

Plaintiffs' Exhibit 9
Motion To Compel Inspections
(Civ. No. 03-2006 (EGS/JMF))

INVESTIGATION / INCIDENT REPORT
 Case 1:03-cv-02006-EGS Document 116-2 Filed 11/28/06 Page 2 of 18
 CRIME INCIDENT **A99-015840**
 Animal Services 20
 Title F (M) I
 Crime Section Additional Crimes (see additional crime / victim report attached)
 LOCATION **990.5 PC ELEPHANT ABUSE**
 CITY **SAN JOSE** COUNTY Santa Clara
 FROM **8-23-99** DATE OCCURRED TO **8-24-99** FROM TIME OCCURRED TO DATE REPORTED **8/23/99** TIME REPORTED
 REPORTING AGENCY **SAN JOSE POLICE DEPT.** OTHER AGENCY REPORT # FCN# DAY OF WEEK **S M T W T H F S**

PARTY # **V-1**
 DRIVERS LICENSE NUMBER / ID STATE SEX HAIR EYES HEIGHT WEIGHT DOB RACE
 VICTIM NAME (FIRST, MIDDLE, LAST) **STATE OF CALIFORNIA**
 SUSPECT STREET ADDRESS CITY, STATE, ZIP
 WITNESS HOME PHONE OTHER PHONE BUSINESS ADDRESS
 AP / RP VEHICLE YEAR MAKE MODEL COLOR TYPE LICENSE NUMBER STATE
 ARRESTED ADDITIONAL INFORMATION

PARTY # **B-1**
 DRIVERS LICENSE NUMBER / ID STATE SEX HAIR EYES HEIGHT WEIGHT DOB RACE
 VICTIM NAME (FIRST, MIDDLE, LAST) **LINKING BROS, BARNUM + BAILEY CIRCUS** **RED RINGING UNIT**
 SUSPECT STREET ADDRESS **8007 WESTWOOD CENTER** **VIEWNA, VA 22182**
 WITNESS HOME PHONE OTHER PHONE **(703) 448-4000** BUSINESS ADDRESS
 AP / RP VEHICLE YEAR MAKE MODEL COLOR TYPE LICENSE NUMBER STATE
 ARRESTED ADDITIONAL INFORMATION **CORPORATE OFFICE**

PARTY # **W-1**
 DRIVERS LICENSE NUMBER / ID STATE SEX HAIR EYES HEIGHT WEIGHT DOB RACE
 VICTIM NAME (FIRST, MIDDLE, LAST) **LANZETTE WILLIAMS**
 SUSPECT STREET ADDRESS CITY, STATE, ZIP
 WITNESS HOME PHONE OTHER PHONE **(408) 577-4272** BUSINESS ADDRESS **201 W. MISSION STREET, SAN JOSE**
 AP / RP VEHICLE YEAR MAKE MODEL COLOR TYPE LICENSE NUMBER STATE
 ARRESTED ADDITIONAL INFORMATION **SAN JOSE POLICE SERGEANT**

SPECIAL HANDLING / STATUS
 Hate Crime / Gang Activity
 Domestic Violence
 Outside Agency Assist
 CPS
 Juvenile Confidentiality
 PC 293 Confidentiality
 Public Safety Section Review
 Copy to D.A. Office
 Copy to Local Law Enforcement
 Other:

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 APR 98 FORM 1070 5848 98

NAME OF REPORTING EMPLOYEE SIGNATURE TITLE BADGE NO. DATE
CHRISTINE FRANCO *Christine Franco* **INVESTIGATOR** **A7** **9-8-99**
 SIGNATURE OF SUPERVISOR TITLE BADGE DATE
M. Mawda **Mawda** **A1** **9-8-99**

CRIME INCIDENT
Animal Services 20
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CRIME SECTION: SALES PC ELEPHANT ABUSE
CITY: SAN JOSE COUNTY: Santa Clara
DATE OCCURRED: 8-23-99 TO 8-29-99 DATE REPORTED: 8-23-99
OTHER AGENCY: SAN JOSE POLICE DEPT. OTHER AGENCY REPORT #: _____ FCN#: _____ DAY OF WEEK: S M T W T H F S

PARTY # W-2
DRIVERS LICENSE NUMBER / ID: _____ STATE: _____ SEX: _____ HAIR: _____ EYES: _____ HEIGHT: _____ WEIGHT: _____ DOB: _____ RACE: _____

VICTIM NAME (FIRST, MIDDLE, LAST): MARZCIA MAYEDA

SUSPECT STREET ADDRESS: _____ CITY, STATE, ZIP: _____

WITNESS HOME PHONE: _____ OTHER PHONE: (408) 737-4529 BUSINESS ADDRESS: 2005 MARTIN AVE, STE 101 - SANTA CLARA, CA 95050

AP / RP VEHICLE YEAR: _____ MAKE: _____ MODEL: _____ COLOR: _____ TYPE: _____ LICENSE NUMBER: _____ STATE: _____

ARRESTED ADDITIONAL INFORMATION: DIRECTOR OF SOUTH BAY ANIMAL CONTROL

PARTY # W-3
DRIVERS LICENSE NUMBER / ID: _____ STATE: _____ SEX: _____ HAIR: _____ EYES: _____ HEIGHT: _____ WEIGHT: _____ DOB: _____ RACE: _____

VICTIM NAME (FIRST, MIDDLE, LAST): DARRELL DEUER

SUSPECT STREET ADDRESS: _____ CITY, STATE, ZIP: _____

WITNESS HOME PHONE: _____ OTHER PHONE: (408) 737-4529 BUSINESS ADDRESS: 2005 MARTIN AVE, STE 101 - SANTA CLARA, CA 95050

AP / RP VEHICLE YEAR: _____ MAKE: _____ MODEL: _____ COLOR: _____ TYPE: _____ LICENSE NUMBER: _____ STATE: _____

ARRESTED ADDITIONAL INFORMATION: SERGEANT - SOUTH BAY ANIMAL CONTROL

PARTY # W-4
DRIVERS LICENSE NUMBER / ID: _____ STATE: _____ SEX: _____ HAIR: _____ EYES: _____ HEIGHT: _____ WEIGHT: _____ DOB: _____ RACE: _____

VICTIM NAME (FIRST, MIDDLE, LAST): TERI REESE

SUSPECT STREET ADDRESS: _____ CITY, STATE, ZIP: PL 04655

WITNESS HOME PHONE: _____ OTHER PHONE: (408) 737-4529 BUSINESS ADDRESS: 2005 MARTIN AVE, STE 101 - SANTA CLARA, CA 95050

AP / RP VEHICLE YEAR: _____ MAKE: _____ MODEL: _____ COLOR: _____ TYPE: _____ LICENSE NUMBER: _____ STATE: _____

ARRESTED ADDITIONAL INFORMATION: ANIMAL CONTROL / HUMANE OFFICER

SPECIAL HANDLING / STATUS
 Hate Crime / Gang Activity
 Domestic Violence
 Outside Agency Assist
 CPS
 Juvenile Confidentiality
 PC 293 Confidentiality
 Public Safety Section Review
 Copy to D.A. Office
 Copy to Local Law Enforcement
 Other:

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APHIS FORM 7070 (04/94)

NAME OF REPORTING EMPLOYEE: HELENE FRANCO SIGNATURE: [Signature] TITLE: Investigator BADGE NO: 177 DATE: 9-8-99
SIGNATURE OF SUPERVISOR: [Signature] TITLE: Director BADGE: 21 DATE: 9-8-99

CRIME INCIDENT **ACQ-015840** DEPARTMENT Animal Services DEPT NUMBER 20
 Crime Section **594.5 PC ELEPHANT ABUSE** Title **F M I**
 LOCATION **SAN JOSE ARENA** CITY **SAN JOSE** COUNTY Santa Clara
 FROM DATE OCCURRED **8-23-99** TO **8-29-99** FROM TIME OCCURRED TO DATE REPORTED **8-23-99** TIME REPORTED
 OTHER AGENCY **SAN JOSE POLICE DEPT** OTHER AGENCY REPORT # FCN# DAY OF WEEK **S M T W T F S**

PARTY # **W-5** DRIVERS LICENSE NUMBER / ID STATE SEX HAIR EYES HEIGHT WEIGHT DOB RACE
 VICTIM NAME (FIRST, MIDDLE, LAST) **JOEL J PARBOTT, D.U.M.** CITY, STATE, ZIP
 SUSPECT STREET ADDRESS **9777 GOLF LINKS RD. OAKLAND CA 94605**
 WITNESS HOME PHONE **WORK** OTHER PHONE BUSINESS ADDRESS - MAILING **P.O. BOX 5238 OAKLAND, CA 94605**
 AP / RP VEHICLE YEAR MAKE MODEL COLOR TYPE LICENSE NUMBER STATE

ARRESTED ADDITIONAL INFORMATION **EXECUTIVE DIRECTOR, OAKLAND ZOO**

PARTY # **W-6** DRIVERS LICENSE NUMBER / ID STATE SEX HAIR EYES HEIGHT WEIGHT DOB RACE
 VICTIM NAME (FIRST, MIDDLE, LAST) **COLLEEN KINZLEY** CITY, STATE, ZIP
 SUSPECT STREET ADDRESS **9777 GOLF LINKS RD. OAKLAND CA 94605**
 WITNESS HOME PHONE **WORK** OTHER PHONE BUSINESS ADDRESS - MAILING **P.O. BOX 5238 - OAKLAND CA 94605**
 AP / RP VEHICLE YEAR MAKE MODEL COLOR TYPE LICENSE NUMBER STATE

ARRESTED ADDITIONAL INFORMATION **GENERAL CURATOR - OAKLAND ZOO**

PARTY # **W-7** DRIVERS LICENSE NUMBER / ID STATE SEX HAIR EYES HEIGHT WEIGHT DOB RACE
 VICTIM NAME (FIRST, MIDDLE, LAST) **DON DORCE** CITY, STATE, ZIP **PL 04656**
 SUSPECT STREET ADDRESS
 WITNESS HOME PHONE **WORK** OTHER PHONE BUSINESS ADDRESS **SOL'S MARTIN HOE, STE. 101 - SANTA CLARA, CA 95050**
 AP / RP VEHICLE YEAR MAKE MODEL COLOR TYPE LICENSE NUMBER STATE

ARRESTED ADDITIONAL INFORMATION **ANIMAL CONTROL OFFICER / HUMANE OFFICER**

SPECIAL HANDLING / STATUS
 Hate Crime / Gang Activity CPS Copy to D.A. Office
 Domestic Violence Juvenile Confidentiality Copy to Local Law Enforcement
 Outside Agency Assist PC 293 Confidentiality Other
 Public Safety Section Review



NAME OF REPORTING EMPLOYEE **CHRISTINE FRANKS** SIGNATURE **Christine Franks** TITLE **Investigator** BADGE NO. **A7** DATE **9/22/99**
 SIGNATURE OF SUPERVISOR **[Signature]** TITLE **Director** BADGE **A1** DATE **9/15/99**

CRIME INCIDENT **AAA-015240** Animal Services 20 PAGE 4 OF 17

Crime Section: **S96.5 PC ELEPHANT ABUSE** Additional Crimes (see additional crime / victim report attached): _____ Title: _____

LOCATION: **DAN DIEZ HERPA** CITY: **SAN JOSE** COUNTY: **Santa Clara**

FROM DATE OCCURRED TO: **8-23-99** TO: **8-24-99** FROM TIME OCCURRED TO: _____ DATE REPORTED: **8-23-99** TIME REPORTED: _____

OTHER AGENCY: **DAN DIEZ POLICE DEPT.** OTHER AGENCY REPORT #: _____ FCN#: _____ DAY OF WEEK: **S M T W T H F S**

PARTY # **WB** DRIVERS LICENSE NUMBER / ID: _____ STATE: _____ SEX: _____ HAIR: _____ EYES: _____ HEIGHT: _____ WEIGHT: _____ DOB: _____ RACE: _____

VICTIM NAME (FIRST, MIDDLE, LAST): **LIM FLORES**

SUSPECT STREET ADDRESS: _____ CITY, STATE, ZIP: _____

WITNESS HOME PHONE: _____ OTHER PHONE **work**: **(408) 727-0529** BUSINESS ADDRESS: **2005 MARTIN AVE STE. 101 - SANTA CLARA CA 95050**

AP / RP VEHICLE YEAR: _____ MAKE: _____ MODEL: _____ COLOR: _____ TYPE: _____ LICENSE NUMBER: _____ STATE: _____

ARRESTED ADDITIONAL INFORMATION: **ANIMAL CONTROL OFFICER / HUMANE OFFICER**

PARTY # **W9** DRIVERS LICENSE NUMBER / ID: _____ STATE: _____ SEX: _____ HAIR: _____ EYES: _____ HEIGHT: _____ WEIGHT: _____ DOB: _____ RACE: _____

VICTIM NAME (FIRST, MIDDLE, LAST): **BARBARA WALLACE**

SUSPECT STREET ADDRESS: _____ CITY, STATE, ZIP: _____

WITNESS HOME PHONE: _____ OTHER PHONE **work**: **(408) 727-0529** BUSINESS ADDRESS: **2005 MARTIN AVE STE. 101 - SANTA CLARA CA 95050**

AP / RP VEHICLE YEAR: _____ MAKE: _____ MODEL: _____ COLOR: _____ TYPE: _____ LICENSE NUMBER: _____ STATE: _____

ARRESTED ADDITIONAL INFORMATION: **ANIMAL CONTROL OFFICER / HUMANE OFFICER**

PARTY # _____ DRIVERS LICENSE NUMBER / ID: _____ STATE: _____ SEX: _____ HAIR: _____ EYES: _____ HEIGHT: _____ WEIGHT: _____ DOB: _____ RACE: _____

VICTIM NAME (FIRST, MIDDLE, LAST): _____

SUSPECT STREET ADDRESS: _____ CITY, STATE, ZIP: _____

WITNESS HOME PHONE: _____ OTHER PHONE **work**: **(408) 277-5548** BUSINESS ADDRESS: _____

AP / RP VEHICLE YEAR: _____ MAKE: _____ MODEL: _____ COLOR: _____ TYPE: _____ LICENSE NUMBER: _____ STATE: _____

ARRESTED ADDITIONAL INFORMATION: **work cell (408) 203-4819**

SPECIAL HANDLING / STATUS

Hate Crime / Gang Activity

Domestic Violence

Outside Agency Assist

NAME OF REPORTING EMPLOYEE: **HEATHER FRANGO** SIGNATURE: _____

SIGNATURE OF SUPERVISOR: **M. Manda** TITLE: **Inspector**

BADGE NO: **A7** DATE: **9-8-99**

BADGE: **21** DATE: **9-8-99**

PL 04657

777 N. 15th STREET SUITE # 700 SAN JOSE, CA 95110

GOVERNMENT EXHIBIT 82 Page 4 of 17 APPROX FORM 7029 (MAY 95)

ADDITIONAL CRIMES

- 1 17200 BUSINESS & PROFESSIONS CODE
- 2
- 3
- 4
- 5

ANIMALS

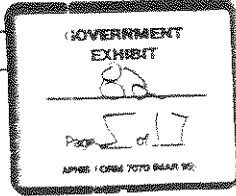
Type	Breed	Color	Sex	Age	Name
1 ELEPHAS	ASIAN	GREY	F	VARIOUS	AGES +
2 MAXIMUS					NAMES
3 ↓					
4					
5					

<input type="checkbox"/> Evidence obtained <input type="checkbox"/> Evidence sent to lab <input type="checkbox"/> Evidence released <input type="checkbox"/> Released to: <input checked="" type="checkbox"/> Photos taken Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <input checked="" type="checkbox"/> Video taken Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/> Vehicle towed <input type="checkbox"/> Vehicle stored <input type="checkbox"/> Vehicle impounded <input type="checkbox"/> Towed by: <input type="checkbox"/> Stored by: Released to: _____
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LIST OF EVIDENCE

- 1 02 PHOTOGRAPHS TAKEN BY CLAUDIO AT
- 2 1 8mm VIDEO TAPE APPROX. 10-15 MINUTES BY M. MAYER + A
- 3
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- 20

PL 04658



<input checked="" type="checkbox"/> NARRATIVE	DATE/TIME OF ORIGINAL INCIDENT	REPORT NUMBER	Page 7 of 17
<input type="checkbox"/> SUPPLEMENTAL	8-23-99	1996-015810	

At 1205 hours I arrived in uniform with Marcia Mayeda (W-2), Director of SBACS, at the intersection of Cinnabar and Autumn Street in the city of San Jose. Mayeda was wearing plain clothes and wearing a picture identification card and a badge. Several horses had already been unloaded from the train. We were greeted by [redacted] and [redacted] exchanged business cards. Shortly after our arrival, Sgt. Darrell Revier (W-3) of SBACS arrived on scene. Sergeant Revier was in plain clothes and wearing a picture identification card and a badge. Also present was officer Teri Reeve from SBACS(W-4). Reeve was in her department-issued uniform.

I met with Williams while Mayeda observed the unloading of the horses. I walked around to the rear side of the train and placed a thermometer through the window of the last boxcar. The car contained six to eight Asian elephants. The thermometer read 89 degrees Fahrenheit after approximately 30 seconds in the car. After approximately one minute I asked Williams to take the temperature in the same manner that I had. After about 20 more seconds the thermometer still read at 89 degrees.

I walked to where Revier was standing, and we observed the unloading of the elephants. While watching the elephants, Revier and I observed one of the circus employees attempt to put a muzzle on a Lipizzan horse. The horse struggled while the man attempted to put the muzzle on. I noticed the muzzle was pressing up against the horse's nostrils and the horse was trying to pull the muzzle off. I asked the horse's handler to remove the muzzle and readjust it. The handler complied with my request.

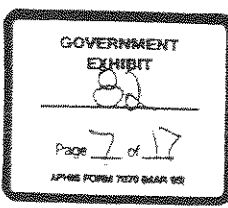
NOT A FOIA DELETION

All of the remaining horses, elephants, and four zebras were removed from the train and walked to the San Jose Arena parking lot. During the walk I was beside a teenage boy (who I later learned was [redacted] by the name of [redacted]. He was one of the [redacted] of two elephants. I noticed that each handler carried an ankus. An ankus is stick, commonly made of metal, approximately two to two and a half feet long, with a sharp hook on the side and sharp point on the end.

Upon arrival at the animal compound we were asked to wait while the elephants were placed on chains inside the tent. [redacted] was present and was available to answer our questions. As he escorted us into the elephant tent, Reeve observed what appeared to be blood behind the left ear of the elephant named Toby. I inspected the site as well and also saw blood streaming from two separate lacerations behind Toby's left ear. As these lacerations were evidence of possible violations of PC 596.5, I immediately asked Mayeda to bring both my 35-mm camera and video camera so I could document the findings.

PL 04659

Based on Toby's injuries, I told [redacted] I needed to examine each elephant for injuries. [redacted] helped me examine each elephant. He told me the names of each elephant and said he was [redacted].



Mayeda videotaped my examinations while I examined and photographed the elephants. Revier stood beside me and wrote down my observations as I narrated them. Williams

REPORTER NAME	BADGE #	DATE	REVIEWER NAME	BADGE #	DATE
MUSTINE [redacted]	A	9-2-99	[redacted]	31	9/18/99

<input checked="" type="checkbox"/> NARRATIVE	DATE/TIME OF ORIGINAL INCIDENT	REPORT NUMBER	Page 8 of 17
<input type="checkbox"/> SUPPLEMENTAL	9-23-99	AD19-015840	

stood by. I was able to look over 13 of the 14 elephants. After I had examined eight of the elephants, I was joined by Dr. Lindsey, the veterinarian who works for RBBBC.

Seven of the elephants had injuries behind or on the back of their left ears. Some of the elephants had scars behind their left ears. Almost all of the injuries appeared to be fresh, with bright red blood present at the wound sites. One of the elephants had a larger laceration with what appeared to be dried blood. None of the elephants appeared to have any injuries or scarring behind their right ears. One of the elephants, named Mary, had two lacerations on her lower left flank. Another elephant named Assan had lacerations and scars on both her trunk and forehead. An elephant named Baby had abrasions on the back of her left ear. She also had a laceration on her front left foreleg and on the back of her left ear.

All of the injured elephants belonged to Ringling Brothers Circus. None of the three contracted elephants had any injuries, however they were constantly swaying from side to side.

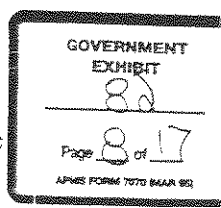
I asked [redacted] if he knew where these injuries could have come from. [redacted] stated they possibly were caused by the other elephants. I overheard Williams ask Lindsey if he thought Toby's injuries might have come from an ankus. Lindsey stated that he could not deny that they were caused by ankuses.

I was unable to examine an elephant known as Luna. As we attempted to look behind her left ear, Luna let out a loud noise, similar to a growl, and began spraying urine. Luna's urination pattern was different from the urination patterns of the other elephants I had examined. Approximately three other elephants had urinated while I was in the barn. While the urine was in large amounts, the other elephants' urine streams were contained to a normal area. Luna's urination pattern was a wide ranged spray and was released while she was vocalizing. Based on my experience in animal behavior, Luna appeared terrified and urinating out of fear. She then started to retreat sideways away from both [redacted] and myself, while still urinating. Luna's vocalizing and urination intensified. All of the other elephants started to become anxious and the atmosphere became chaotic. Some of the other elephants started to vocalize.

PL 04660

At that time an air compressor hose outside of the elephant barn broke from its coupling. More of the elephants began vocalizing and became anxious. I told [redacted] I did not want to stress Luna any more and that we should come back to her after she calmed down. Wells stated it would not make any difference because Luna was a stressful elephant, did not like to be handled, and was a difficult elephant. I told [redacted] to leave Luna and we could move on to the next elephant.

At this point Lindsey questioned me as to what I was doing, and expressed concern for my observations. Lindsey asked me to tell him how I chose to categorize injuries as lacerations, rather than abrasions. Lindsey told me he categorized the injuries I saw as abrasions, not lacerations. He told me he considers lacerations to be wounds that require sutures. Lindsey stated that the injuries on these elephants did not require suturing.



PREPARER NAME	BADGE #	DATE	REVIEWER NAME	BADGE #	DATE
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

NARRATIVE
 SUPPLEMENTAL

DATE/TIME OF ORIGINAL INCIDENT
12-23-04

REPORT NUMBER
A949-05810

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although they were bleeding and the skin was punctured and torn. Lindsey stated he would classify these injuries as abrasions. I told Lindsey that when I was finished with the examinations we could begin examining the elephants again so he could give me his medical opinion of the injuries on the elephants I had already examined.

Lindsey expressed a concern for our documentation of the injuries and I repeatedly informed him and [redacted] that our presence was to monitor public safety, sanitation issues, and humane treatment of the animals. I also repeatedly stated we wanted to help them comply with all of the city municipal and California State Penal Codes. I did express a concern for the injuries on the elephants and informed them that the Humane Society would not tolerate any mistreatment of the animals. I did inform them that these injuries appeared to be consistent to those of what an ankus would cause and there was a possibility they might be in violation of the California State Penal Code.

We moved on to look at the other animals. I asked [redacted] if I could have a list of all the elephant handlers, particularly the ones who were walking the elephants from the train to the animal compound. I also asked if he could specify what handler was in charge of each elephant. [redacted] gave me a list of names, but was uncertain of all the information. This is the list [redacted] gave me: (also refer to attached copy)

[redacted]

[redacted] gave us a lengthy tour of the animal compound, including all the animals that were privately contracted through Ringling Brothers. We looked at the horses through their stall doors, and also saw camels, royal yaks, zebras, alpacas, ostriches, and angora goats. All of these animals were examined only visually, with no physical contact. One Lippizan stallion that belonged to RBBBC, "Duke", had a bandage on his left hind ankle. Dr. Lindsey stated that Duke was under treatment for proud flesh but was sound.

We then saw the big cats. There were tigers and one leopard. They all had access to water and shade in their cages. [redacted] pointed out that there were misters for hot weather inside the cages. However, they were not in use at the time, because the water connections had not yet been made.

We then inspected the private acts containing domestic dogs. I noticed they were kept the majority of the time in dog crates. The crates appeared to be clean and the trailers they were kept in were fairly cool for such a hot day. However, they did not appear to have continuous access to any water, with the exception of two - three Poodles in the second of the three different acts.

PL 04661

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ALPHABETIC FORM 7070 DEAR 9/81

NARRATIVE SUPPLEMENTAL
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When the dogs from this act were let out of their crates they immediately ran to a bowl of water that was almost dry. They were vigorously trying to lick the bottom of the bowl to get to any water that was left. Every dog appeared to be very thirsty and was struggling with one another to get to the water. I watched as the owner filled the bowl with water. The dogs pushed and shoved one another to drink, and continued drinking for at least five minutes. The owner of the dogs told me he did not keep water in their crates because they would knock it over. I told the man he would have to keep water in their crates at all times. I also stated that if I came back and found that there was no water available to them, that I would issue him a citation. The man was told again by [redacted] to comply with my request and appeared to be in full understanding. *bl*

The second dog act contained a number of large dogs. They were housed inside a trailer and appeared to be healthy.

We then proceeded to the arena area and viewed an act with Persian cats and doves, and the final act with domestic dogs. The cats and doves appeared healthy. One of the dogs, an Airedale, had a raw, shaved spot on his left side. The owner said the dog had allergies and was under treatment for the hot spot. Dr. Lindsey stated the sore area was a hot spot. The skin was oozy and scabby. *bl*

After completing the tour of the animal compound, [redacted] asked when he would receive a copy of my reports. I told [redacted] that I was under the impression I was there for just a complimentary tour of the compound and that it was not customary for our agency to release information to the public. I also stated that any information gathered is for our agency's records only. [redacted] stated that there might be a problem, because of the photographs that were taken and their attorney would be contacting me. I told [redacted] that would not be a problem and they he would see me again soon. We shook hands and I cleared the scene at approximately 1510 hours. *bl*

Tuesday, 8-24-99

On 8-24-99, at 1430 hours, I arrived at the Oakland Zoo with Mayeda and Williams. We met with Joel J. Parrot D.V.M., Executive Director (W-5) and Colleen Kinzley, General Curator (W-6). I showed Parrot and Kinzley both the photographs and video of the elephants from the previous day. Parrot and Kinzley stated they were confident the injuries were caused by ankuses. *bl*

PL 04662

I asked Parrot if he would categorize the elephants' injuries as lacerations or abrasions. Parrot told me that they were clearly lacerations. He characterized abrasions as a scraping of the superficial layers of skin. As these injuries were cuts and punctures that broke the skin and caused bleeding, he classified them as lacerations.

Later that day I arrived at the San Jose Arena parking lot with Williams to get more information from [redacted] and speak with the elephant handlers. [redacted] stated all of the elephant handlers were off work for the afternoon and were not available to talk. I also spoke with [redacted]. Both he and [redacted] were able to get me the last names of some of the elephant handlers. They gave me the names of [redacted] and [redacted]. *bl*

GOVERNMENT EXHIBIT
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APR 85 FORM 7070 (MAY 82)

PREPARER NAME: [redacted] BADGE #: [redacted] DATE: 8-24-99 REVIEWER NAME: [redacted] BADGE #: [redacted] DATE: 9-10-99

NARRATIVE SUPPLEMENTAL
DATE/TIME OF ORIGINAL INCIDENT: 8-28-99
REPORT NUMBER: A99-01524
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b6 - I told [redacted] needed all of the elephant's names, and the order they were walking in the day before. I also needed to know what handler was in charge of each elephant at the time, so that I could ensure my report would be accurate. In summary [redacted] gave me the following statement.

STATEMENT OF

[redacted] stated that [redacted] was the [redacted] the elephants and the elephant handlers. Some of the elephants were just stupid and clumsy animals. They always trained and walked the elephants on the animals' left sides, and never on the right sides. They always try verbal commands and only use rewards when they are training the elephants (apples, bread, and carrots). The elephants always walk in the same lineup and have the same handlers. [redacted] gave me the lineup from the walk the previous day and what elephants the handlers were in charge of.

The elephant handlers (and elephants they handled) were [redacted] (Siam and Baby), [redacted] (Tonka and Luna), [redacted] (Assan and Bonana), [redacted] (Asia, Tonka, and Luna), [redacted] (Vicky, Judy, and Jenny), [redacted] and [redacted] (Toby and Banco, Sarah on the walk).

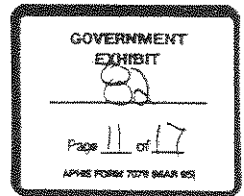
NOT A FOIA DELETION

[redacted] stated that during the walk from the train to the compound, the order of the elephants and who was handling and walking with them was (there was usually two elephants per handler):

Order of the elephants (name of handler):

- 1. Asia [redacted]
- 2. Tonka [redacted]
- 3. Luna [redacted]
- 4. Assan [redacted]
- 5. Bonana [redacted]
- 6. Sarah [redacted]
- 7. Mary [redacted]
- 8. Toby [redacted]
- 9. Banco [redacted]
- 10. Vicky [redacted]
- 11. Judy [redacted]
- 12. Jenny [redacted]
- 13. Siam [redacted]
- 14. Baby [redacted]

NOT A FOIA DELETION



[redacted] stated that after I left the previous day he had examined the elephants' lacerations, and after wiping away the blood noted that the injuries were smaller than they had appeared. [redacted] stated that the amount of blood covering the area and seeping into the elephants' wrinkled skin made the injuries appear larger. [redacted] said the injuries could have come from the train, but was not sure.

PL 04663

PREPARER NAME: [redacted] BADGE #: [redacted] DATE: 6-8-99 REVIEWER NAME: [redacted] BADGE #: [redacted] DATE: 9/15/99

STATEMENT OF

stated that

Some of the elephants were just stupid and clumsy animals. They always trained and walked the elephants on the animals' left sides, and never on the right sides. They always try verbal commands and only use rewards when they are training the elephants (apples, bread, and carrots). The elephants always walk in the same lineup and have the same handlers. [] gave me the lineup from the walk the previous day and what elephants the handlers were in charge of.

The elephant handlers (and elephants they handled) were:

NOT A FOIA DELETION

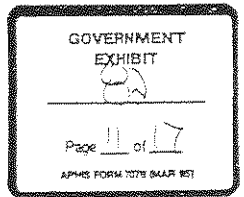
stated that during the walk from the train to the compound, the order of the elephants and who was handling and walking with them was (there was usually two elephants per handler):

Order of the elephants (name of handler):

- 1. Asia
- 2. Tonka
- 3. Luna
- 4. Assani
- 5. Bonang
- 6. Sarah
- 7. Mary
- 8. Toby
- 9. Banco
- 10. Vicky
- 11. Judy
- 12. Jenny
- 13. Siam
- 14. Baby

NOT A FOIA DELETION

Red Unit 9/8/99



stated that after I left the previous day he had examined the elephants' lacerations, and after wiping away the blood noted that the injuries were smaller than they had appeared. [] stated that the amount of blood covering the area and seeping into the elephants' wrinkled skin made the injuries appear larger. [] did the injuries could have come from the train, but was not sure.

PREPARER NAME	BADGE #	DATE	REVIEWER NAME	BADGE #	DATE
Martine Franco	A7	9-8-99	M. Mayeda	A1	9/8/99

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bb I asked [] what would happen to circus employees who abused the animals.
bb [] stated depending on the severity of the abuse the person would usually be transferred to another department in the circus, or sometimes fired.

Wednesday, 8-25-99

On Wednesday, 8-25-99, at 1845 hours, Mayeda, Williams, and I arrived at the San Jose Arena. We each stood at different locations. Williams was near the animal compound, Mayeda was at the animal dressing area, and I was at the entrance to the back area of the arena on the corner of West Saint John and Montgomery Street. We observed all of the animals as they were walking into the dressing area before they started their performance.

At approximately 1915 hours, Officers Don Ponce of SBACS (W-7) and Reeve arrived with Humane Society employee Kelly Zantow. They were in plain clothes and were present to observe the show. They purchased three tickets and I asked them to take notes based on their observations. They timed each performance to give us an example of how much exercise each animal gets during a performance. See Ponce's report.

During the show and in between acts I was approached by Mark Gaipo, General Manager of the Red Touring Unit. Gaipo introduced himself and asked what had happened on Monday. Gaipo said several employees had told him there might have been a problem with some of the elephants' injuries. I told Gaipo that I was concerned to find bleeding lacerations on the some of the elephants and that I had documented my findings.

bb At some time during the show I had tried to engage in a casual conversation with [] I had asked [] who his favorite elephants were. [] gave the names of two elephants. He then stated he had a third favorite elephant, but he liked them all. I asked [] who his third favorite elephant was and he became agitated. [] said, "YOU JUST WANT TO KNOW WHO PUT THE SCARS ON BABY'S EARS!" I told [] that I did not even know Baby had scars on her ears, and that I thought she just had a few cuts. [] then lit up a cigarette and turned to one of his colleagues. [] appeared very angry and was complaining about the conversation that had just taken place. bb

Thursday, 8-26-99

On Thursday, 8-26-99, I received a voicemail from a concerned citizen regarding the Persian cats that had performed in the circus show the previous night. The citizen stated that she had a telescopic lens on her camera, and she thought the cats appeared to be starving.

Later that evening I attempted to make contact with the owners of the Persian cats. They were a subcontracted act, and I remembered them as being very open and cooperative about seeing their animals on Monday. Ponce was with me when I made contact with the owners. I told them I had received a complaint regarding their cats and asked if I could take another look at them. While English was not their native language, both the husband and wife understood my question and openly invited us into the area where they had kept



PL 04665

PREPARER NAME	BADGE #	DATE	REVIEWER NAME	BADGE #	DATE
M. F. []	[]	8-25-99	M. []	[]	9-15-99

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their animals. They opened up the cages to the cats housing and allowed me to handle the cats. I was able to determine that the cats were not underweight.

At that time I was approached by Lindsey, Gaipo, and an unidentified adult white male (approx. 6'2", 180 lbs., brn hair, wearing a tuxedo). The triangulated positions they took made it impossible for me to watch them all at the same time, and raised officer safety concerns in my mind. The unidentified man stood directly behind me, while Lindsey and Gaipo stood in front of me. Officer Ponce stood behind me and to the left, a couple feet away from the man who was behind me. Lindsey's face was red and some of the veins in his facial area were pulsating. He was very angry. Lindsey stated to me that he was very angry and it was that it was taking a lot of effort for Gaipo to control him at that moment. I told Lindsey to feel free to express his concerns.

Both he and Gaipo expressed their anger at me for not asking them to accompany me while inspecting the cats. Both Lindsey and Gaipo caught me off guard with their anger. I responded by stating I had received a complaint from a concerned citizen earlier in the day and I just wanted to briefly examine the cats. Words were exchanged between both parties and we cleared the area so that we could examine veterinary records for the circus animals. As we walked to the trailer where the records were kept, I told Lindsey that the heated conversation that had just taken place was "water under the bridge," and that we could start over with no hard feelings. Lindsey appeared to be at ease and with a smile told me he would meet me in a short while at the trailer. I then went looking for Mayeda and Williams.

Upon finding Mayeda, I explained to her what had just occurred, and told them I did not feel comfortable meeting with them alone. Due to the rage exhibited by Lindsey and Gaipo, combined with the potentially unsafe position they placed me in, I requested that both she and Williams accompany me. We then met with Lindsey and Gaipo and I reviewed veterinary records and permits while Mayeda spoke with Gaipo. Williams stood by and spoke with Lindsey.

After reviewing paperwork I asked Lindsey if I could have a brief private conversation with him. Lindsey agreed. I apologized to Lindsey for not asking him to accompany me during the examination of the cats. I explained that I hadn't realized he wanted to be present each time I looked over an animal. I also told him I was pleased with the condition of the cats and thought the complaint would warrant no merit.

I also stated to Lindsey that he approached me in a very confrontational and threatening manner, and I asked that he not approach me in such a way again. I told him that we would not be able to effectively communicate with each other in an angry manner. I explained to Lindsey that to hinder any type of work an officer was conducting could result in negative consequences, such as an arrest. I apologized again to Lindsey for any misunderstandings and the conversation ended.

I then met with Mayeda and Gaipo. I requested a copy of the veterinary records for the circus animals. Gaipo stated it would be over 600 copies of paperwork. I told Gaipo I

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PREPARER NAME: [Signature] BADGE #: [Signature] DATE: 8-23-04 REVIEWER NAME: [Signature] BADGE #: [Signature] DATE: 9-15-04

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 SUPPLEMENTAL

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didn't want to inconvenience him and that I would review the documents again, deciding which information was necessary for me to have.

I asked Gaipo if I could speak with him alone. Mayeda left the trailer, leaving only myself, Gaipo, and one other circus employee. I apologized for not asking him to accompany me on the inspection of the Persian cats. I also stated that I was concerned for the way he had approached me regarding that issue. I told Gaipo he had approached me in an inappropriate, threatening manner. I also explained to him that interfering with the work of a humane officer could result in negative consequences, such as an arrest. I explained to Gaipo I was not threatening him in any way, and I just wanted him to have a clear understanding of what was inappropriate. Gaipo questioned my age. He began to tell me his experiences and his educational background. We eventually engaged in a casual conversation about California and other non-work related topics. The conversation ended on a very positive note and I told Gaipo I would see him later.

After the show, Gaipo asked me if we were going to be there over the weekend. I told him we would and Gaipo was pleased. Gaipo stated it would be good if we were there so our agency wouldn't get overwhelmed with complaints from the public concerning the animals.

Friday, 8-27-99

On Friday, 8-27-99, I arrived at the Arena at 1728 hours with Reeve and SBACS Officer Kim Flores (W-8). On scene was SBACS Officer Joshua Whiskey (W-9). I was immediately approached by Steve Kirsner, Booking and Event Manager for the San Jose Arena.

Kirsner's demeanor was confrontational and he expressed a strong concern for our presence at the Arena. He stated that the circus was his client, and any issues I might have with the circus should be brought directly to him. He told me he had received numerous complaints of my entering dressing room areas where employees kept personal belongings. I told Kirsner those were false accusations.

Kirsner also stated that the circus did not appreciate me requesting 600 copies of veterinary records. Kirsner said he had a problem with Sgt. Williams's presence at the Arena. He stated he had already put in a telephone call to her supervisors, who gave him the understanding she was did not have the authority to be there.

I explained to Kirsner that I was there to ensure public safety, sanitation, and humane treatment of all the animals and that these accusations were not accurate. Kirsner told me he was a taxpayer, and in essence my employer. I told Kirsner that I was employed by a private entity and that he was not my employer. Kirsner said he must have not correctly articulated himself and still did not understand why I was present. He stated that I should have notified him that I would be there and that every time I chose to be present at the Arena I needed to notify him. I told him I understood his position, and told him I was late for a 5:30 meeting with Mr. Gaipo. I shook his hand and cleared the scene at 1736 hours.

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PREPARER NAME: [Signature] BADGE #: 197 DATE: 8-29-99 REVIEWER NAME: [Signature] BADGE #: 2 DATE: 8-29-99

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 SUPPLEMENTAL

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9-25-99

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I met with Gaipo to look over the veterinary records for the circus animals. Gaipo asked me how I was doing and I told him I was just approached by Kirsner. I told Gaipo that Kirsner said I was to deal directly with him instead of the circus. I also told him that Kirsner said he had received complaints from the circus regarding our presence. Gaipo said he thought that was weird because he had not spoken with Kirsner, and it was only appropriate for me to deal directly with the circus. I looked through the veterinary records again and requested copies of approximately 25-30 documents. Gaipo said he would have them ready in 20 minutes. I told Gaipo I would be back in a couple of hours and that I did not want to inconvenience him. I told Gaipo to take his time and I would return later. Gaipo showed me where he would leave the documents in case he was not there when I returned. I left to observe the animals.

During the day I had noticed that [redacted] ^{do} was ignoring me. After attempting to greet him several times and being rebuffed, I finally realized [redacted] ^{do} did not want to communicate with me or acknowledge my presence. I later learned from Sgt. Williams that [redacted] ^{do} was angry with me and did not want to have any dealings with me.

During the show I noticed one of the elephants had a laceration, approximately 1/4 - 1/2 inch in length, horizontally across its trunk. There was fresh blood present and it appeared that the injury was very recent. I asked Sgt. Williams to have the injury ^{do} examined by [redacted] since she had a better rapport with him at this time to make the request.

Later that afternoon the zebras escaped from their handler during their walk from the Arena to their stables. I was alerted by a scream as I was walking with the zebras back to their stables. I turned around saw two zebras, tied to each other by their halters, galloping down Montgomery Street. I immediately instructed the a citizen next to me to get back from danger, and radioed Reeve to keep herself and others clear from danger.

^{do} I watched from approximately 50 yards as numerous circus employees, including [redacted] tried to catch the zebras. The zebras frantically ran in both the north and south directions to avoid capture. I noticed a handler with two white Lippizan Stallions, frightened by the zebra commotion, trying to prevent them from breaking free of his control and escaping. The zebras were finally captured after approximately 45 seconds to one minute.

A woman and her small crying child, approximately two years of age, were quickly passing by. The woman was yelling in anger and stated she and her baby were almost trampled by the zebras. She said luckily a woman pulled her and her baby to safety, by allowing her access to her yard through a closed gate. The woman stated she wanted to make a complaint and another bystander took her name and phone number and gave it to me. As the woman was leaving I told her I might be contacting her in the near future.

PL 04668



PREPARER NAME	BADGE #	DATE	REVIEWER NAME	BADGE #	DATE
Melanie Gromer	17	9/25/99	[redacted]	21	9/25/99

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I returned to the trailer after the show to retrieve the documents. Gaipo was not present. I asked [redacted] if she would please check his desk for them. She found the documents and handed them to me.

I saw Gaipo as I was leaving the Arena. He asked again if we were going to be present over the weekend. I told him yes. He expressed relief by stating it would be good for us to be present so we would not get inundated with complaints regarding the circus animals. He felt that since we would be on scene, those complaints could be reduced by our presence. He also said the weekends were a busy time for animal agencies to receive complaints, because people had more time to sit around and complain.

Saturday, 8-28-99

On 8-28-99, during the second performance and while the elephants were being dressed, I noticed that Baby was reluctant to obey. [redacted] repeatedly asked baby to "Go down." [redacted] asked Baby approximately four times. Baby just stood still and [redacted] appeared to become angered. He murmured what sounded like threatening language near the elephant's left ear. I saw [redacted] raise his ankus in Baby's line of sight. Baby then complied with [redacted] verbal commands.

I was at the Arena with SBACS employee Dareyn Lanier (W-10), when speaking with [redacted]. During our conversation [redacted] made this statement regarding an elephant named Luna: "I probably shouldn't be saying this, but Luna is the psychotic one in the bunch." He also told me that "Luna" was short for "Lunatic".

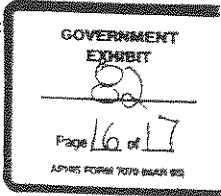
During the course of the three shows throughout the day, the zebras were not used.

There were also several comments made by one of the horse handlers that his horse always "acted up", and that he did not feel comfortable handling it. He also told me that if the stallions misbehave, he will tell them, "I'm gonna beat your butt" and they would cooperate.

There were several elephants with fresh wounds on their bodies that required closer inspection. However, due to [redacted] animosity and the fact that he was our main contact for the circus, I felt it was most appropriate to develop an alternative option for communications. I telephoned Mayeda and expressed my concerns, telling her that both the circus and Arena management had become hostile. I told her that several elephants had new injuries and needed to be examined. I told her I had planned to look at the elephants one more time, on Sunday, before they left San Jose. However, due to the circumstances, I asked her if she would be the lead contact for the final inspection of the elephants. I told her I believed her presence could diffuse their animosity and keep the interactions on a workable level. Mayeda agreed.

Sunday, 8-29-99

At approximately 1345 hours, Mayeda arrived at the Arena. She met with [redacted] while I observed the animals at the dressing area. Mayeda made arrangements with [redacted] to [redacted]



PL 04669

PREPARER NAME [redacted]	BADGE # [redacted]	DATE 8-29-99	REVIEWER NAME [redacted]	BADGE # [redacted]	DATE 9-5-99
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examine the elephants at 1900 hours when Dr. McCormick, the circus's on-call veterinarian, arrived. Dr. McCormick arrived on scene at approximately 1900 hours.

Mayeda told us (me, Reeve, Williams) that [redacted] told her they would be in a hurry to load all the animals after the show ended. He planned to water the elephants one more time after the last show, and they walk them to the train. We could examine them during their watering.

A short while later, Gaipo approached us and asked if there were any problems. Mayeda told him she was aware they were under time constraints, and if was more convenient for them we could look at the elephants sooner, so as not to delay their departure. Gaipo said that was fine, and we should arrange that with [redacted].

Mayeda found [redacted] later and relayed this information to him. He brought us to look at the elephants. We saw new wounds on the first two elephants, but then the elephants had to be brought to the Arena for the last show. McCormick arrived at this time. Mayeda and I waited by the animal pens while Williams, McCormick, and Reeve walked with the elephants to the arena.

The elephants were brought back and made to stand in a row, but without chains. All of their chains and electric tape corrals had been dismantled. We waited for [redacted] to tell us we could return to look at the animals. [redacted] busied himself with other work. Finally, Mayeda approached him and asked when we could continue our examinations. He told her we had to wait for [redacted].

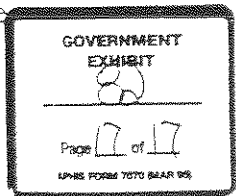
After approximately ten minutes [redacted] appeared from his trailer. He did not make contact with us, but stood by the elephants. As it was getting dark, Mayeda again approached and asked to continue our inspection. He told her we had to wait for his [redacted] to escort us.

Finally [redacted] brought us to look at the elephants. Mayeda and Williams examined the elephants while I took photographs of wounds. Reeve prepared the photo ID cards. Mayeda only asked to see Banco, Toby, Bonana, Tonka, and Siam - the elephants we had seen fresh wounds on. Siam had dried blood behind her left ear. Toby had five lacerations behind her left ear. Two were approximately one inch long, and three were approximately 1/2 inch long. Tonka had fresh blood behind her left ear. I photographed the wounds.

PL 04670

Due to the darkness, animosity from the circus and Arena management, and their hurry to leave, we were unable to perform thorough examinations on these elephants. We were unable to look at the other elephants at all.

We walked alongside the elephants, horses, and zebras as they were walked back to the train. The animals were loaded and we cleared the scene at approximately 2100 hours.



PREPARER NAME: [redacted] BADGE #: 137 DATE: 8-23-99 REVIEWER NAME: [redacted] BADGE #: [redacted] DATE: 11/28/06