustrates that dog-fighting and other offences/activities are linked.
- Within the data examined, the largest element of known and recorded dog-fighting activity relates to the possession or custody of fighting dogs. It should be noted that the data do not distinguish between custody of dogs in an *actual* fight setting and possession and custody of dogs in a 'benign' or domestic setting. It is beyond the scope of this project to interrogate the data any further (to do so would likely involve large scale analysis of case files with the attendant access problems in doing so) but further attempts will be made to collate further data that allow us to distinguish between reported offences and actual offences/prosecutions.
- A legal typology of dog-fighting exists such that the historical conception of dog-fighting as a pit sport (Ortiz, 2010) is inadequate to describe the contemporary reality in which dog-fighting has evolved. The legal typology distinguishes between active and indirect engagement in dog-fighting in accordance with the classification of dog-fighting within various legal categories and offences.

Accordingly, this working paper concludes that an inadequacy exists in the current recording of dog-fighting activity that likely impacts negatively on the resources provided for dog-fighting enforcement. It also has negative impacts on public and criminal justice system understanding of the scale of dog-fighting problems.

### **Recommendations:**

A core question of this research is whether legislation and enforcement policy has kept pace with developments in dog-fighting and the evolution of its linked criminality. The difficulties inherent in the recording of dog-fighting offences and the manner in which dog-fighting as a specific crime appears to be under-prosecuted suggests this is not the case. The research identifies that dog-fighting has extended beyond its pit based origins to encompass a range of other activities including dog-fighting as street crime. Yet the response to dog-fighting is still primarily a reactive one, based on limited data on the scale of the problem. Accordingly we make the following policy recommendations:

1. That dog-fighting should be recorded as a specific offence in order to improve data quality and correctly assess the scale of the problem as well as providing intelligence and information that could be used to identify the required policing resources and cultural/regional specific problems. For the sake of clarity we consider that the existing offence of animal fighting should be retained and do not necessarily make the case for dog-fighting to be made a separate offence, unless this is the only mechanism through which local and national recording of dog-fighting offences can be achieved.
2. The penalty for dog-fighting and dog-fighting offences should be brought in line with similar legislation in other European countries in order to achieve consistency. Currently the

maximum sentence for animal fighting is a term of imprisonment of up to 51 weeks (for Animal Welfare Act 2006 offences). But in some European countries it is two years (e.g. France) or three years (Germany, the Czech Republic). We would argue for raising the tariff to two years on grounds of consistency, noting also that the Law Commission's (2015) approach to other animal (wildlife) offences recommends extending the penalty for the most serious offences from six months to two years in prison.

3. The Government should increase the support for and ensure that the police and other agencies have adequate resources and support to respond to dog-fighting problems, including appropriate resources to develop multi-agency approaches.
4. The government should initiate and fund research into the prevalence, nature and enforcement of dog-fighting.

In respect of the need for further research to be undertaken, we suggest that further research activity should consider and address the following areas in more depth:

- To improve data quality, capture and analysis amongst current practitioners and various reporting and recording bodies
- To expand data quality, capture and analysis to practitioners, such as veterinary practices and park officials, who do not presently contribute to data capture
- To improve data quality, capture and analysis by capturing new empirical qualitative data from enforcers and policy professionals in order to examine the practical implementation of dog-fighting laws in more detail.
- To investigate how enforcers and persecutors implement, interpret and operate within the confines of the current legislation. In particular, we propose research that examines charging practice and explores decision-making processes over which legislation to use for dog-fighting offences.
- To determine with greater accuracy the scale, frequency, location, participation and detailed nature of dog fighting at each of the three identified levels
- To confirm or negate the existence of Regional hotspots
- To better understand the existence and influence of cultural acceptance of dog-fighting within specific communities, and in particular to examine ethnic or cultural drivers which cause dog-fighting for example within including the Hip Hop community, the urban gang community, the rural farming community, the Traveller community and the Asian community.

- To review and assess International (largely European and US) legislative and policy approaches to tackling dog fighting
- To use the above data to inform criminal justice policy on dog-fighting in the UK and to make an evidenced based call for increased resources.



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## **Appendix One – Rules for Dog fighting**

### **Irish Rules**

**The rules for dog-fighting are very strict. The following are those followed by the Irish dog-fighters.**

#### **Rule 1**

Size of pit, optional; to be square and 30 inches high. Scratch lines 14 feet apart, with carpet on the floor.

#### **Rule 2**

Referee to be chose before the dogs are weighed and washed. Referee also to conduct the contest according to the rules and his decision to be final and binding.

#### **Rule 3**

Referee to ensure that the dogs are weighed at time agreed on in the contract. If either dog weighs more that contract weight referee to see that forfeit money is paid to the relevant part.

#### **Rule 4**

Parties to toss coin to decide first wash. Each party to furnish clean towels.

#### **Rule 5**

Both dogs to be washed in the same warm water, both dogs to be rinsed in clean warm water taken from the same container. Upon request, referee to search and satisfy himself that both washers and handlers are clean and arms bared to the elbows.

#### **Rule 6**

Upon completion of washing handlers to take their dogs to designated corner of pit.

#### **Rule 7**

Dog owner or representative should be allowed at all times to be near his dog, to ensure no harm is done. Each owner to be allowed to name a representative to watch the opponent's dog and handler at all times to see no unfair advantage is gained.

#### **Rule 8**

Either dogs owner, handler or watcher has the right to appeal to the referee and thereby obtain a decision if any handler, watcher or owner violates any of these rules, thereby gaining advantages. The referee maintains the right to foul any party in such circumstances.

#### **Rule 9**

The interested parties should choose a time keeper at the pit side.

#### **Rule 10**

The dogs are taken on completion of weighing and washing to their designated opposite corners, faces turned away from each other. The referee shall order: "Face your dogs!" Each handler must turn and face his dog to the centre of the pit thereby showing full head and shoulders to the opposite dog.

The referee shall order: "Let go" the handlers must release their dogs fairly, in no way pushing or shoving their dogs across the pit. Handlers are not to leave their corners until dogs mouth each other.

**Rule 11**

If either dog turns his head and shoulders away from the opponent's, whether they are in holds or free, a turn is to be called. The dog's handler, the opponent dog's handler, or the referee to call a fair turn, (the referee's decision is binding).

The referee to instruct both handlers to handle their dogs at the first out of holds break. Immediately upon dogs being picked up, handlers to take their dogs to their respective corners. Handlers to ensure that dogs face the corner of pit.

Twenty-five seconds after both handlers have arrived at their corners the referee to state: "Face your dogs" both handlers to show their dogs head and shoulders facing the centre of the pit. Five seconds later (30 seconds in total) referee to state: "Let go." The dog that made the first turn to be released first. This dog must cross the pit and mouth the other dog. If after a count of ten seconds the scratching dog fails to mouth his opponent, the referee must declare the opponent's dog the winner.

A handler is allowed to release his dog at any time after the scratching dog has started over. He must turn him loose when the dogs touch each other, he is not compelled to until such time.

**Rule 12**

a) If neither dog turns and they cease to fight after 60 seconds being out of holds, the referee should order dogs to be handled. The dog deemed by the referee to be the down dog to scratch first. If the dog completed a scratch the fight is on and they continue to scratch in turns until the contest is decided.

b) If the down dog fails to complete his scratch the other dog is to scratch to win. If he fails to scratch the contest shall be declared a draw by the referee.

c) No handler is to handle his dog until ordered by the referee, (unless a turn had been called and an out of hold break occurs). If he does the referee to consider whether a foul is committed, if so the contest to be forfeited to his opponent.

d) No photography at the pit side unless agreed upon by both parties. No banging on the pit wall, abuse or rowdy behaviour at the pit side. This behaviour to be frowned upon by the referee and corrected where necessary.

**Rule 13**

Once either dog has mouthed his opponent (after a scratch), either handler is allowed to pick up his dog if an out of holds situation occurs. The other dog's handler must follow suit immediately and pick his or her dog up and return to respective corners. Where rule 11 procedure implemented. If either handler makes a pick up and the dogs are still in holds or become in holds, then the dog is to be released and the fight to continue. Referee to warn handler if persistent bad pick ups occur.

Dogs to continue to alternate scratching until either dog is picked up or quits thus deciding the winner.

**Rule 14**

If either dog fangs himself, the respective handler to request permission from referee to un-fang his or her dog. This to be done by the handler or referee (to be decided at the time). If the dogs are separated to allow un-fanging, they are immediately taken to the centre of pit, two feet apart and released simultaneously when ordered by the referee.

**Rule 15**

Nothing to be taken into the pit except a fan, to cool your dog. The interested parties to choose a person to hold the bucket with the two sponges. At each handle the referee shall give each handler a sponge, to be returned to the referee after each scratch.

**Rule 16**

Permission to be granted by referee for any item drinks, etc, to be passed into pit. If any foul play is suspected by either handler or party or any item is seen to be passed into the pit referee to investigate and make appropriate decision.

Either party has the right to place a representative in opponent's corner to ensure no foul play occurs.

**Rule 17**

If either handler leaves the pit with or without his dog before the referee renders his verdict he is to lose the fight.

**Rule 18**

Handlers to be allowed to encourage their dogs verbally and physically without touching them. If foul methods are suspected, to be brought to the attention of referee. If either party found guilty, they are to lose the fight.

**Rule 19**

If the police interfere the referee to name the next meeting place.

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/1/hi/programmes/panorama/6970533.stm>

Published: 2007/08/30 20:18:14 GMT

## Appendix 2 – Sample Case Studies

**Year: 2007**

**Date : 7<sup>th</sup> June 2007**

**Location: Alum Rock, Birmingham**

Defendant: various

Ages: various

Offence: Three men were each jailed for four months following an RSPCA raid on addresses in Birmingham. Wasim Azam, Mir Dawood and Mo Shazad admitted keeping pit bulls. They denied using the dogs for fighting but Magistrates were satisfied they had been used for this purpose.

Remarks: During the raid the RSPCA seized 47 pit bull type dogs, treadmills, veterinary kits and videos.

Source: BBC News Channel report 07/06/07

**Date: July 2007**

**Location: Blackburn, Lancashire**

Defendant: Nasar Khan

Age: 25

Offence: Khan was jailed for four months after a court heard how he transformed a terraced house in the street into a pit bull training centre complete with treadmill and steroids.

District Judge Peter Ward said the nine dogs kept in the property were capable of inflicting "terrible and fatal injuries both to other dogs and to people."

The training centre, which was just doors from Khan's home, was discovered when one of the animals escaped in January and was spotted by local residents roaming the streets. The court heard that the house in July Street was raided by police after a dog warden was called to seize one of the dogs that had escaped. The house which was owned by Khan's family, had been completely cleared of furniture and the treadmill had been specially adapted so a dog's collar could be attached forcing the animal to run. Blood was discovered in the house as were steroids and muscle-building chemicals. Each dog was caged individually around the property. All nine of the dogs were put down but not before kennelling costs reached over £15,000.

Mr David Traynor, prosecuting, told Preston magistrates that the dogs were so vicious that after they were seized by police one of the animals escaped from his cage in the back of a van on the way to kennels and mauled another so badly that it had to be put down.

Judge Ward said: "It is clear that these dogs were being trained to bite and the potential danger to the public was significant." Khan had earlier pleaded guilty to eight charges of owning fighting dogs and one of allowing one of the dogs to be in a public place without a muzzle or lead. He said he was not training the dogs for fighting, but was "fascinated" by them and wanted them to grow big and muscular.

Aftab Bakhat, defending, said that Khan was an "extremely stupid man" and did not realise that what he was doing was illegal. But Judge Ward said: "He may have been naive but it seems to me that these are dogs that have been prepared for fighting and have been involved in some fighting."

After the case, RSPCA spokesman Sophie Corless said: "Sadly large numbers of pit bull types are still being kept for the wrong reasons - seen as macho status symbols for the purpose of organised dog fighting." Either way the dog's welfare is unnecessarily put at great risk by their owners. It is a brutal crime."

Source: <http://www.lancashiretelegraph.co.uk/news/1513380.print/>



## Year 2009

**Date:** 25<sup>th</sup> Sept 2009

**Location:** Lincolnshire

Defendant: Multiple

Ages: 33-44

Offence: Claire Parker, 44, was found guilty of holding a fight in the garage at her home, which she shared with her husband, John Parker. He has since died in prison. She was found guilty of being present at a dog-fight, keeping a premises for dog-fighting and possessing three pit bull dogs. She had denied all the charges. Claire Parker, 44, a mother of three from Kexby, Lincolnshire, who held dog fights at her home, was sentenced to 18 weeks in prison. Parker was banned from keeping animals for 10 years.

Gary Adamson, 38, of Yarm, North Yorkshire, who pleaded guilty to six charges in connection with illegal dog-fighting, was given 23 weeks in prison.

Mohammed Farooq, 33, of Bordesley Green, Birmingham, who was found guilty on two counts of causing unnecessary suffering to an animal and possessing training equipment for dog-fighting, was sentenced to the maximum penalty of 26 weeks.

Owen Batey, 40, of Middlesbrough, was given 23 weeks in jail, having admitted setting two pit bulls on each other, being present at a dog-fight and owning a pit bull.

Christopher Burgess, 42, of Mansfield, Nottinghamshire, who pleaded guilty to one charge of keeping a banned dog, received 160 hours' community service.

Both Adamson and Batey were banned from keeping animals for life.

Three co-defendants were jailed for between 23 and the maximum 26 weeks for animal cruelty offences. Sentencing had been delayed after one of the defendants was attacked in court. Kenneth King, 35, of Newark, Nottinghamshire, was struck around the head several times and left bleeding from his ear. Another person involved in the scuffle was Tasered by police.

Remarks: Lincoln Magistrates' Court heard the ring was smashed after a BBC Panorama investigation. The fights were held in the converted garage of Mrs Parker's home. The court found the syndicate had links to a gang in Northern Ireland, with paramilitary connections, who supplied illegal American pit bull dogs. Members of the ring attended fights as far away as Finland.

District judge Richard Blake said: "There's widespread public objection at these sorts of offences; of the sadistic abuse of animals for entertainment.

"The dogs in this case are not in any way pets - they are animals used for sadistic entertainment and perverted pleasure."

Source: <http://news.bbc.co.uk/1/hi/england/8274832.stm>

BBC news Page last updated at 16:23 GMT, Friday, 25 September 2009 17:23 UK

**Year: 2010**

**Date: August 2010**

**Location: Enfield**

Defendant: Bilal Aldeeb

Age of defendant: 32

Offence:

Animal Welfare Act Section 8 – keeping and training a pit bull terrier for use in animal fights, possession of dog-fighting equipment. Dangerous Dogs Act 1991 – possession of a pit bull

Sentence: ordered to do 200 hours community service, banned from keeping dogs for five years, ordered to pay £500 prosecution costs, forfeiture order on dog-fighting collar and tapes and a destruction order issues in respect of pit bull.

Remarks: Video evidence found of dog-fighting but evidence suggested fighting had taken place overseas and so could not be subject of UK charges. But charges possible in respect of possession of pit bull and fighting related paraphernalia.

**Date: 15<sup>th</sup> July 2010**

**Location: South Wales**

Defendant: David Brinley Braddon

Age of defendant: 47

Offence:

Convicted following a major investigation by covert RSPCA officers. He was found guilty of keeping a dog for fighting and causing unnecessary suffering to a dog by failing to seek veterinary care for its wounds. He was also convicted of possessing equipment associated with training dogs to fight. He admitted five counts of owning a pit bull terrier type dog at an earlier court hearing. He was banned from keeping dogs for 10 years and ordered to pay £1,000 costs. He was cleared of keeping another four dogs for fighting and of causing unnecessary suffering to a second dog.

Remarks: RSPCA officers identified Mr Braddon in several illegal magazines which contained reports of dog fights. At his home they discovered two treadmills, weighing scales and a bottle of penicillin Duplocillin, used to treat injured animals.

The RSPCA believed that one of his dogs at his home fitted the description of a dog referred to in fight literature as Otis. Inspector Ian Briggs from the RSPCA said, “It is a major breakthrough to see David Braddon successfully convicted of dog fighting offences. The numerous references to him and Otis in the match reports would suggest he has connections deep within the organised dog fighting world”

Source: RSPCA News Release, Thursday 15<sup>th</sup> July 2010, RSPCA , Horsham, West Sussex.

**Year: 2011**

**Date: Sept 2011**

**Location: Macduff , Scotland**

Defendant: David Reid

Age: 22

Offence: David Reid was jailed for six months and his brother Colin Reid, 24, received four months at Banff Sheriff Court. The brothers admitted charges involving bull terrier-type dogs fighting and were banned from keeping dogs for five years. It followed an undercover operation by the animal charity, the Scottish SPCA.

This was the first conviction for animal fighting under Section 23 of the Animal Health and Welfare (Scotland) Act of 2006, and only the second ever in Scotland. The Act empowers Scottish SPCA inspectors to search and enter homes under warrants to retrieve evidence. Six pit bulls were seized and four homes raided.

Remarks: The brothers were close associates of a man whose dog was found dead in a ditch by the SSPCA during the investigation having been shot in the head. The dogs microchip was still in place and held important data regarding its owner. It is believed that a number of dogs were killed and dumped to avoid the SSPCA bringing charges. Local farmers also believed their cattle may have been attacked as part of a training regime to prepare the dogs for fighting. The brothers had filmed a number of videos of themselves fighting dogs. Videos of dog fights from Eastern Europe were also found.

Chief Superintendent Mike Flynn said: "During raids on the Reid brothers we discovered video evidence which not only proved their guilt but also clearly demonstrated their fascination in watching the poor dogs involved viciously fight each other. We also removed six dogs, including three pit bull terrier-type dogs which are illegal having been classified as dangerous, veterinary equipment and various paraphernalia associated with dog fighting."

Source: BBC News <http://www.bbc.co.uk/news/uk-scotland-north-east-orkney-shetland-15001605>  
<http://www.dailyrecord.co.uk/news/scottish-news> (22/09/11)

**Year: 2014**

**Date: February 2014**

**Location: Newport Magistrates Court, Offence location - Merthyr Tydfil**

Defendant: Kerry Evans

Age of defendant: 25

Offence: Keeping or training six pit bull terriers,

Sentence: Six months' suspended sentence, £1,000 fine and ordered to do 200 hours community service, banned from keeping dogs for eight years. Evans was also convicted of four charges of having equipment for use in connection with an animal fight. Clive Rees, defending, pleaded for Evans' liberty because he was due to become a father.

Remarks: Prosecution alleged involvement in organised dog-fighting with the number of pit bulls constituting an aggravating factor. The case was the result of an RSPCA raid where evidence of injury to the dogs was found and evidence also of a breeding operation with the judge commenting that pups had been offered for sale over the internet.

Evans was arrested after the RSPCA discovered five of the dogs in a kennel near his home and a sixth was later found at his house. Police seized first aid kits containing syringes and antibiotics allegedly used to treat dogs after fights. Officers also uncovered "break sticks" used to open dogs' jaws. All six dogs were ordered to be destroyed by the RSPCA with dog fighting equipment and graphic books showing dog fighting.

Prosecutor Aled Watkins said: "Evans was involved in organised dog fighting and kept six Pit Bull Terriers to be used in this barbaric crime. The aggravating features in this case are the numbers of fighting dogs he kept. Quite frighteningly, one dog had been bred from and her puppies were offered for sale over the internet. The day after Evans' trial finished we heard the sad news involving the death of a child cause by a banned Pit Bull. It is a frightening feature of this case."

"There is evidence of injury to the dogs and there is a potential of more serious harm as you bred from one of the dogs and offered the puppies for sale". District judge John Charles, Newport Magistrates Court.

District judge John Charles told Evans: "You have an extremely unhealthy interest in Pit Bull fighting. There is evidence of injury to the dogs and there is a potential of more serious harm as you bred from one of the dogs and offered the puppies for sale."

RSPCA chief inspector Michael Butcher told the court how organised dog fighting was thriving in underground leagues across the country. "It's quite a small fraternity with almost exclusively Pit Bull type dogs used, being bred for the purpose," he said. "They will meet any dog in a pit face-to-face and go through the pain barrier. "The dogs will be trained - it is very organised."

Source: BBC News <http://www.bbc.co.uk/news/uk-wales-south-east-wales-26419613> (03/03/14)

**Year: 2015**

**Date: February 2015**

**Location: Wigan and Leigh Magistrates Court**

Defendant: John Psaila

Age of defendant: 49

Offence: Dangerous Dogs Act 1991, possession of fighting dogs, Animal Welfare Act offences relating to failures of animal welfare

Sentence: 121 days imprisonment, banned from keeping animals for life, ordered to pay £520 towards prosecution costs and an £80 victim surcharge.

Remarks: videos (mobile phone footage) seized showing training of dogs on treadmills, dog found with injuries consistent with being involved in fights. Two of the dogs were ordered to be destroyed as their training meant they could pose a risk to the public. Video footage widely reported in the media.

**Date: 22<sup>nd</sup> April 2015**

**Location: Accrington, Lancashire**

Defendant: Darren and Callan Wheatcroft and Simon Whitworth

Age: 22 - 48

Offence: Darren Wheatcroft pleaded guilty to attempting to arrange a fight between illegal pit bull terrier-type dogs, while his son, Callan, and farmer Simon Whitworth pleaded guilty to training the animals for fighting. All three were handed suspended prison sentences and ordered to pay a total of £40,000 to the RSPCA at Burnley Magistrates' Court, Lancashire. They were all handed suspended prison sentences after RSPCA inspectors raided their homes and found five illegal pit bull terrier-type dogs.

Darren Wheatcroft, 48, and his son Callan, 22, both of Accrington, admitted keeping and training three of the dogs. Whitworth, 44, of Oswaldtwistle, admitted keeping and training another two dogs. Darren Wheatcroft admitted a further charge of arranging a dogfight, although the RSPCA could not prove that the event ever took place.

Remarks: All five illegal dogs - Dingo, Sheeba, Zula, Fenton and Mousey - were ordered to be destroyed. The animals were wearing electrical shock collars, were covered with scars and were kept in urine-soaked cages without water. Footage, shot by RSPCA inspectors following the raids in May 2014, showed some of the animals, which were imported from the Netherlands and trained using treadmills. Laptops, mobile phones and books were also seized in a joint investigation with Lancashire police known as Operation Cask. Messages were uncovered from Darren Wheatcroft offering a £1,000 fee to secure a fight between his illegal dog and another.

Speaking after the hearing, chief inspector Ian Briggs, from the RSPCA's special operations unit, said: "These people were actively involved in the dogfighting scene. They sourced dogs specifically for dogfighting, including going abroad. They were thoroughly knowledgeable in what they were trying to do and they set out deliberately to build up a stock of fighting dogs at their premises".

District Judge James Clarke slammed dogfighting for its role in 'creating a black market economy' in East Lancashire. He told the defendants: "These dogs are illegal for a reason. They are dangerous in the eyes of Parliament. Their characteristics and their training can lead to significant physical injury to one another and they are dangerous to the public.

"I shouldn't need to remind you that animals such as this have attacked members of your community. While not holding you responsible for that, you have knowingly involved yourself in an industry that perpetuates cruelty and criminality in relation to animals.

"The intention of fighting to the death shows a failure to take proper responsibility of these animals. I am

satisfied that his took place over an extended period of time.

"Each of you has an unhealthy interest. You have invested a significant amount of finances and attempted - especially Darren Wheatcroft - to make money out of it, involving others and travelling abroad to acquire the animals. You were involved in criminality."

Source: <http://www.mirror.co.uk/news/uk-news/cruel-owners-trained-fight-dogs-5563135>

**Date: October 2015**

**Location: Belfast**

Defendant: The Kirkwood family and Jamie Morrow

Ages: 19 - 43

Offence: The following article from the Belfast Telegraph addresses reaction to the sentencing of several members of the same family who admitted dog fighting charges.

### **Smirking animal torturers freed: Outcry after dog fighting thugs get suspended sentences**

Laughing and joking, four men convicted in relation to one of the worst cases of animal cruelty in Northern Ireland taunted police and onlookers as they walked free from court.

A father, his two sons and a family friend, all from east Belfast, evaded immediate prison terms after admitting they trained dogs for fighting. Jeremiah Kirkwood (43), sons Chris (23), Wayne (20) and family friend Jamie Morrow (19) pleaded guilty earlier this year and were sentenced yesterday.

Police and animal rights charities described the abuse as some of the worst they have ever encountered. Both hit out after all four men avoided an immediate prison sentence, with a DUP MLA calling for the decision to be appealed.

Stormont justice committee member Jim Wells said: "The judge in this case has failed to send out a clear message that society will no longer tolerate the torture of animals. This sentence should be immediately referred to the Director of Public Prosecutions for review on the basis that it is too lenient given the very disturbing facts." Animal welfare charity, the League Against Cruel Sports, said the men had escaped with "a slap on the wrist".

Janice Watt from the charity added: "The PSNI worked extremely hard to bring this case to court in the hope of getting justice for the countless animals who suffered at the hands of this gang. Cases like this need to utilise the full force of the law to deter anyone who participates in the horrifically barbaric and illegal activity of animal fighting."

The police officer who headed the two-year investigation admitted to being "disappointed at the outcome" of the case. Reacting to the six-month prison sentences, suspended for two years, PSNI Detective Inspector Pete Mullan added: "We fully respect the decision of the court but are disappointed nonetheless. This type of crime can receive a custodial sentence of up to two years, and given the horrific nature of this particular incident we would have envisaged a sentence that would have acted as a greater deterrent."

The men were also disqualified from keeping, owning or controlling animals for 10 years. The father and two sons previously admitted keeping or training animals for an animal fight on dates between July 10 and November 28, 2011. They also pleaded guilty to possession of items for use in connection with an animal fight, namely a CD7 battery pack, handheld lamps, a green dog harness and an animal trap.

Morrow, from McAllister Court in Belfast, originally faced three charges. Two of these were left on the books after he admitted a charge of keeping or training an animal for a fight, namely a whippet Staffordshire bull terrier-cross. The investigation started more than two years ago when video footage was recovered from a

mobile phone following an unrelated police raid on Morrow's home.

Although none of the men were identified in the videos, the prosecution said further searches of the Kirkwoods' Island Street home revealed equipment used for blood sports, and a number of dogs were identified by a vet as being in the videos.

Judge Donna McColgan yesterday said: "Dogs are blooded in this way in order to train them to fight with other animals in blood sports, including badgers, foxes or deer." Mr Mullan praised all the agencies involved, including the PSNI, USPCA and their counterparts in Scotland and the Republic. Judges are bound by sentencing guidelines and must take into account mitigating circumstances, such as early guilty pleas, co-operation with police, and remorse, as well as aggravating factors such as intent and excessive violence.

#### **Laughter on sickening video as family pets are ripped apart by vicious brutes**

Animal rights campaigners and police said it was among the most barbaric cases of cruelty they had ever encountered. A major probe was launched after vile mobile phone footage was discovered showing cats and badgers torn apart by fighting dogs while sick onlookers were heard laughing in the background. In one scene, a man can be seen climbing a tree after a terrified cat, before dislodging it, causing it to fall and be slaughtered by waiting dogs.

The cats – believed to be the pets of nearby residents – are thought to have been used to blood the canines for illegal dog fights and badger baiting. In a search of the backyard of a property belonging to the Kirkwood family, officers discovered cages and dogs. A number of the animals bore scars consistent with having been in fights.

Four men were subsequently charged and in January convicted in relation to the finds.

The men – Jeremiah, Wayne and Christopher Kirkwood, and Jamie Morrow – sat together in the dock at Laganside Crown Court yesterday with eight security staff seated round them. Behind sat around 30 relatives and friends of the men. At the start of the hearing those in the packed public gallery were warned they would be ejected from the court if they failed to behave appropriately.

Yesterday, those in court were told Jeremiah Kirkwood is married with four sons. He made 17 court appearances between 1984 and last year for 24 offences, mostly traffic-related, but also involving dishonesty and disorderly behaviour. He has been dependent on alcohol since he was aged in his 30s, the judge said.

Wayne Kirkwood has three previous convictions for causing actual bodily harm, making threats to kill and possession of an offensive weapon. Previous court hearings were told of the barbaric nature of the video footage which sparked the police investigation. The detective who headed up that investigation said it was the worst he had encountered during his career.

Little wonder, then, the four men were visibly relieved when told by the judge they would not be sent to prison for their crimes. Six-month jail sentences handed down to each were suspended for two years. The judge said the adult dogs seized at the home of the Kirkwood family would be destroyed, and all four men were barred from keeping animals for the next decade.

Following the convictions of the men, Stephen Philpott of the USPCA said the abuse was sickening. "If the definition of cruelty is causing unnecessary suffering, the savagery inflicted on innocent animals in the Kirkwood case is wickedness at its worst," he said.

Source: [Belfast Telegraph](http://www.belfasttelegraph.co.uk/news/northern-ireland/smirking-animal-torturers-freed-outcry-after-dog-fighting-thugs-get-suspended-sentences-30091798.html) (Wednesday 14 October 2015).

<http://www.belfasttelegraph.co.uk/news/northern-ireland/smirking-animal-torturers-freed-outcry-after-dog-fighting-thugs-get-suspended-sentences-30091798.html>

## Appendix Three – Enforcement Approaches to Dog-fighting

Considerable research evidence indicates that existing animal (and wildlife) law regimes do not work in their implementation rather than in their basic legislative provisions. Practical enforcement problems are endemic to the UK's wildlife law system as identified by Nurse (2003, 2009, 2011, 2012) and Wellsmith (2010, 2011). Their respective analyses of the UK's wildlife law enforcement regime identified a system consisting of legislation inadequate to the task of animal protection, subject to an equally inconsistent enforcement regime (albeit one where individual police officers and NGOs contribute significant amounts of time and effort within their own area) and one that fails to address the specific nature of animal offending. Similar problems have been reported in the US context (President's Advisory Council on Wildlife Trafficking, 2014) albeit in the form of the US Fish and Wildlife Service, the US has the statutory (federal) animal enforcement agency that has previously been identified as desirable in the UK (Cook et al., 2002). White (2012) identifies that third parties such as NGOs often play a significant role in investigating and exposing environmental harm and offending and have become a necessity for effective environmental law enforcement. In most jurisdictions, animal law is effectively a fringe area of policing whose public policy response is significantly influenced by NGOs (Nurse, 2012) and which continues to rely on NGOs as an integral part of the enforcement regime. NGOs are an essential part not only of practical animal law enforcement regimes, but also the development of effective policy. NGOs act as policy advisors, researchers, field investigators, expert witnesses at court, scientific advisors, casework managers, and, in the case of a small number of (mainly western) organisations, prosecutors (Nurse, 2013b) playing a significant practical role in policy development and law enforcement.

Across jurisdictions, a range of problems have been identified within animal law enforcement as follows:

1. Lack of resources
2. Inconsistency of legislation
3. Inconsistency in sentencing
4. Lack of police priority and inconsistency in policing approaches

While the need for effective animal protection has generally been adopted at least by western legislators, criminal justice systems often fail to afford priority to effective animal law enforcement. Lack of resources for effective animal law enforcement is cited by several authors as causation for ineffective enforcement. In the UK, the enforcement approach to dog-fighting remains significantly an NGO issue with the RSPCA taking a significant lead in investigation and prosecution, albeit the police are perhaps more involved with dog-fighting than with other forms of animal crime. This is perhaps due to the 'obvious' links with gambling and violence that make dog-fighters the kind of 'good class' villains that Reiner (1992/2000) identified as being the responsibility of the police. Reiner's (1992/2000) work on the existence of a distinct 'cop culture' suggests that it is almost inevitable that police officers will start to make value judgements about the work that they do and will start to classify crime and criminal behaviour accordingly. In adopting working practices it is almost inevitable that police officers and other investigators will characterise the investigation of certain offences and offenders as 'worth while, challenging and rewarding, indeed the *raison d'être*



of the policeman's life' (Reiner, 1992, p.118). At the other end of the scale there may be areas of work that are considered to be unworthy of police or law enforcement time.

The difficulties of obtaining resources can be linked both to the status of animal crime within UK policing priorities, the relative (lack of) importance attached to animal crime within individual police forces (Conway, 1999; Roberts et al., 2001) and to the lack of available data on which to base claims for resources which this working paper identifies. Much domestic (i.e. non-endangered species) animal crime is still reported directly to NGOs by members of the public, meaning that NGOs are often in the position of 'lobbying' the statutory agencies to have animal crimes investigated (Nurse, 2012). UK-based NGO Naturewatch (2005) surveyed Wildlife Crime Officers within all of Great Britain's Police Forces and identified that the levels of staffing were a major concern with some forces having officers working on animal and wildlife crime on a purely voluntary basis. Naturewatch reported that 'overall, 82% felt that there were "too few" or "far too few" involved in combating wildlife crime' (2005, p.1).

### **Policing Approaches**

In the absence of a specialized agency, animal law enforcement remains predominantly an NGO and police issue. Nurse (2015) identified that four basic enforcement models for animal crime policing exist as follows:

1. Enforcement by mainstream statutory police agency (including customs authority)
2. Enforcement by specialist environmental regulatory agency (EPA, Fish & Wildlife Service)
3. Enforcement by conservation, natural resource, parks agency
4. Enforcement by NGO

While these are not mutually exclusive and there is often overlap between agencies given the varied and often offence-specific nature of legislation these models represent the broad approach to animal and wildlife crime policing which is predicated on Bright's (1993) law enforcement model of detection apprehension and punishment and a belief in the police as the primary enforcement agency. Giving evidence to the (UK) House of Commons Select Committee on Wildlife Crime the Association of Chief Police Officers' former lead on wildlife crime suggested that 'it would be probably unrealistic – well, undoubtedly unrealistic – to expect every police officer in the country to have the sort of knowledge of wildlife crime procedure, legislation and so on that the specialists have' (House of Commons, 2012: 29). This reflected the notion that policing of wildlife and animal crime in the UK is an area in which police officers are not routinely trained and which is still carried out in a largely voluntary manner. As in many other jurisdictions, UK police forces are semi-autonomous with the importance attached to various non-mainstream issues being dictated at a local level by police managers. Thus enforcement practice arguably varies from area to area and, as this research has identified, dog-fighting is not classified as a notifiable offence that police forces are required to record. This knowledge of, and recording of dog-fighting offences varies from area to area.

The House of Commons Select Committee acknowledged this stating that 'Most police forces deploy specialist wildlife crime officers, who handle cases involving wildlife crime and advise other officers. In some forces, the wildlife crime officer role has evolved to encompass environmental crime, such as fly-tipping, which appears to make operational sense in rural areas' (2012: 29). Thus, wildlife and

animal crime enforcement risks not being seen as a specialism but part of a generic wider environmental or rural role, further marginalising its importance in policing discourse.

This research identifies difficulties in accurately measuring the level of dog-fighting offences and the disparity between different measurements used by different agencies. The data shows how enforcement monitoring is variously concerned with number of convictions (i.e. total number of charges and defendants) reported numbers of cases or number of cases reaching a hearing at court. Table 8 shows the distribution of convictions data outlined in Table 7.

**Table 8 – Distribution of dog-fighting convictions data 2008 to 2014**

<b>County</b>	<b>Number of conviction cases</b>
Berkshire	1
Buckinghamshire	1
Cumbria	1
Essex	3
East Sussex	1
Hertfordshire	2
West Yorkshire	1
Lancashire	1
Lincolnshire	2
London	6
Kent	1
Northamptonshire	1
Merseyside	3
West Midlands	2
South Wales	3
Suffolk	2

As part of this research an attempt was made to identify number of reported cases by Region. However, as the text of this research report indicates such data do not readily exist, making it difficult to identify regional levels of dog-fighting, notwithstanding the perception gained from press reports that regional hotspots exist (see Regionality section).

### **NGOs as Enforcers**

The concerns outlined above apply to the dog-fighting enforcement approach which recognises the need for the specialism and subject specific knowledge that exists within NGOs such as the RSPCA and LACS. But the enforcement response also recognizes the links to mainstream crime (illegal gambling, violence, distribution of offensive material) that is linked to dog-fighting. Thus police are involved in seizing dogs and the investigation of associated activities (gambling violence) albeit prosecutions for related animal offences are still predominantly NGO driven, notwithstanding the RSPCA's stated intention to distance itself from enforcing the Dangerous Dogs Act 1991.

It is worth noting that the role of NGOs as enforcers or campaigners varies according to the types of crime involved, with different policy perspectives pursued in respect of say game offences and poaching, habitat destruction and pollution of rural environments, or offences involving domestic/farm animals and animal welfare and cruelty offences (Nurse, 2013b). NGOs are an important component of some enforcement activity (e.g. as expert advisers) yet continued NGO enforcement of animal crimes is arguably undesirable where NGOs adopt the role of lead enforcer. While in principle NGO involvement is necessary when public enforcement falls down, in practice NGOs often lack the resources and practical experience of the full range of policing techniques to fully investigate and prosecute crimes; thus NGO enforcement becomes primarily based on apprehension and punishment rather than incorporating required crime prevention techniques (Wellsmith, 2011; Nurse, 2013a). However NGOs also adopt a broader policing role by challenging the legitimacy and merits of policy often using court action to clarify matters of law. This broader conception on NGO policing is integral to the rule of law concept that governments are not above the law and should be subject to proper scrutiny (Dicey, 1982; Barnett, 2011). While frequently NGO challenges to ineffective policing and policy are undertaken via campaigning and publicity, legal challenges are not uncommon. Criticisms have also been made of the effectiveness of NGO investigations and prosecutions activity. Wooler, commissioned to review RSPCA prosecutions activity concluded that current RSPCA operations were outmoded and commented that ‘ the RSPCA can no longer expect to operate as a specialist police force with an associated prosecution function without appropriate arrangements for accountability and transparency’ (2014, p.23).

### **Prosecuting Dog-fighting**

The effective implementation of sanctions and processing of offenders through justice systems are key to successful animal law enforcement. Effective enforcement of animal laws is intended to prevent and reduce animal crime. However, the reality is that much enforcement is reactive, taking place after offences have been committed, and is intended to deter future offending primarily by apprehending and punishing offenders. Nurse (2015) indicated that low conviction rates are endemic in wildlife crime cases, whereas the RSPCA claims a high level of success in animal crime prosecution (see earlier sections of this working paper).

Prosecution of animal offences falls outside normative criminal justice system activity, thus mainstream criminal justice agencies (including the courts) may only encounter animal crime infrequently and lack expertise in dealing with such crimes when faced with them (Nurse, 2003, 2012, 2015). Accordingly, scholars have commented on the fact that problems exist in the prosecutorial and judicial knowledge base and in the complexity and perceived adequacy of animal and wildlife legislation as a tool for dealing with criminal behaviour. White and Heckenberg (2014) express concerns about how environmental cases (which includes animal crimes such as dog-fighting) are dealt with by the courts including:

- whether cases are heard in magistrates or superior courts
- whether cases are heard in general or specialist courts
- the types of penalty applied (fines, prison or action orders)
- what remedies are invoked for the harm caused

(White and Heckenberg, 2014, p.256)

The concern of green criminologists, environmental activists and even investigators is that animal crime is not taken seriously by the courts and that traditional court mechanisms are inadequate to deal with such crimes. In addition, green criminologists have identified that much animal and wildlife crime is dealt with by the lower courts, where poor prosecutorial and judicial knowledge hampers effective species justice and inadequate sentencing practices fail to provide the required deterrents (Nurse, 2012; Wyatt, 2013).

These issues are considered in this research working paper and a provisional conclusion is that 'lesser offences' relating to possession of fighting dogs are used more frequently than animal fighting charges given the difficulties of clearly proving animal fighting activity. This relates in part to the resources issues identified within this report and the nature of dog-fighting as a covert activity that often requires extensive use of surveillance and infiltration techniques (Saunders, 2001) to detect and prosecute.

However, analysis of the conviction data outlined in Table 7 identifies that a custodial sentence is the normative approach to dog-fighting related offences. Of the 31 confirmed conviction cases we identified and analysed between 2008 and 2014:

- 27 resulted in a custodial sentence
- 7 resulted in the court imposing a ban on keeping dogs (and other animals where required)
- 2 resulted in a suspended sentence
- 2 resulted in community service

The prosecution approach is, therefore, one based primarily on a punitive approach which marries detention with measures intended to prevent further offending, i.e. by denying individuals future access to dogs.<sup>8</sup> However, this remains a primarily reactive approach and further data is needed to determine whether locally preventative mechanisms are employed that intervene in offending before it happens (See also Appendix 4 on current programmes to address dog-fighting).

While it is beyond the scope of this report to determine conclusively what faults may exist in the prosecution of dog-fighting cases, Nurse (2015) identified a range of issues with the prosecution of animal crime offences that likely impact on the effectiveness of dog-fighting prosecutions. The UK's National Audit Office (NAO) (2006) identified poor administration by prosecutors including lack of preparation leading to delays in court, poor case tracking leading to case files being mislaid, inadequate prioritisation of cases and incomplete evidence on file leading to prosecution delays. The NAO recommended that more lawyer time needed to be spent on case preparation, prioritisation, and joint working with other criminal justice agencies and it would seem that the issues identified by

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Note that the numbers given above exceed the total number of 31 cases as defendants often faced multiple charges and were sentenced on multiple counts. Thus a defendant could receive a custodial sentence and also be subject to an order banning them from keeping dogs for a specified period or indefinitely.

NGOs in wildlife cases (Nurse, 2011, 2012) were identified by the NAO as issues in other criminal justice cases and reflect some possible systemic failures particularly in respect of case prioritisation and preparation. For example, in discussions with NGO staff for this research a perception exists that problems may exist at the prosecutorial stage in respect of seeking banning orders and other mechanisms that would prevent future offending consistent with research in other areas concerning banning and compensation orders (Peysner and Nurse, 2008). Accordingly we recommend further research be undertaken that examines prosecutorial and sentencing practice.

## Appendix 4 – Programmes and Projects to Address dog-fighting

A number of projects are in place with the aim of stopping dog-fighting or raising awareness of its problems. The following provides a brief summary of the core initiatives.

### UK Projects to address dog-fighting

- **Scottish SPCA** appeal launched on 18<sup>th</sup> October 2012 to help break up dog-fighting. Key video images and still used.
- **RSPCA** - 2014 publicity campaign. Used still images and newspaper adverts to raise issue under banner – ‘Abused, Tormented and Forced to Fight’ Invited public to text in to donate £3 to ‘help bring dog fighters to justice’
- **The League against Cruel Sports** – 2014. Continuing.

### US Campaigns

The most high profile and famous is that of the Humane Society for the US – End Dogfighting Campaign which commenced in 2009. This included the Animal fighting Tip Line (Hot line). This followed the 2006 ‘End dog fighting campaign’ in Chicago. Connected to this was the recognisable \$5,000 Reward- Report Dog fighting: Dog fighting is the Pits.

Smaller localised dog fighting campaigns were raised and supported by the HSUS across the USA, e.g. Stop dog fighting in Atlanta. Philadelphia adopted a similar approach.

Other localised campaigns have also taken place such as the Dog fighting tip line in Los Angeles launched by the LA county District Attorney’s office.

### Knock Out Dog Fighting campaign

The Knock Out Dog Fighting campaign and its youth intervention programme, For Pits Sake, is a not for profit community organisation project involving a range of around 30 community partners.

*The 501(c)3 nonprofit organization program Knock Out Dog Fighting, is a one-of-a kind, award-winning youth intervention program that has become a national leader in stopping cruelty and abuse to both humans and animals.*

*The Knock Out Dog Fighting program works with professional boxers, MMA fighters in partnership with schools, Boys & Girls Clubs, juvenile detention centers, gang prevention task forces and law enforcement agencies to stop cruelty and abuse. We have been recognized for our work by the White House, the American Red Cross, the Boys & Girls Clubs of America, the American Institute For Public Service, the U.S. Department of Justice, the Federal Bureau of Investigation (F.B.I.), and many others. We are also the group that animal lovers around the world turn to for solutions to "knock out dog fighting".*

<http://www.knockoutdogfighting.org/>

One of the interesting elements is a **Pledge Card** which is attractive to young people.

### Other initiatives

In 2010 the HSUS initiated a National Database of DNA taken from animals seized during dog fighting cases. The database is intended to link abused animals to people who breed and train dogs for

fighting by allowing investigators to compare blood and other genetic material left at the scene of a suspected fight with evidence gathered during other cases. It was established between the HSUS, the ASPCA and Louisiana Society for the Prevention of Cruelty to animals.

YHelp – YMCA Humane Education and Leadership Programme is a sponsor a student initiated club that strives to improve animal welfare in Milwaukee through education and service. Commenced in 2006. Essentially it is a peer education programme about animal welfare.

### **The Anti-Dogfighting Campaign**

This is a collaborative organisation made up of investigators and advocates from a range of different locations that investigates and raises awareness of dog-fighting issues. The organisation runs dog-fighting tip lines in the US, Canada and Australia and runs a core website at:

<http://anti-dogfightingcampaign.blogspot.co.uk/>

and a Facebook page at: <https://www.facebook.com/AntiDogFightingCampaign>

### **Other relevant campaigns relating to dangerous dogs**

**The Dogs Trust** – The City Dogs Project established in 2009 to address issues of young urban dog owners of status dogs and offering guidance and advice re appropriate socialisation.

**London Tree Officers Association** – ‘Bark is Better than Bite’. This is 2010 campaign to address the damage done to London trees by dogs biting the tree bark to build up their jaw muscles.

**Communications Workers Union (CWU) Bite Back Campaign.** CWU's Bite Back campaign aims to raise awareness about responsible dog ownership. The campaign was launched in 2008.

**MOPAC** – Dangerous dogs is not currently actioned by MOPAC, (The Mayor's Office for Policing and Crime). The Greater London Association (GLA) initiated regional activity against status dogs and dangerous dogs in 2009.

**Blue Cross** – Workshops delivered on dangerous dogs and responsible socialising of dogs delivered to children and young people since 2010.

**People with dogs project** – Established in 2007 to reduce youth ASB with Dogs. The Project was a partnership between Battersea Dogs and Cats Home, the Metropolitan Police Service (MPS, the RSPCA, blue Cross and the GLA. The project produced a teacher's educational pack and DVD showing young men chain rolling dogs.