

Tips for DOG FIGHTING CASES

Part 2: QUESTIONS TO ASK RESPONDING OFFICER/EXPERT ON DOG TEMPERAMENT (THIS MAY BE ONE PERSON OR TWO DEPENDING ON SENIORITY AND EXPERIENCE OF THE OFFICER)

(Part 1 appeared in *Lex Canis* Fall 2010 v.2 #3)

By Michelle Welch
Assistant Attorney General, Office of the Attorney General of Virginia

1. Name and position?
2. City of _____ or County of _____? Jurisdiction
3. **Identify Defendant and have record reflect the ID.**
4. Did you have the occasion to go to Defendant's residence at 1234 Main Street, on November 12, 2010? (Specify date in question)
5. **Prove possession of property or owner of property.**
6. **Prove owner or caretaker of the dogs.**
7. What was the weather that day?
8. Was the sun out?
9. Describe the scene.
10. Let's take a look at the evidence you observed one category at a time:
11. **Show Officer _____ pictures of the dogs. We can simply label the pictures of the individual dogs as Exhibit 1, 2, 3, 4, etc. The best picture for each dog blown up AND THE CONDITIONS IN WHICH THE OFFICER FOUND THEM.**
 - A. Describe any **dogs** you saw at this location
 - a) Breed
 - b) Number
 - c) Injuries
 - d) How are they separated from one another? (e.g., by using housing/kennels/logging chains and stakes)
 - B. Show Officer pictures of housing for dogs. Exhibit 5, 6, 7, 8, etc... The best 3-4 pictures of housing.
 - C. Describe any **housing** you saw for the dogs.
 - a) Cinderblock housing
 - b) Other housing constructions
 - c) **Dogs separated using housing, logging chains and stakes.**
12. **Show Officer one poster with the best 2-3 pictures showing no food and water. Exhibits 8, 9, 10, etc.**
 - A. Describe what food and water you found near the dogs, if any. (Use one or two pictures)
 - B. Describe the water you did find, if any.**
13. Show Officer **box with training equipment and tools.** Exhibit 11. Have her identify what's in the box as a category and then describe each individual item and where it was found. Talk about any rape stand last.
14. Show Officer picture of **transportation equipment.** (Select best two pictures and label 12 and 13.) Ask her to identify what is shown.
15. Show Officer **box full of dog fighting manuals, publications,** etc. (Exhibit 14) Label magazines that list Defendant's Kennel name separately (Exhibit 15, 16, etc.) Have her describe what they are and where they were found.
16. Show Officer **box of dog registry certificates** (Exhibit 17 but if certificates have the defendant's kennel name or if defendant is mentioned in certificate: label separately like 18 or 19 etc. in the event the expert needs to talk about them separately. Everything mentioning the Defendant's Kennel name should have a separate label.)
17. Show Officer **box of medical supplies and muscle enhancers.** Have her identify the contents and describe where she found these items. (Exhibit 20)
18. Show Officer **box of mail,** bills, prescriptions, driver's license **with Defendant's name** and current address. (Exhibit 21). This is to help prove he lived there in the event this issue comes up. See Number 5 above. Where did you find this mail?
19. Show Officer **box of documents from the Internet related to dogs** (Exhibit 22), e.g. websites from which defendant ordered medical supplies, etc. Describe where you found these items.

20. Did you retrieve all the evidence you found in his home?

21. [After concluding your questioning of the officer on the evidence, move for admission of all exhibits.]

22. Where did you take the dogs after you retrieved the evidence?

23. Describe any evaluations you sought for the dogs.

A. Medical

B. Temperament

24. Did you participate in the temperament evaluation?

25. What experience do you have with performing this type of evaluation?

26. Do you have any particular experience with pit bulls?

27. Describe the evaluation you did to determine the temperament of the dogs taken from Defendant's residence.

28. What were the results of your temperament evaluations of the dogs taken from Defendant's residence?

The next 2 questions would be optional unless you have the person who did these evaluations available to testify because this may draw a hearsay objection.

29. Now, did you have them evaluated a second time by another examiner?

30. What were the results of this examination?

31. After concluding these evaluations, could you have these dogs adopted as you do other dogs living at the animal control shelter?