

## **Animals' Angels Investigation at Escalon Livestock Auction**

### **1. General Information**

**Date:**

8/29/14 & 9/3/14

**Location:**

25525 Lone Tree Road  
Escalon, CA 95320

**Schedule:**

Mondays, Wednesdays, Fridays at 9.30am

**Manager:**

Miguel A. Machado

**Introduction:**

The recent investigation was a follow up to the investigations Animals' Angels conducted in 2008 and 2009 at the Escalon Livestock Auction.

***Excerpts from the August 2008 Report:***

*From the catwalk, we noticed a cow laying in one of the alleys close to the back of the barn. She immediately caught our attention because she was laying in full exposure of the sun and panting heavily. We left the catwalk and went to check her condition. As we 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. We observed her and waited for someone from the auction to address the situation. Nothing happened, she was never provided with water or veterinary care.*



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***Excerpts from the April 2009 Escalon 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.*



*2:00pm: 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.*

Both times, law enforcement was contacted and 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 the 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 the auction agreed to implement the improvements suggested by Animals' Angels.

Animals' Angels continued to monitor the auction. For the next few years, conditions appeared to have been improved. The recent investigation was the first one conducted since 2012 and aimed to check if the auction was still in compliance.

## 2. Observations

8/29/14

**10:30am:** Investigators arrived at the auction and walked over to the livestock auction and accessed the catwalk overlooking the pen area. To their disappointment, the handling and conditions observed at the main barn were poor. Several very young, weak calves were being sold, some with umbilical cord still attached. Some of them had diarrhea and the pen as well as the calves were covered with it. 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 with no horn 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, all rib bones and the entire spin was visible. Moving slowly with full udders, several were severely limping and struggling to maintain 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. One emaciated cow remained down in the pen when other cows were moved to auction ring to be sold. She was panting and foaming from the mouth. A worker proceeded to move a large group of goats in the same pen with her. The pen was very overcrowded and the goats were walking & climbing all over the suffering cow. No one from the auction checked on her or provided water.

**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 prohibiting her to walk 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. After documenting the situation, investigators returned to the catwalk to observe if anyone from the auction would take any action.



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**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 a whole lot of movement inside the trailer. A few minutes later, the worker left and so did the truck & trailer.



For the 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 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 was 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 investigators arrived at the auction and noticed that the auction was by far not as busy as the week before. A much smaller crowd was in attendance, which appeared to be mainly meat buyers and larger producers. 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.



**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 already had been dumped in the same spot earlier that day**, which 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 for the auction location. Their next call was to animal control, where they learned that all officers were only available between 9:00am and 1:00pm. 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.

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**California Penal Code 599f**

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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 not 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.*

### **3. Conclusion**

The investigation revealed that the conditions and the treatment of animals at Escalon Livestock Auction have deteriorated again. Multiple non-ambulatory animals were left to suffer without assistance on two separate occasions, which is in clear violation of CA Penal Code 599f.

### **4. Investigation Follow-up**

After reviewing all the evidence, Animals' Angels submitted this report and several photographs 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, 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 for cruelty charges to be filed. In May of 2015, Animals' Angels was informed by San Joaquin Assistant District Attorney Peter Devenchenzy that his office decided not to prosecute the case.

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