



Animals' Angels Investigation at Escalon Livestock Auction Compilation Report

1. General Information

Investigation Dates:

8/8/2008

4/10/2009

8/29/2014 & 9/3/2014

7/10/15 & 8/5/15 & 8/7/15

Auction Location:

25525 Lone Tree Road

Escalon, CA 95320

Schedule:

Mondays, Wednesdays, Fridays at 9.30am

Manager:

Miguel A. Machado

<http://www.escalonlivestockmarket.com/>

Introduction:

The Escalon Livestock Auction is a large auction located in San Joaquin County, California. Animals' Angels has been investigating the treatment of animals at the Escalon Livestock Auction since 2008. The following report is a summary of what was observed during our visits and what actions were taken by California authorities.

Excerpts from the 2008 Report:

- 11:55am: A downer cow was laying in one of the alleys close to the back of the barn. She immediately caught the investigators' attention because she was laying in full exposure of the sun and panting heavily. As they approached her, she did not try to get up. She was non-ambulatory, unable to rise or to walk. No food or water was available to her. She was in very poor condition, weak, emaciated, and her left hind foot was injured.

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- 2:07pm: A semi with a double deck trailer arrived and was unable to get to the loading ramp due to the cow being in the way. The driver left his truck and went into the auction building. Shortly thereafter, he returned with two other men. All three of them then started to push the cow with an iron gate to move her out of the way. During this process, they squished the cow's large udder between the gate and the concrete floor. Panicked, the cow tried to get away from the gate, but she was unable to get up. She crawled a short distance and then remained in a frog legged position. During the entire time of our observation, several auction employees walked by, stopped, looked at the animal, but no-one took action.
- 3:20pm: Another truck and trailer arrived. The driver left his truck and walked over to the cow, which was still blocking the unloading area. He tried to get her up by pulling her tail and using an electric prod on her anus. The cow trembled and was in obvious distress, but was never able to rise. The driver gave up and returned to his trailer to unload his cows. As he opened his trailer door, a dead cow fell out of the trailer. Another cow inside his trailer was down. The remaining cows rushed out of the trailer and across the dead cow and the downed cow in the alley.



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Investigators informed the auction manager, Miguel Machado, of the situation and asked him to euthanize the suffering animal. His reply was the following:

- “You are barking up the wrong tree here. There is nothing wrong with this cow. She is still good for human consumption. We still can get some meat off her.”
- “You people put everybody in a panic. Hallmark is the best example. There was nothing wrong with these cows and these guys did nothing wrong either. These cows are butcher cows, out of sight, out of mind.”

He then continued to threaten the investigator and requested their pictures and videos. When they refused, he even tried to reach into the car and grab their camera equipment. The investigators decided to contact the Joaquin County Police Department. When the police officer arrived at 6:15pm, the investigators observed what was happening from a distance. The deputy approached the cow, which had not moved since investigators last saw her. After a brief conversation with some auction employees, the police officer returned to his car and drove away. No action was taken. At 7:15pm, the cow was still alive and laying in the same spot.

Animals’ Angels requested the police report for this incident. Surprisingly, the report states that the cow was given water, got up and walked away while the officer watched – which clearly did not happen.

Excerpts from the 2009 report:

- 12:55pm: Investigators found a downer cow discarded at the manure pile. **She had an auction tag (#784) attached to her back, which indicated that the market had to be aware of her.** She was in plain view of the auction workers, but no one took any action. Her ear tags were faded, but showed number 1247.



- Two young men with a Pit Bull walked by and the dog tried to go after the cow. Panicked, the cow tried to crawl away. **She was never able to rise.** Investigators observed the cow until 6:45pm. At no point was she given water nor was she humanely euthanized or provided with veterinary care, despite the fact that several auction workers walked right by her.
- Investigators also observed excessive use of electric prods in the unloading area. Piglets were carried by their hind legs and put into trailers. **Auction workers watched as a customer stuffed a pig into a tiny cage that was way too small for the animal and then put it in the trunk of his car.** The auction personnel should have interfered and stopped the transport. Instead, the workers joked about it with other visitors and walked away.



Pig stuffed in cage

Worker using electric prod

- The investigators observed the unloading of day old calves, with their umbilical cord still attached. A truck (license plate 6 L78894) delivered a large group of these baby calves and the driver just kicked them off of the truck and left. Impatient auction **workers used electric prods to move the calves.**
- The condition of the older dairy cows was simply appalling. Many were emaciated, had full udders and were severely limping. One of them (auction tag #782) was forced to walk on three legs and held her right rear leg up in obvious pain. **She should have never been accepted by Escalon Auction in this condition since she was almost guaranteed to become non-ambulatory during transport.** Workers hit and rushed these old cows through the alleys with no patience.



Cow walking on three legs

Again, law enforcement was contacted and all information was provided to the San Joaquin County District Attorney's Office. **Unfortunately, no action was taken.**

A meeting was held with representatives of California government as well as industry to address the issues found at Escalon Auction. Animals' Angels discussed potential improvements regarding handling and care of non-ambulatory animals with the California Farm Bureau, the State Veterinarian, the Livestock Marketing Association as well as the California Cattlemen Association.

After the investigation results were published, one of the auction's largest customers ended their contract with the auction. The pressure applied to Escalon Auction by the publication as well as the involvement of several agencies likely caused the auction to finally agree to a meeting with Animals' Angels. An animal welfare specialist was hired to oversee the future treatment of animals at the auction and auction management agreed to implement the improvements suggested by Animals' Angels.

Nevertheless, Animals' Angels continued to monitor the auction. For the next few years, conditions appeared to have been improved. However, this improvement was short lived as the 2014 and 2015 investigations showed.

Excerpts from the 2014 report:

- Several very young, weak calves were being sold, some with umbilical cord still attached. The handling was impatient and rough, the calves were pushed forward and several stumbled and fell. As a result, one calf was bleeding on all four knees from being dragged over concrete. Pigs and goats were picked up by their tails, hit hard and poked. Goats with horns were put together with

smaller goats without horns in an overcrowded pen. The horned goats were butting the other goats, which poses a risk of injuries.

- The condition of the “spent” dairy cows, sold as so called “butcher cows” was terrible. Many were walking skeletons, with all rib bones and the entire spine visible. Moving slowly with full udders, several were severely limping and struggled to remain standing.



Cow #4451 with bleeding, fly infested growth & severely emaciated cows



Cow # 9734 limping with large udder

Several were foaming from the mouth. One cow had a large, bleeding growth on her back, which was protruding through the skin. The concrete flooring in the pens was covered with manure which made it very slippery and caused several cows to slip and fall.

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10:40am: Investigators noticed that all trucks and trailers pulled up to the front to unload with the exception of the ones who had “bad” cows loaded. All trailers holding “problematic” cows were unloaded in the very back, away from the auction entrance and most of the viewers. Investigators watched these trailers unload; several cows immediately went down after exiting the trailer and had to be forced to get up with electric prods.



Driver pushing gate on downer



While watching, investigators noticed a cow lying all the way in the back of the premises. She was outside of any pen, in the middle of an alley next to the auction’s manure pile. The temperature was already 83 degrees Fahrenheit and she was lying on concrete in full sun. Investigators went to take a closer look at her. Once next to her, they noticed that she had a fresh auction tag (#953) attached to her back, indicating that the auction did check her in that day. The cow was panting and severely foaming from the mouth. Her right front leg was extended. The investigators approached her rapidly to check if she was able to rise, but she made no attempts which led them to believe that she was indeed non-ambulatory. She had been left next to the manure pile without any gates/fences to prohibit her from walking off, which was a strong indication that whoever dumped her there also knew that she wouldn’t get up. Next to her, in a small pen with a gate that was left wide open, was another cow down. She was also panting and lying in full sun.



At 11:25am, they noticed a dark grey pick-up truck and stock trailer (License Plate # 4KM27332) leaving the back unloading dock, heading to the manure pile and backing up next to the downers. An auction employee on a skid loader with forks followed, accompanied by two dogs. The pick-up truck driver opened the back of the trailer and pulled the door wide open. The investigators observed from a distance, but could not see what was going on, since the trailer was blocking the view. However, there was great deal of movement inside the trailer. A few minutes later, the worker left and so did the truck & trailer.



For the next two hours, there was a lot of activity close to the manure pile. Several trucks pulling empty trailers pulled up and the drivers cleaned out their trailers and rinsed them off with a water hose. All of them had to see the downer cows, but no one seemed surprised or upset. **At 12:57pm**, investigators were finally able to approach the area again and noticed that in fact a third cow had been dumped as suspected. She also had a fresh auction tag on her, #122. She appeared to be in worse shape than the others; she was panting heavily and was not alert. Her face was covered in manure/bedding, as if she had been down for some time.

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After documenting this third cow, the investigators continued to observe from a distance to see if the auction was taking any action to end or ease their suffering. Nothing happened. The temperature had risen to 86 degrees. They also noticed that a group of vultures had arrived and were now sitting along the fence next to the manure pile.

At 2:56pm, cow #122 lay down on her side and started to spasm. She released all her body fluids and died shortly thereafter.



At 4:03pm, the auction employee with the skid loader returned and picked up the dead cow. He lifted her into a metal bin next to the manure pile and then drove back to the auction building.



Bobcat moving dead cow



Dead cow in dumpster

Investigators called the San Joaquin County Sheriff's Office to get help for the remaining 2 cows, report what was observed and to file a complaint for violation of CA Penal Code 599f. The officer appeared unaware of the law, but stated he would inform the auction and animal control. The investigators waited and observed from a distance until **5:20pm**, but nothing happened and no police officer arrived.

9/3/14

10:30am: The same unloading procedure was observed – trailers with “bad” cows unloaded in the back, while all others unloaded next to catwalk entrance in the front of the barn. Again, lots of “spent” dairy cows in deplorable condition were observed, many with full udders and severely limping. Again, several went down immediately after being unloaded and had to be prodded to get back up.



09/03/2014 12:35



09/03/2014 12:30

At 12:53pm, a white pick-up truck and stock trailer unloaded in the back. (License Plate # 4JA2200) The driver used an electric prod to unload the cows, but still seemed to have some problems. Apparently there was an issue with a cow in the front compartment.



After a while, he closed the trailer and left to talk to someone working in the pen area. **At 1:25pm**, he got back into his truck and drove to the alley leading to the manure pile. He turned around and backed up to an area approx. 20 feet away from the pile, which is more hidden from public view than the area right next to the pile where the other downers were dumped the week before. **The investigators noticed that apparently another downer cow had already been dumped in the same spot earlier that day**, and was lying next to a parked double deck trailer. Again, the auction worker arrived with the skid loader and the two dogs. The driver opened the trailer doors and the worker was observed tying a metal chain around one of the pen fences. Investigators were unable to observe anything else, since the trailer was blocking the view. However, after a few minutes and a lot of movement inside the trailer, everyone left the scene.



Auction employee tying chain to fence



Trailer backing up to dump site

1:40pm: The truck and trailer left the auction premises. As soon as it was safe, the investigators returned to the dump site (2:00pm) and now found 2 downer cows. The first cow, with auction tag #590 and small round ear tag #84000 (partial), was sitting in a frog legged position, panting and foaming from the mouth.



The other cow, wearing large orange ear tags #8451, was in a stretched out position. Both animals were lying on bare concrete in full sun and had been dumped outside of the pen area.



The temperature had risen to 86 degrees Fahrenheit. The investigators continued to observe the downers for the next 2 hours to check if the auction was taking any action this time, but nothing happened.



At 4:00pm, the investigators called the Escalon Police Department for help, hoping for a better response than from the San Joaquin Sheriff's Department. However, they informed them that only the San Joaquin Sheriff's Department was in charge of the auction location. Their next call was to animal control, where they learned that all officers were available between 9:00am and 1:00pm only. Lastly, they called the San Joaquin Sheriff's Department again, where the dispatcher promised that an officer would be informed and get back to them right away. Again, we waited for over an hour, but nothing happened. No officer ever returned our call. No one from the auction took any steps to help these cows as required by law.

After reviewing all the evidence, Animals' Angels submitted this report and the videos that were taken during the investigation to the San Joaquin County Sheriff's Office and filed an official complaint. On 11/14/14, a meeting was held between Animals' Angels and nine representatives of the Sheriff's office, among them Sheriff Moore, and several Captains and Lieutenants of the Agricultural Service Division.

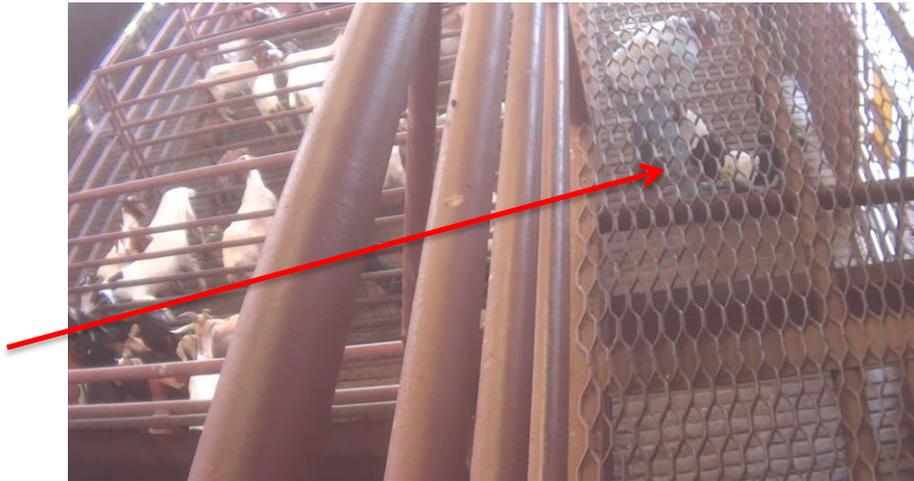
After the two hour meeting, in which the footage from the investigation was reviewed, Sheriff Moore announced that they would be launching an investigation into the matter. Additionally, he stated that his own men would be attending the auction undercover to find out if more violations were being committed.

In February of 2015, the Sheriff's Department concluded their investigation and submitted the case to the San Joaquin District Attorney's Office for cruelty charges to be filed.

In May of 2015, Animals' Angels was informed by San Joaquin Assistant District Attorney Peter Devencenzi that his office decided **not to prosecute the case.**

Excerpts of the 2015 report:

- On July 10, 2015, a downer calf was seen on the Auction premises. Auction workers tried pulling her up by her ear, and then her hind leg, but were not successful. Despite the fact they could not get the calf up, and that she remained non-ambulatory, the calf was then put on a tarp and sold to a buyer. She was put in a wheelbarrow and loaded onto the apparent buyer's pick-up truck.



Worker pulling downer calf by hind leg

- On August 5, 2015, the investigators watched a non-ambulatory cow unloaded from a trailer which had a sign on the side that said "Escalon Livestock Market/Big Mike Hauling." As soon as the cow was unloaded, the driver of the truck closed the gate to restrict view of the downer cow. The cow made efforts to, but could not rise. In response the driver, along with the auction worker, used an electric prod on her and kicked her, in an apparent attempt to get her up. When that was unsuccessful, she was shot with a captive bolt gun.

The auction worker did not check to see if the cow had been killed by the captive bolt, did not check her reflexes, but instead tried to put her on the forks of a Bobcat. When the downer was hit with the forks of the Bobcat, it became clear that she was still alive. She was struggling, and then she was shot a second time (the gate blocked complete view of the second shot). Having been successful the second time, the cow was loaded onto the bobcat and dumped on the manure pile.



Downer cow after being shot

- On August 7, 2015, the investigators returned to the auction and saw a non-ambulatory Holstein bull calf, unable to rise, with obvious rapid and shallow breathing. An auction worker came up to the calf, and dragged him by his hind leg to a junk area outside the pens and dumped the calf on a garden hose. The calf was vocalizing and struggling. He lay there, in that condition, for three hours. During that time, other auction workers stepped over the calf, and one hit the calf with a paddle.



Downer calf left to suffer

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- Then, immediately after the auction's barn manager saw the investigators filming, he had a conversation with one of the auction workers, who then began to remove the calf. At first the worker was going to drag the calf by the skin on the back, but the barn manager told him to carry the calf. The calf was put in the bucket of the Bobcat and hauled away to the back of the premises.



Worker holding calf up by skin

The documented incidents again involved clear violations of Sections 599f(d) (failure to take "immediate action" to humanely euthanize) and Section 599f(e) (prohibition on dragging nonambulatory animals) as well as multiple violations of Penal Code section 597, California's general anti-cruelty prohibitions.

On September 14, 2015, Animals' Angels again submitted all the evidence to the San Joaquin County District Attorney's Office, urging them to take this continued, egregious animal abuse seriously. **To date, the District Attorney's Office has done nothing. No charges have been filed against Escalon Auction and thousands of animals passing through the sale every week continue to suffer.**

California Penal Code 599f

(a) No slaughterhouse, stockyard, auction, market agency, or dealer shall buy, sell, or receive nonambulatory animal.

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(d) No stockyard, auction, market agency, or dealer shall hold a nonambulatory animal without taking immediate action to humanely euthanize the animal or to provide immediate veterinary treatment.

(e) While in transit or on the premises of a stockyard, auction, market agency, dealer, or slaughterhouse, a nonambulatory animal may not be dragged at any time, or pushed with equipment at any time, but shall be moved with a sling or on a stone boat or other sled-like or wheeled conveyance.

(f) No person shall sell, consign, or ship any nonambulatory animal for the purpose of delivering a nonambulatory animal to a slaughterhouse, stockyard, auction, market agency, or dealer.

(g) No person shall accept a non-ambulatory animal for transport or delivery to a slaughterhouse, stockyard, auction, market agency, or dealer.

(h) A violation of this section is subject to imprisonment in the county jail for a period not to exceed one year, or by a fine of no more than twenty thousand dollars (\$20,000), or by both that fine and imprisonment.

(i) As used in this section, "non-ambulatory" means unable to stand and walk without assistance.