

THE HUMANE SOCIETY OF THE UNITED STATES™

NEW ENGLAND ANIMAL FIGHTING TASK FORCE NEWSLETTER

Summer/Fall 2003

New Hampshire Dogfighting Case Prompts Tougher Law

In the wake of the well-publicized New Hampshire dogfighting case (see Fall/Winter 2002 issue, "New Hampshire Man Receives Precedent-Setting Sentence for Dogfighting Charges"), Rockingham County Attorney Jim Reams invited a number of agencies and individuals to form a committee whose purpose was to discuss and put forth changes to the New Hampshire animal cruelty laws for the 2003 state legislative session. The committee proposed two changes to the current law: to make *all* animal fighting and the breeding of fighting animals a felony, and to add a "bonding" clause under which a person charged with cruelty (including animal fighting charges) or any another interested party would pay a custodial fee if their animals were seized. This would remove the burden of the cost of care from the municipality or animal shelter and place it on the owner. In the Devito case, the defendant was ordered to pay \$63,000 to the town of Newton in restitution for the boarding and care of his 43 seized pit bulls, a figure that underscores the significant financial burden assumed by municipalities and animal holding facilities in many cruelty cases.

Those who participated included representatives from the County Attorney's office, animal control officers from Rockingham County, the New Hampshire SPCA, the New Hampshire Federation of Humane Organizations, and the HSUS New England Regional Office, as well the state veterinarian and the coordinator of the New England Animal Control/Humane Academy. Many of these individuals and agencies are now part of the New Hampshire Coalition for the Elimination of Illegal Animal Fighting.

Although the bonding proposal was removed by the legislature, the rest of the bill remained intact and received strong support in both chambers. Governor Craig Benson signed the bill into law in June 2003, making New Hampshire the 27th state to enact felony level penalties for cockfighting. In addition to establishing uniformly strict penalties for dogfighting and cockfighting, the revised animal fighting statutes will allow law enforcement agencies to pursue people who are breeding dogs or roosters for combat but fighting them across state lines. The new law goes into effect on January 1, 2004.

Legislation is a top priority for the state's anti-animal fighting coalition, and the bonding proposal may be pursued again during the next legislative session.



Members of the New Hampshire Coalition for the Elimination of Illegal Animal Fighting at a recent meeting. Front (from l to r): Maureen Prendergast (ARL of NH), Tona McCarthy (Raymond P.D.), Austin Wallace (Portsmouth P.D.), Neal Jones (Exeter P.D.), Joanne Bourbeau (HSUS). Back (from l to r): Barry Hilton (Keene P.D.), Brian Whipple (Monadnock Humane Society), Steve Sprowl (NHSPCA).

Cockfighting Enthusiasts Battle Back

Strong gains have been made at both the federal and state level to end animal fighting, but the cockfighting industry has proven to be tenacious and well-connected. In our Fall/Winter 2002 newsletter, we reported a victory in Oklahoma with the passage of a law to ban cockfighting that was approved through a vote of the state's citizens ("Oklahoma Roundly Rejects Cockfighting Through State Ballot Initiative"). Although the ballot initiative process offers a valuable counterbalance to the considerable power of state legislatures, recent history has proven that such measures are not immune to extensive and repeated challenges.

Oklahoma's 2003 legislative session saw the introduction of several bills aimed at repealing the cockfighting referendum. These included a bill to suspend enforcement of the cockfighting ban in counties that did not approve SQ 687 until an election is held regarding a repeal of the ban within county borders, and a bill to reduce the penalties for cockfighting to misdemeanors subject to a maximum fine of \$500 with no jail time.

Supporters of the anti-cockfighting citizen referendum fought back with a proposal to require a three-quarters vote of both houses to

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Rhode Island Training Provides Impetus For State Animal Fighting Coalition

Training for animal control and law enforcement officers on the identification, investigation and prosecution of illegal animal fighting has been a common theme in this newsletter. It is clear that workshops and conferences provide valuable opportunities for participants to network, share information, and learn how to effectively enforce anti-animal fighting laws.

On June 25, 2003, the HSUS New England Regional Office hosted a seminar entitled "Leaving the Pit Behind: A Community Response to Animal Fighting" in Warwick, Rhode Island. Funded by the Rhode



Conference participants "vote" for topics they would like to have addressed by a statewide animal fighting coalition during the Rhode Island seminar.

Island Foundation and attended by forty animal care and control professionals, this training event featured dogfighting expert Scott Giacoppo, Rhode Island State Veterinarian Dr. Chris Hannafin, and animal behaviorist Dr. Amy Marder. Participants were given an

opportunity to brainstorm issues of local relevance, including the sheltering and placement of pit bulls, breed bans for homeowner's insurance, and dangerous dog ordinances. It became clear from the discussion that animal control officers and shelter staff in Rhode Island face a number of challenges related but not limited to animal fighting, particularly with respect to pit bulls. There will be a follow-up meeting in early autumn in order to further define the scope and focus of this state animal fighting coalition.

The HSUS New England Regional Office plans to continue promoting and supporting statewide animal fighting coalitions. Members of the New Hampshire Coalition For the Elimination of Illegal Animal Fighting and the Connecticut Animal Fighting Coalition have been meeting to discuss various goals and priorities, from training and networking to public education and legislation. In addition, the Vermont Animal Cruelty Task Force has become an umbrella group for a host of issues related to animal neglect and abuse including animal fighting. We are still looking for interested individuals in Massachusetts and Maine, particularly those from the animal control and/or law enforcement communities, to help us spearhead state animal fighting coalitions. If you are interested, please contact our office at (802) 368-2790 or email nero@hsus.org.

Multi-Agency Effort in New York Targets Alleged Publisher of Underground Dogfighting Magazine

As numerous investigations have revealed, the dogfighting industry is served by a wide variety of underground magazines that network known and suspected dogfighters. In order to subscribe, interested parties must typically be sponsored by a trusted source within the animal fighting community. These publications contain fight reports, advertisements for gamebred animals, and forums for reader opinions such as letters to the editor. Although distribution of animal fighting magazines has often fallen below the radar screen, a recent investigation strikes at the heart of a long-running bloodsport publication.

In late April 2003, the New York State Police executed a search warrant on the premises of James "Jay" Fricchione in Westtown, NY. Law enforcement officers were accompanied by agents with the USDA's Office of Inspector General and a team of animal handlers assembled by The HSUS. Fricchione, the alleged publisher of *Sporting Dog Journal*, was arrested on animal fighting charges. Police seized related paraphernalia, as well as equipment that is commonly used to condition dogs for fights. Seventeen adult pit bulls and one puppy were found on the property, and the majority of the dogs exhibited injuries consistent with those sustained in dog fights.

All of the animals were removed and are being held in locations throughout the state.

The arrest represented the culmination of an eight-month undercover investigation that also led law enforcement officials to suspected dogfighters in Virginia and Georgia. Fricchione has been charged with numerous felonies related to animal fighting under the New York State Agriculture and Markets Law, as well as charges involving the criminal possession of a weapon and unlawful possession of marijuana.

Although the defendant posted his \$10,000 bail, he was arrested again in late May after being discovered by police with two dogs that he had allegedly stolen from the Warwick Valley Humane Society, according to the *Times Herald-Record*. Fricchione now faces felony charges of tampering with evidence and misdemeanor charges of criminal trespass and petty larceny, in addition to the original charges.



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change an initiative passed by a vote of the people, which would help protect the recent cockfighting ban from being overturned by the

legislature. Although a temporary stalemate has been reached since none of the bills received a favorable vote, the fight is likely to continue when the legislature reconvenes.

Innovative Community Outreach Program Makes Its Debut

Frustrated by teenage pit bull owners who swagger down the street with collar-studded, ear-cropped dogs? Unsure of how to encourage responsible pet ownership for kids who seem more interested in promoting a macho image? A new program called Lug Nuts is providing a unique opportunity to engage this hard-to-reach audience.

Lug Nuts is the brainchild of Sue Sternberg, an internationally recognized animal expert who began her career as an animal control officer in western Massachusetts and who now runs a boarding, training and adoption kennel in upstate New York. The program is designed to offer urban youth a compelling alternative to dogfighting; in this case, weight pulling is the draw. As Sue notes, most inner city dogfights are not organized by professional dogfighters but by kids who gather to spar their pet dogs in the pursuit of bragging rights. These young owners also frequently breed their dogs and sell the puppies for a profit. The lack of positive role models for healthy, constructive human-canine interaction adds to the problem, and dogfighting becomes positioned as the only available "sport" in which to compete with one's dog.

The staff at Sue's shelter, in cooperation with local contacts, organizes and hosts weight-pulling contests. Plastic snow sleds are loaded with bags of dog food that have known weights. Participating dogs are then hooked up to the sleds with dog-sled gang lines and outfitted with padded pulling harnesses. There are no age or breed limitations for the dogs and prior training is not necessary. In fact, a strong human-animal bond and a determined, well-muscled dog is all that is required. Owners are asked to lure their dogs with treats, and several rounds are held as the dogs become accustomed to pulling. Because the dogs cannot be forced to pull, the danger of overworking the animals is minimized. Cash prizes and pet supplies are awarded to the top contestants, and the cash prizes are doubled if the winning dogs are spayed or neutered.

In the following interview Sue answers some commonly asked questions about the program.

How did you come up with the idea for Lug Nuts?

The biggest problem in urban areas right now is the proliferation of pit bulls and pit mixes--most intact, and the shelter world has no system in place for what to do with them: there are way too many, when they end up in shelters, most are unadoptable due to dog-dog ag-

gressiveness and dominance aggression towards people. People in the shelter and rescue world spend most of their energy and emotion fighting with each other about adoptability, euthanasia and placement, but no one is going to the source to try to stop the production of these marginal and most often aggressive dogs. Lug Nuts addresses these issues. Lug Nuts reaches into these communities and helps keep many of these dogs in their homes (which are most often loving ones) and offers a motivation for spaying and neutering.



Sue teaches a young participant to lure his dog with food at a weight pulling contest in Marcus Garvey Park, NYC. (© Mitch Gyson 2003)



grage is designing a pulling harness that is safe and easy to put on some of these aggressive dogs. Premier Pet Products out of Richmond, Virginia is researching the harnesses and can hopefully help come up with something workable.

What are the steps that people need to take if they want to bring this program to their communities?

Lug Nuts is a program in Training Wheels, which is [the Community Animal Shelter Association's] national community outreach program, and we have a number of Urban Solutions, which are urban-specific programs to help with urban-specific dog problems. We offer training and certification for Training Wheels (www.SueSternberg.com) and as soon as the harness is designed, there is a video and a 'How-To' guide ready to go.

Where do you get the funds for the cash prizes?

Right now, we are finding the funds from our own bank accounts, although we did receive one generous donation from the Animal Farm Foundation in upstate NY, an organization that carries the flag for pit bulls, and they offered the cash prize for [the] top winning spayed/neutered pit bull. We kind of had to start the program in order to convince people that the program would work, and is worth contributing to. I envision more of a Bill Gates-type donation, some really generous and motivating prize money for these dogs to be spayed and neutered.

What has been the biggest challenge in implementing this program? Biggest success?

Getting permits in some of the parks. They are all so afraid of and opposed to [dog] fighting, yet here comes an antidote, and they [fear it], too. Also, mechanically, the biggest chal-

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Cockfighting & Exotic Newcastle Disease: Controversy Erupts Over USDA's Reimbursement Policy

Unless you are a poultry farmer, there is a good chance that you haven't heard of Exotic Newcastle Disease. This virus, which attacks avian respiratory, nervous and digestive systems, can survive for several weeks on feathers and manure and is spread through contact with infected birds. Since it was discovered in southern California last winter, millions of healthy chickens have been killed in order to contain the disease, which has had a significant impact on the state's egg industry. Illegal shipments of infected fighting roosters into the United States through California may have prompted this outbreak. Making matters worse, cockfighting derbies often attract participants from dozens of states and may provide an ideal opportunity for disease transmission between birds.

As compensation for the forced "depopulation" of many flocks of chickens, the U.S. Department of Agriculture has been reimbursing farmers for their losses. But what has come as a surprise to many outside the agency is its decision to provide generous payments to the owners of fighting birds. According to the Associated Press, the USDA spent \$11.5 million from October 2002 to May 2003 to destroy birds that were described as predominantly gamefowl, including thousands of roosters and brood cocks. Payments averaged about \$80 per bird, more than 27 times the average price paid by the government for egg-laying hens and other commercial poultry.

Cockfighting is illegal in California and is banned in every state except Louisiana and New Mexico. Furthermore, a recently enacted federal law prohibits the interstate transport and export of fighting birds, even to places in which cockfighting is still legal. The USDA has defended its actions, arguing that such compensation has been necessary to eradicate the disease and to encourage voluntary reporting of infected flocks. However, animal protection organizations are decrying this approach as an implicit endorsement of cockfighting. Senator Wayne Allard (R-CO), a veterinarian and sponsor of anti-animal fighting legislation, has stated, "I think it's inappropriate to be using taxpayer dollars to be paying for cockfighting birds or to be supporting the cockfighting industry in any way."

Fortunately this outbreak of Exotic Newcastle Disease appears to be on the wane, but the situation begs the question: could this predicament have been avoided if cockfighting laws had been adequately enforced in the first place? California state senator Nell Soto has introduced legislation to increase the penalty for a second cockfighting offense to a minimum six months imprisonment and a fine of up to \$25,000. If enacted, these felony-level penalties may encourage law enforcement agencies and prosecutors to pursue cockfighting cases more aggressively.