



FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 NOV 20 PM 4:19

AGENDA REPORT

DATE: 11/20/14
TO: City Councilmembers
FROM: Councilmembers Noel Gallo and Dan Kalb
SUBJECT: **Bullhook Ban Ordinance**

RECOMMENDATION

Councilmember Noel Gallo and Councilmember Dan Kalb recommend that the City Council adopt:

ORDINANCE AMENDING TITLES 1 and 6 OF THE OAKLAND MUNICIPAL CODE TO ADD PROVISIONS PROHIBITING, IN THE CITY OF OAKLAND, THE USE OF A BULLHOOK, ANKUS, OR OTHER IMPLEMENT OR TOOL DESIGNED TO INFLECT PAIN ON ELEPHANTS, TO TRAIN THEM OR TO CONTROL THEIR BEHAVIOR, AND PROHIBITING THE USE OF BASEBALL BATS, AXE HANDLES OR PITCHFORKS TO TRAIN AND/OR CONTROL ELEPHANT BEHAVIOR

SUMMARY

Councilmember Gallo and Councilmember Kalb strongly support animal protection and animal welfare. As illustrated on numerous occasions in recent months, humane and abuse-free treatment of all animals is an issue of great concern and importance to the residents of Oakland.

The attached proposed Ordinance amends Titles 1 and 6 of the Oakland Municipal Code to prohibit the use of a bullhook, ankus, or other implement or tool designed to inflict pain, as well as using a baseball bat, axe handle, pitchfork, for the purpose of training and controlling the behavior of elephants in the city of Oakland.

OUTCOME

The legislation will make the use of a bullhook, ankus, baseball bat, axe handle, pitchfork, or other implement or tool designed to inflict pain and/or fear, for the purpose of training and controlling the behavior of elephants in the city of Oakland illegal, punishable as a misdemeanor.

Item: _____
Public Safety Committee
December 2, 2014

LEGISLATIVE HISTORY

In 2014 Oakland City Council adopted an Ordinance amending Chapter 9.52 of the Oakland Municipal Code to provide additional requirements for special event permits that involve performing animals in the city of Oakland introduced by Councilmember Libby Schaaf and passed unanimously by the present Councilmembers.¹

According to Section 3 and Section 4 of the aforementioned Ordinance No. 13209 C.M.S., the City Administrator was requested to come back to the Oakland Public Safety Committee as well as the Alameda County Board of Supervisors Council with related draft regulations. An Informational Report On Draft Regulations For Circus Events In The City Of Oakland² presented on June 8th 2014 included draft regulations, outlining facility and animal conditions, penalty provisions, and the process for appealing violations.

Neither the above mentioned ordinance nor the staff report proposed to ban bullhooks, ankus, baseball bat, axe handle, pitchfork, or other implement or tool designed to inflict pain from use in circuses. Both documents are specifically addressing treatment of circus animals and not treatment of elephants in the entire city of Oakland.

On April 30th 2014, the Los Angeles City Council unanimously passed an ordinance prohibiting the use of bullhook, ankus, baseball bat, axe handle, pitchfork, or other implement or tool designed to inflict pain, for the purpose of training and controlling the behavior of elephants in the city of Los Angeles³. The proposed Oakland Ordinance is modeled on the Los Angeles legislation with some modifications that conform to the city of Oakland regulations and localities.

ANALYSIS

Elephants are popular attractions in zoos and in the performance realm, though their appearances in circuses are typically brief and represent just one of many performances in a show. This ordinance does not prohibit the performing animal industry, primarily the circus, from coming to Oakland; rather it prohibits the use of bullhooks ["use" includes brandishing, exhibiting or

¹ Circus Regulations To Raise Humane Standards From: Councilmember Libby Schaaf Recommendation: Adopt An Ordinance Amending Chapter 9.52 Of The Oakland Municipal Code To Provide Additional Requirements For Special Event Permits To Operate Circuses Performing In The City Of Oakland <https://oakland.legistar.com/LegislationDetail.aspx?ID=1519626&GUID=C4752722-9BB1-4F8E-BCFC-672EF5F0F704&Options=&Search=>

² Circus Events In The City Of Oakland From: Office Of The City Administrator Recommendation: Receive An Informational Report On Draft Regulations For Circus Events In The City Of Oakland <https://oakland.legistar.com/LegislationDetail.aspx?ID=1830168&GUID=67B24553-5387-49D4-AD0D-01E9932D7DAE&Options=|D|Text|&Search=Circus+Regulations>

³ http://clkrep.lacity.org/onlinedocs/2012/12-0186_ord_183060.pdf

displaying a bullhook] in the presence of an elephant for the purpose of training or controlling the behavior of the elephant. Any person who violates this section shall be guilty of a misdemeanor.

Painful forms of control, such as the use of electric prods and stun guns and other forms of abusive training and handling done in private and/or to prepare elephants for film and television appearances are already illegal under California law and don't need to be regulated at the municipal level. However the use of bullhooks is not addressed by the state or previous local legislations or administrative actions.

PUBLIC OUTREACH/INTEREST

This ordinance was created through collaboration with members of the public and City staff. Specifically, activists concerned about the welfare of animals reached out to the authors of this legislation asking to sponsor it. Specialists who worked on the Los Angeles legislation, as well as local specialists in the animal welfare field contacted the council offices providing their feedback.

In addition, representatives from Feld Entertainment, which owns Ringling Bros, and Barnum & Bailey Circus, were contacted for feedback and supporting materials.

This proposed ordinance, as well as the previous Ordinance No. 13209 C.M.S., Circus Regulations To Raise Humane Standards, proposed by Councilmember Schaaf and passed by the City Council in the beginning of 2014, sparked a lot of interest and enthusiasm from Oakland residents who want to see humane treatment of animals in their city.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney, Office of City Administrator, and by the Budget Office.

FISCAL IMPACT

The proposed legislation is not intended to prevent traveling circuses from performing in Oakland. However if Feld Entertainment chooses to forgo performing in the City of Oakland as a result of this legislation, the loss of direct revenues is estimated by the city revenue department at roughly \$20,000 per year which includes permit fees and extra police services. In addition, this could impact the entertainment revenues collected by the Coliseum Joint Powers Authority (JPA) and passed to the City.

Coliseum JPA was contacted to request the information. The Coliseum JPA will identify the exact amount of revenue losses that impact the city of Oakland and will provide this information in writing.

SUSTAINABLE OPPORTUNITIES

Economic: No direct economic opportunities have been identified.

Environmental: There are no impacts to environmental opportunities associated with this report.

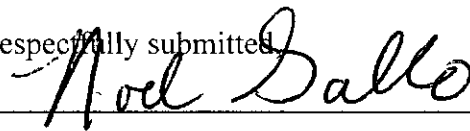
Social Equity: Banning the use of the bullhook in the city of Oakland would enhance the quality of life of elephants, both physically and psychologically.

CEQA

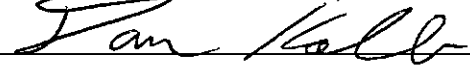
The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA"), including under section 15061(b)(3) of the State CEQA Guidelines, and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

For questions regarding this report, please contact Clara Garzon, Office of Councilmember Noel Gallo at (510) 238-7051, Olga Bolotina, Office of Councilmember Dan Kalb at (510) 238-7001), or Kiran Bawa, Budget Director at (510) 238-3671.

Respectfully submitted



Councilmember Noel Gallo, District 5



Councilmember Dan Kalb, District 1

Reviewed by:

Donna Hom, Office of the City Administrator

Kiran Bawa, Budget Director

Pelayo Llamas, Office of City Attorney

Prepared by:

Clara Garzon, Office of
Councilmember Noel Gallo, District 5

Olga Bolotina, Office of
Councilmember Dan Kalb, District 1

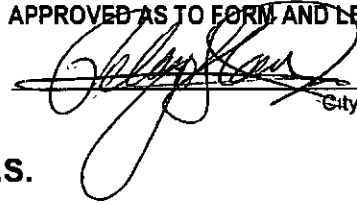
Attachments:

A – Proposed Ordinance

B – Supporting letters from organizations

Item: _____
Public Safety Committee
December 2, 2014

14 NOV 20 PM 4:20


City Attorney

ORDINANCE No. _____ C.M.S.

INTRODUCED BY Council Members Gallo and Kalb

ORDINANCE AMENDING TITLES 1 and 6 OF THE OAKLAND MUNICIPAL CODE TO ADD PROVISIONS PROHIBITING, IN THE CITY OF OAKLAND, THE USE OF A BULLHOOK, ANKUS, OR OTHER IMPLEMENT OR TOOL DESIGNED TO INFLICT PAIN ON ELEPHANTS TO TRAIN THEM OR TO CONTROL THEIR BEHAVIOR, AND PROHIBITING THE USE OF BASEBALL BATS, AXE HANDLES OR PITCHFORKS TO TRAIN AND/OR CONTROL ELEPHANT BEHAVIOR

WHEREAS, animal protection and animal welfare is of great public concern; and

WHEREAS, federal law and California state law do not expressly prohibit or allow the use of bullhooks on animals; and

WHEREAS, California Code of Regulations Title 14 section 671.1(a)(1) expressly states that activities authorized under a California Restricted Species Permit do not supersede local laws regulating such animals; and

WHEREAS, bullhooks, also known as "ankus," are designed to, and used to, inflict pain and instill fear as a behavior compliance tool in elephant training and performance; and

WHEREAS, a bullhook is a large instrument or device resembling a fireplace poker used to poke, prod, strike, and hit elephants on their head, ears, lips, eyes, anus and other sensitive areas of their body to inflict pain for the purpose of training and controlling them; and

WHEREAS, bullhooks are routinely used in Oakland during elephant training and performances at traveling circuses or other performing animal acts; and

WHEREAS, elephants are often hooked and hit with bullhooks before performances in order to inflict pain and instill fear to ensure the tricks will be performed on command; during training to reinforce existing tricks; to punish them when they fail to perform properly; and to control elephants during routine handling; even when not in use, the bullhook is a constant reminder of the painful punishment that can be meted out at any time; and

WHEREAS, many animal rights organizations including the Oxford United Kingdom Elephant Research Center and the Scientific Advisory Committee of Southern Kenya, the Ambroseli Trust for Elephants in Nairobi, Kenya, Elephant Voices,

Performing Animal Welfare Society (PAWS), The Humane Society of the United States (HSUS), Neuropsychologist of California Pacific Medical Center in San Francisco, the American Veterinary Medical Association (AVMA), The Association of Zoos and Aquariums (AZA), The American Society for Prevention of Cruelty to Animals (ASPCA), The Eastbay SPCA, Oakland Animal Services (OAS), and The Oakland Zoo strongly oppose the use of bullhooks to train and control elephants and their behavior; and

WHEREAS, animal rights organizations have produced numerous undercover videos that show elephants being physically beaten, cruelly controlled and psychologically abused with the bullhook in circuses during training and while performing animal acts; and

WHEREAS, the link between animal abuse and human abuse and domestic violence has been well documented and scientifically proven and several states including California have laws requiring reporting of animal abuse cases.

WHEREAS, on April 30, 2014, the Los Angeles City Council adopted an ordinance banning the use of a bullhook and other implements or tools designed to inflict pain for the purpose of training or controlling the behavior of an elephant; and

WHEREAS, Oakland continues to strive towards becoming a truly humane city that protects the rights of both human beings and animals; and

WHEREAS, in order to protect animal welfare, public health and safety, the use of bullhooks on elephants in the city of Oakland needs to be prohibited for all of the above aforementioned reasons, and

WHEREAS, the City Council urges persons and businesses which use bullhooks and similar implements or tools, to investigate, develop, and use, humane methods of handling elephants that do not involve the use of a bullhook or any other implement that relies on physical, psychological, or emotional pain as negative reinforcement for behavior control; now, therefore,

THE OAKLAND CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1 – The City Council does hereby find and declare that above recitals are true and correct and hereby makes them part of this Ordinance.

Section 2 – Chapter 6.04 (Animal Control Regulations Generally) of the Oakland Municipal Code is amended as set forth below. Additions are indicated by underscoring type, while deletions are indicated by ~~striketrough~~ type:

6.04.020 – Definitions

“Bullhook” or “Ankus” means any instrument or device consisting of a spike, hook, or any combination thereof.

Section 3 – Chapter 1.28 (General Penalty) of the Oakland Municipal Code is amended as set forth below. Additions are indicated by underscoring type, while deletions are indicated by ~~striketrough~~ type:

attached to a shaft or handle made of wood, fiberglass, metal, or other solid or flexible material.

6.04.365 – Use of Bullhooks Prohibited; Prohibited tools for controlling Elephants

- A. It shall be unlawful for any person to use, or direct the use of, a bullhook, ankus, or any other implement or tool designed to inflict pain on elephants, for the purpose of training or controlling an elephant.
- B. It shall be unlawful for any person to use, or direct the use of, a baseball bat, axe handle, pitchfork or similar implement as a means of training or of controlling an elephant.
- C. For purposes of this section, the term “use” shall include brandishing, exhibiting or displaying a bullhook or other implement prohibited by this section, in the presence of an elephant within the City of Oakland for the purpose of training or controlling the behavior of the elephant.
- D. For purposes of this section, the term “person” includes a corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to elephants transported, owned, or employed by, or in the custody of, the corporation, must be held to be the act and knowledge of the corporation as well as the agent or employee.
- E. Any person who violates this section shall be guilty of a misdemeanor pursuant to Chapter 1.28 of this Code. The remedies set forth by this section are not intended to limit the application of federal and state law.

Section 3 – Chapter 1.28 (General Penalty) of the Oakland Municipal Code is amended as set forth below. Additions are indicated by underscored type, while deletions are indicated by ~~strikethrough~~ type:

1.28.020 Violations as infraction.

- A. Any person violating any of the provisions or failing to comply with any of the regulatory requirements of the following code sections shall be guilty of an infraction:
 - 1. Public Safety
 - a. Chapter 15.32. Dangerous Structures
 - b. Chapters 5.62, 8.36; Sections 8.40.120—8.40.170, 12.64.190. Accident Prevention

- c. Section 15.04.780. Grading, Excavations and Fills
 - d. Chapter 15.64, Bedroom Window Security Bar and Smoke Detector Permit Requirements
 - e. Chapter 8.44.040. Activities prohibited within the parking facility
2. Public Welfare, Morals and Policy
- a. Chapter 8.18. Public Nuisances
 - b. Chapter 5.18. Charities and Relief
 - c. Sections 9.04.030—9.04.060, 9.08.210. Fraud and Deceit: Section 9.04.050: Defacing Notices. Violations of other provisions of Sections 9.04.030—9.04.060, 9.08.210 shall be a misdemeanor.
 - d. Chapters 6.04, 6.08. The Animal Control Ordinance, with the exception of Sections 6.04.365 (Use of Bullhooks Prohibited), 6.08.120, 6.08.130, 6.08.150-6.08.180, and 6.08.200, (Potentially Dangerous and Vicious Dogs), the violation of which shall be a misdemeanor.

Section 4 – The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act (“CEQA”), including under section 15061(b)(3) of the State CEQA Guidelines, and authorizes the filing of a Notice of Exemption with the Alameda County Clerk.

Section 5 – If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional.

Section 6 – This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes as provided by Section 216 of the City Charter, Otherwise, this ordinance shall become effective upon the seventh day after final adoption.

NOTICE AND DIGEST

ORDINANCE AMENDING TITLES 1 and 6 OF THE OAKLAND MUNICIPAL CODE TO ADD PROVISIONS PROHIBITING, IN THE CITY OF OAKLAND, THE USE OF A BULLHOOK, ANKUS, OR OTHER IMPLEMENT OR TOOL DESIGNED TO INFLICT PAIN ON ELEPHANTS TO TRAIN THEM OR TO CONTROL THEIR BEHAVIOR, AND PROHIBITING THE USE OF BASEBALL BATS, AXE HANDLES OR PITCHFORKS TO TRAIN AND/OR CONTROL ELEPHANT BEHAVIOR

This ordinance adds provisions to the Oakland Municipal Code to prohibit the use of a bullhook, ankus, or other tool designed to inflict pain on elephants, as well as the use of baseball bats, axe handles, pitchforks or other similar tools, to train or control elephants in the City of Oakland. A violation of this section is punishable as a misdemeanor.

BULLHOOKS & ELEPHANTS

Use of the bullhook and similar devices are prohibited in travel shows



Training with the bullhook begins early, and continues throughout an elephant's lifetime



A naive elephant must be taught to associate the bullhook with pain and fear.



Bullhook wounds are commonly found behind the ears, at the entry to the ear canal, under the chin, and behind the legs.

The Bullhook Is Designed to Cause Pain

- The bullhook is a steel-pointed rod resembling a fireplace poker. It is used to train, discipline and control elephants through physical punishment and the threat of it
- Handlers poke, prod, hook and strike elephants on sensitive areas of their skin during training, performing and handling. The tip and hook are used to apply pressure to delicate areas so the elephant moves away from the source of pain; the handle is used as a club.

Use of the Bullhook Is Inherently Inhumane

- A naive elephant must be taught to associate the bullhook with pain and fear. If the bullhook is not established as an aversive stimulus, the elephant will lack the motivation or fear to respond to this otherwise meaningless tool. Even when not in use, the bullhook is a constant reminder of the painful punishment that can be delivered at any time.
- A California Superior Court judge ruled that bullhooks are "abusive elephant management tools" and enjoined the L.A. Zoo from using them.

Bullhooks Do Not Protect Trainers, Veterinarians or the Public

- Since 1990, at least 16 deaths and 135 injuries in the U.S. have been attributed to elephants, mainly involving circuses. Bullhooks did not prevent, and may have aggravated, these tragedies.
- The Association of Zoos and Aquariums (AZA) has instituted an occupational safety policy that prohibits keepers from sharing unrestricted space with elephants because of the great risk to keepers.

Safer and More Humane Alternatives Are Available

- Sanctuaries and progressive zoos worldwide have rejected the bullhook and adopted the Protected Contact method of elephant management, which uses positive reinforcement training and a protective barrier between elephant and trainer.
- **The L.A. Zoo does not use bullhooks; it practices Protected Contact.**
- The California Veterinary Medical Assn. (CVMA) recommends Protected Contact management "when possible."

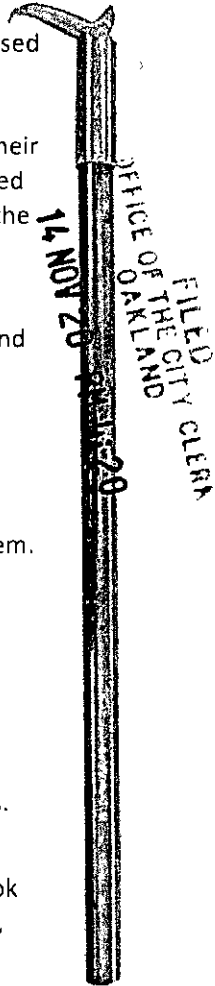
Existing Laws Do Not Go Far Enough

- Federal law overseeing the care of elephants does not prohibit bullhooks or similar devices, since authorities treat these devices as standard industry training methods.
- California Penal Code Section 596.5 prohibits several cruel elephant training methods, but fails to expressly address the bullhook.

Times are Changing

- L.A.'s humane values do not support use of the bullhook to control elephants because of the cruelty inherent in its use.
- At least 40 U.S. municipalities have passed full or partial restrictions on the use of wild animals in public displays and/or the use of bullhooks; more than 30 countries have passed national restrictions.
- Leading animal protection organizations and renowned elephant experts condemn the use of the bullhook.

Los Angeles can take a leadership role in protecting elephants by prohibiting the use of the bullhook and similar devices.



Faith Action for Animals

OPINION L.A. OBSERVATIONS AND PROVOCATIONS FROM THE TIMES' OPINION STAFF

Note to the circus: Leave the bullhooks behind

By Carla Hall

October 26, 2012

The bullhook is no longer acceptable in terms of human safety, elephant welfare or public opinion

14 NOV 20 PM 4: 20

Talking points re elephants in circuses

Overview: Elephants are unique in their massive size, keen intelligent and social complexity. They have been scientifically determined to be self-aware, along with only dolphins, Great Apes and humans. In circuses, elephants spend the majority of their lives in chains, intensively confined during long periods of transport, and are trained with outdated and inhumane methods.

Intensive confinement and chaining

- Elephants are immobilized for 17-20 hours a day on chains.
- They are confined to cramped train cars and trucks for an average of 26 hours and for as long as 70 and 100 consecutive hours as a circus travels across the country for up to 50 weeks a year, often standing in their urine and feces.
- On site, elephants are kept in small, barren pens and are usually on chains.

Training and management

- Elephant babies are taken from their mothers at less than 2 years old and undergo brutal training. In the wild, females remain with their mothers for life.
- The bullhook is the most commonly used device to train and control elephants. It resembles a fireplace poker and is used to prod, hook, strike and intimidate elephants. Even when not in use, the bullhook is a constant reminder of the painful punishment that can be delivered at any time.
- Abusive training always takes place behind the scenes. Even the U.S. Department of Agriculture, which inspects circuses, is not present during training.

Circus tricks cause physical damage

- The tricks elephants are made to perform can physically damage an elephant, particularly if they are trained at an early age.
- Standing up, mounting and other tricks cause premature wear and tear on the joints, tendons and muscles of the legs, leaving elephants crippled and in pain.
- Although similar behaviors may occasionally be seen in the wild (standing on hind legs to reach upper branches of a tree), repeated performance is associated with health problems.

Abnormal behaviors

- Restricted movement, intensive confinement and the inability to engage in natural behaviors result in stereotypic behavior, repetitive behavior patterns that have no obvious goal or function. It is associated with poor welfare.
- The most common stereotypies in elephants are head bobbing, swaying and rocking.

Unnatural social conditions

- Because of their transitory nature and management practices, circuses cannot provide elephants the space and freedom necessary to live in natural family groups and engage in natural behaviors.
- When in groups, elephants are kept chained apart from one another and are unable to interact normally or to establish typical social dynamics.

Public health and safety issues

- Elephants have escaped circuses, causing injury, death and damage to property.
- 12% of the Asian elephant population is believed to carry tuberculosis, a contagious disease that can be passed from elephants to humans.

Message sent to children

- Circuses offer no real education or conservation value; their sole purpose is entertainment.
- Circuses trivialize highly endangered species such as the Asian elephant and send the message that it is acceptable to present elephants as objects of frivolous entertainment, even as their numbers plummet in the wild.

14 NOV 20 PM 4: 20

FAQs: Bullhooks and Elephants

Use of the bullhook in training and managing elephants

What is the bullhook?

The bullhook is a steel-pointed rod resembling a fireplace poker that is designed to cause pain. It is used to train, discipline and control elephants through physical punishment and the threat of it. The steel tip and hook are regularly used to apply pressure to delicate areas so the elephant moves away from the source of pain; the handle is used as a club.

Is the bullhook the same as a “guide”?

In recent years, for public consumption, elephant handlers began to use a more benign term for the bullhook, relabeling it a “guide.”

Why are elephants trained with a bullhook?

Elephants are highly intelligent, wild animals; there is no such thing as a “domesticated” elephant. Elephants in direct contact with humans are kept under tight control and absolute compliance is required because they are dangerous to humans. An elephant is not allowed to step out of line – not even a little bit – or she will be physically punished.

How are elephants trained with the bullhook?

A naïve elephant must be taught to associate the sight of the bullhook with the fear of pain. This is achieved by administering repeated sharp jabs and hooks, and by striking the elephant with the bullhook on sensitive parts of their bodies. Thereafter, the elephant responds to the bullhook out of fear of pain (moving away from the bullhook) and will perform a behavior on cue. Without this training, the elephant would lack the fear to respond to this otherwise meaningless device. Even when not actively in use, the bullhook is a constant reminder of the painful punishment that can be delivered at any time.

How long does training last?

Training with the bullhook begins early, after elephant calves are forcibly taken from their mothers (female elephants naturally remain with their mothers for life), and will continue throughout their entire lives. The regular reinforcement of the association between the bullhook and pain never ends. The owner of one major circus acknowledged that all of his handlers strike the elephants with bullhooks.

Isn't using a bullhook the same as using a leash on a dog?

Not at all! Dogs associate a leash with a good experience, such as going for a pleasant walk. Unless the dog has been beaten with it, the animal has a positive association with the leash. It is the opposite with the bullhook; the intention is to create a negative association with the device.

Don't elephants have thick skin?

Though thick, elephants' skin can be quite sensitive; they can feel the bite of an insect. The bullhook is typically embedded into the most sensitive areas of an elephant: behind the ears, under the chin, inside the mouth, in the anus, and sensitive areas around the face. It can cause puncture wounds, abrasions and lacerations of the skin.

Why not just use voice commands?

Trainers can use voice commands and food rewards, but this does not assure complete control. If trainers were able to control elephants with voice commands and treats alone, there would be no need for the bullhook.

I went to the circus and I didn't see the trainers hurt the elephants.

Elephant training typically takes place out of sight of the public, though you can find several videos on-line that show elephants being abused with bullhooks. No agency, including the U.S. Department of Agriculture (USDA), which oversees the welfare of exhibited elephants, monitors the animals during training sessions, where the most severe abuse commonly occurs.

Can the use of the bullhook ever be humane?

No. Use of the bullhook is inherently inhumane because an elephant always associates the device with pain and the fear of it. Ongoing training uses pain to reinforce this association. Trainers may see their methods as "humane," but to the ordinary person it is abuse.

Safety issues

Do bullhooks keep trainers, veterinarians and the public safe?

No. Elephant attacks typically occur in situations where humans and elephants share the same space, bullhooks are used, and where elephants are subjected to human dominance. Since 1990, at least 16 human deaths and 135 injuries in the U.S. have been attributed to elephants, primarily in circus-related incidents.

What is the alternative?

The Protected Contact elephant management method uses positive reinforcement and a protective barrier between elephant and trainer; the bullhook is not used. Progressive facilities, including leading zoos and sanctuaries, that use this method are able to effectively provide husbandry and veterinary care to elephants in a way that is safer for keepers and veterinarians, and more humane for elephants.

Does the Los Angeles Zoo use bullhooks?

No, the Los Angeles Zoo does not use bullhooks; it practices Protected Contact management. To ensure the zoo continues to do so, a California Superior Court judge enjoined the zoo from ever using them, ruling that bullhooks are "abusive elephant management tools."

What is the policy of the Association of Zoos and Aquariums (AZA)?

The AZA has instituted an occupational safety policy that prohibits keepers from sharing unrestricted space with elephants, with certain exceptions, because of the great risk to keepers. The policy, which essentially requires Protected Contact management, was instituted after elephant attacks left one keeper dead and, in another incident, grievously injured. Only recently, yet another keeper was killed at an AZA zoo. All these keepers used bullhooks, which did not prevent, and may have aggravated, these tragedies. Still, the AZA has failed to condemn the use of bullhooks.

Bullhook opponents

Do any animal protection or conservation organizations support the use of bullhooks?

No animal protection organization or bona fide conservation organization supports the use of bullhooks.

Do elephant experts support the use of bullhooks?

World-renowned elephant authorities, such as Dr. Joyce Poole and Dr. Cynthia Moss, who have studied wild elephants in Africa for more than 30 years, condemn the use of the bullhook. Other elephant experts opposing bullhooks include wildlife veterinarians, former and current zoo directors and elephant keepers.

Bullhook proponents

So who supports the use of bullhooks?

Circuses, elephant ride providers, and a diminishing number of zoos that are still clinging to an outdated and inhumane way of managing elephants.

What are the Elephant Manager's Assn. (EMA) and the International Elephant Foundation (IEF)?

These are organizations with close ties to circuses and elephant trainers who continue to use the bullhook. **The EMA** has a board of directors that includes *only* representatives of facilities that use bullhooks, including circuses, elephant ride providers and zoos that still use the archaic device. **The IEF** has a board of directors that is heavily dominated by members affiliated with facilities that use bullhooks (11 of 15 members), including circuses and ride providers.

Government and private agencies

What is the position of the U.S. Department of Agriculture?

Federal law overseeing the care of elephants does not prohibit bullhooks or similar devices, since authorities treat these devices as standard industry training methods. However, there is no recognition that use of the bullhook is a preferred way to manage elephants, or that it is a key component of elephant care and handling. Unfortunately, federal oversight is not enough to protect elephants in traveling shows, as they are constantly on the move and only subject to periodic inspections.

What is the situation in California?

Traveling circuses, for the most part, go unchecked in the state unless there is a city or county ordinance regulating such activity. California Penal Code Section 596.5 prohibits several cruel elephant training methods, but fails to expressly address the bullhook.

What is the position of the California Veterinary Medical Assn. (CVMA)?

The CVMA recommends Protected Contact management "when possible."

Laws protecting elephants

Are there specific laws that protect elephants from bullhooks?

At least 40 U.S. municipalities have passed full or partial restrictions on the use of wild animals in public displays, and/or the use of bullhooks. More than 30 countries have passed national restrictions on the use of wild animals in public displays.

Are other municipalities considering a bullhook ban?

The states of Massachusetts and Rhode Island have considered a bullhook ban and will do so again.

How have circuses dealt with local ordinances prohibiting the use of elephants or of bullhooks?

At least one circus, the Cole Bros. Circus, does not use elephants in cities where it is forbidden.

Public opinion

What is public opinion on the use of bullhooks?

In Los Angeles, the L.A. Times and the Daily News have published editorials in favor of a ban on bullhooks. In 2009, the Washington Post ran a circus exposé, including graphic photos of elephant calves being trained with bullhooks, and in 2011 Mother Jones ran a circus exposé that called the bullhook a "menacing" tool. As the public learns more about bullhooks and elephants, they are ardently opposed to use of the device.

OFFICE OF DR. LOUISA A. PARKS
4000 BROADWAY, SUITE 4
OAKLAND, CA 94611
(510) 427-7785

FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 NOV 20 PM 4:20

October 22, 2014

Oakland City Council
Re. Bullhook Ban

Dear Council Members:

I am a specialist in brain-behavior relationships at California Pacific Medical Center in San Francisco, as well as a police/fire trauma therapist in Oakland. Thank you for allowing me this opportunity to address you regarding the neurological/psychological effects of abuse on animals.

Research on this subject goes as far back as 1967, when Dr. Martin Seligman experimented with abuse response. Seligman's findings have been labeled "learned helplessness", where an organism that is forced to bear aversive stimuli, or stimuli that are painful or otherwise unpleasant, becomes unable or unwilling to avoid subsequent encounters with those stimuli, even if they are "escapable," because it has learned that it cannot control the situation. The U.S. Department of Agriculture defines the use of bullhooks on elephants as a "negative stimuli."

In other words, picture dogs in a pen wherein half of the floor is wired for electric shock and the other half is free from electricity. The dogs are placed in the wired side of the pen and shocked repeatedly. Half are allowed to jump to the other side to relieve their pain. The rest are shocked repeatedly and prevented from escaping. Eventually, the dogs that were prevented from escaping were offered the chance to jump to the other side of the pen, but they made no attempt to move; no attempt to end their pain. In short, their spirits were broken and they developed symptoms consistent with severe clinical depression. Refugees and human victims of repetitive abuse exhibit learned helplessness too, as do elephants.

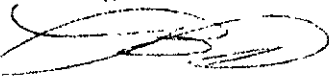
Circus elephants are chained together as babies and penned indefinitely. They are hit, shocked and, most pertinent to the cause I bring before you, they are assaulted repeatedly with bull hooks from the time they are babies. Bullhooks resemble fireplace pokers -- with solid metal points on the hook, certainly consistent with the "negative stimulus" mentioned above. Over time, even the strongest elephant loses the "knowledge" that there is any way to end to the suffering.

It is not OK to abuse animals in any setting; however, elephants in particular have been proven to experience grief and loss. Encouraging our children to celebrate the results of repeated abuse is just plain awful. Banning bull hooks is a small statement, but it is an important statement.

*"The greatness of a nation and its moral progress can be judged by the way its animals are treated."
— Mahatma Gandhi*

Please vote to end this part of the abuse. Thank you for your time, attention, and hard work thus far on behalf of the City of Oakland, my home.

Sincerely,



Dr. Louisa A. Parks



THE HUMANE SOCIETY
OF THE UNITED STATES

FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 NOV 20 PM 4:21

October 22, 2014

Eric L. Bernthal, Esq.
Chair of the Board

Jennifer Leaning, M.D., S.M.H.
Vice Chair

Kathleen M. Linehan, Esq.
Board Treasurer

Wayne Pacelle
President & CEO

Michael Markanan
Chief Program & Policy Officer

Laura Maione
Chief Operating Officer

G. Thomas Waite III
Treasurer & CFO

Andrew N. Rowan, Ph.D.
*Chief International Officer
& Chief Scientific Officer*

Roger A. Kindler
*General Counsel
Vice President & CLO*

Janet D. Frake
Secretary

DIRECTORS

Jeffrey J. Arcinaco
Eric L. Bernthal, Esq.
Michael J. Blackwell, D.V.M., M.P.H.
Jerry Cesak
James Costos
Anita W. Coupe, Esq.
Neil B. Fang, Esq., CPA
Jane Greenspan Gale
Cathy Kangas
Jonathan D. Kaufelt, Esq.
Paula A. Kislak, D.V.M.
Jennifer Leaning, M.D., S.M.H.
Kathleen M. Linehan, Esq.
John Mackey
Mary I. Max
Patrick L. McDonnell
Judy Ney
Sharon Lee Patrick
Judy J. Peil
Marian G. Probst
Jonathan M. Ratner
Joshua S. Reichert, Ph.D.
Walter J. Stewart, Esq.
Andrew Weinstein
Jason Weiss
David O. Wiebers, M.D.
Lona Williams

Oakland City Council
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Re: Support for Ordinance Prohibiting Use of Bullhooks on Elephants in Travelling Shows & Circuses

Dear Council Members:

On behalf of The Humane Society of the United States and our supporters nationwide, I urge your support for an ordinance prohibiting the use of bullhooks and other similar devices in any public performance.

The bullhook is the most commonly used device to train, punish, and control elephants. A bullhook is approximately 2 to 3 feet long and resembles a fireplace poker. It has a sharp metal hook and spiked tip, and the handle is typically plastic or wood. It is used to poke, prod, strike, and hit elephants on their sensitive skin in order to "train" them -- all for a few moments of human amusement.

Elephants are often hooked and hit with bullhooks before performances in order to instill fear to ensure the tricks will be performed on command, during training to reinforce existing tricks, to punish them when they fail to perform properly, and to control elephants during routine handling. Even when not in use, the bullhook is a constant reminder of the painful punishment that can be meted out at any time.

An animal behaviorist for Ringling Bros. and Barnum & Bailey Circus reported "an elephant dripping blood all over the arena floor during the show from being hooked." In an internal email, a Ringling veterinary assistant reported that "[a]fter this morning's baths, at least 4 of the elephants came in with multiple abrasions and lacerations from the hooks." In addition, Kenneth Feld the owner of the circus, admitted under oath in court that he has seen his employees strike and hit the elephants using both ends of a bullhook on the chin and behind the ears."

While most accredited zoos that house elephants no longer use bullhooks, the California Veterinary Medical Association and the Association of Zoos and Aquariums are urging *all* member zoos to switch to a safer and more humane elephant training system that does not utilize the bullhook. The underlying reason for this is for the safety of elephant care takers and employees, as well as the elephants.

In addition to the inhumane treatment of elephants, traveling shows with elephants also

Celebrating Animals | Confronting Cruelty

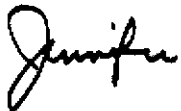
pose a threat to public safety by bringing people into dangerously close proximity to an incredibly powerful and already stressed wild animal. The use of bullhooks promotes aggression and the device will not protect the public from a rampaging elephant. There have been numerous incidents where elephants have run amok, sometimes causing death, injury, or property damage

Economists roundly agree that these types of events do not generate new economic spending in a region—they only redistribute a family's discretionary spending. Most families have an entertainment budget that will be spent in the local economy, whether it is spent on miniature golf, a ball game, a movie, or a circus. Since the owners of and performers in traveling circuses do not reside in Oakland, when the circus leaves town, it takes its revenues out of the city.

Watching wild animals perform unnatural tricks teaches children that it's acceptable to exploit and mistreat animals for amusement rather than fostering respect or appreciation for wildlife. Americans are increasingly signaling their preferences for more compassionate treatment of our fellow creatures, both with their pocketbooks and their choices in entertainment.

The Humane Society of the United States respectfully urges you to support an ordinance that would improve elephant welfare and public safety by prohibiting the use of bullhooks in traveling shows and circuses within city limits. Thank you for your consideration of this legislation

Sincerely,



Jennifer Fearing
California Senior State Director
jfearing@humanesociety.org
t (916) 992-3667

¹ <http://c206728.r28.cf1.rackcdn.com/Plaintiffs-Will-Call-Exhibit-9.pdf>

² <http://c206728.r28.cf1.rackcdn.com/Plaintiffs-Will-Call-Exhibit-11.pdf>

³ http://c206729.r29.cf1.rackcdn.com/03-03-09_Trial.pdf

FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 NOV 20 PM 4:21

W. K. Lindsay
2 Jack Straw's Lane
Oxford, United Kingdom
Tel: +44 7767 747091
Email: wklindsay@gmail.com
Skype: keith lindsay2

November 1, 2014

Oakland City Council
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Dear Council Members

I am writing to ask you to ban the use of bullhooks in the handling of elephants in Oakland.

I am a conservation biologist and environmental consultant, with 37 years of experience studying and conserving elephants in their natural habitats, and of engaging with elephant management in captivity. My direct contact with elephants as a biologist has come through the Amboseli Elephant Research Project of southern Kenya – now in operation continuously for over 40 years – where I carried out behavioral research for MSc and PhD degrees and where I maintain involvement in current studies. I continue to serve as a member of its Scientific Advisory Committee, with advice and input into the active research program.

In my work as a consultant, I have provided technical advice to governments, non-governmental organisations and private sector operations since 1988, and part of this work has involved developing and evaluating programs for the conservation of elephant populations and habitats in all regions of sub-Saharan Africa and in South East Asia. My involvement with elephants in captivity has included direct observations and discussions with elephant handlers in a range of management regimes, including zoos and sanctuaries in the UK and North America, over the past decade.

In many captive situations, elephants are made to perform tricks that I have never seen in the wild, with handlers in direct physical proximity maintaining strict control of their subjects. This type of handling, termed "free contact", is preceded and accompanied by training that inevitably requires some level of cruelty, as elephants must be made to fear the painful consequences of disobedience. Trainers use the heavy, metal-tipped ankus or bullhook – also called a "guide" by those in the industry – which has a sharp point at its tip and a hook just below it. The tip is used to jab the elephant in sensitive spots near the eyes, behind the ears, under legs or in the stomach or genitals, while the hook is used to pull at ears or legs. In extreme cases that have been documented, bullhooks have been used to beat uncooperative animals. The presence of a bullhook is clear evidence of abusive training and a constant reminder of that training; if its use was as an entirely benign "guide", it could be a simple pole with a soft tip, rather than a heavy metal poker.

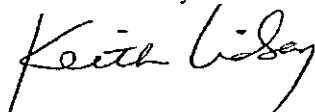
The alternative approach to elephant handling is termed "protected contact". Under this system, there is always a barrier between elephants and their handlers. Positive reinforcement based on visual and auditory signals, accompanied by small food rewards, is entirely sufficient for training elephants to cooperate with any and all procedures that are needed for their husbandry and care. With this system, both people and elephants are safe, and neither side can commit an "error" that would threaten the other.

In practical terms, free contact with the use of bullhooks is inherently risky. Because elephants have remarkable memories, they do not forget inhumane treatment by their trainers and may choose to strike out when the opportunity arises. This potential for retaliation makes them unpredictable and possibly dangerous to the public and their trainers. There have been several recent examples of handlers being killed or injured by the elephants they are trying to control with a bullhook, but there have been almost no examples of such incidents occurring during protected contact.

In moral or ethical terms, it is simply wrong to allow the use of bullhooks to control elephants. There can be no justification for the amount of physical and emotional suffering these highly intelligent, sensitive and social animals must endure when they are threatened with punishment.

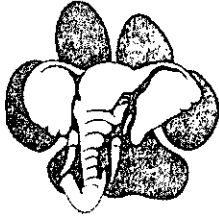
Based on my long experience with wild elephants' natural behavior and ecology, and more recent contact with captive elephants, my opinion is that they should never be dominated and controlled with the use of bullhooks. I urge you to support an end to the use of this tool of cruelty in public shows and displays in Oakland. Your position on this important issue will have an effect on elephants not just in your city but around the world by sending a message that elephants must be treated with respect and compassion if they are to continue to exist with us on this planet.

Yours sincerely,

A handwritten signature in black ink that reads "Keith Lindsay". The signature is written in a cursive, flowing style.

Keith Lindsay

The Nation's First
Elephant Sanctuary



PAWS
PERFORMING ANIMAL
WELFARE SOCIETY
Founded in 1984
PROTECTION
EDUCATION
ADVOCACY
SANCTUARY
pawsweb.org



P O Box 849
Galt, CA 95632

Phone 209/745-2606

Fax 209/745-1809

E-mail: info@pawsweb.org

FILED
OFFICE OF THE CITY CLERK
OAKLAND

14 NOV 20 PM 4:21

November 19, 2014

Oakland City Council
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Re: Support for Prohibiting Use of Bullhooks on Elephants

Dear Council Member:

As someone who works directly with elephants, and on behalf of our supporters across the United States, I am writing to support the proposed legislation that would prohibit the use of bullhooks on elephants.

I am co-founder and president of the Performing Animal Welfare Society (PAWS), formed in 1984 to advocate and care for retired, abused and neglected wild and exotic animals, many from the entertainment industry. PAWS operates three sanctuaries in California and cares for a variety of species. At our largest facility, the 2300-acre natural habitat ARK 2000 sanctuary in San Andreas, we care for 10 Asian and African elephants, black bears, African lions and tigers. PAWS is recognized internationally for our expertise in the care and management of captive wildlife. I serve on the Director's Advisory Committee on the Humane Care and Treatment of Wild Animals for the California Department of Fish & Wildlife.

I formerly worked with trained wild animals in the entertainment industry, doing film, television and live appearances. Since then, I have trained and managed captive elephants for over 30 years, including raising baby elephants and working with many dangerous elephants. Never once in any of my work with elephants, have I ever used a bullhook

Based on firsthand observations, I have concluded that there is no way to humanely use a bullhook – a weapon resembling a fireplace poker, with a sharp metal point and hook at the end – to train and manage elephants. By its very design, the bullhook is meant to inflict pain and instill fear. I have spent time around many circuses and personally seen handlers forcefully hook, jab and strike elephants with bullhooks on sensitive parts of their bodies before and during performances, and as a matter of routine handling. It was very obvious by the elephants' responses that they both anticipated and experienced significant pain.

Circuses rely on negative reinforcement training and the bullhook to cue elephant behavior. The elephant moves away from the bullhook to avoid pain. Handlers often use verbal commands that are sharp and harsh. The protected contact system used at PAWS, and in many zoos, relies on positive reinforcement training and use of a protective barrier between keeper and elephant. Handlers utilize a "target," which is a long-handled pole with a soft tip, to cue behaviors. In contrast to the bullhook, the elephant moves toward the "target," and the behavior is reinforced with a food reward and gentle words of praise. Using this method, we are able to provide

Performing Animal Welfare Society, Re: Bullhook Ban

November 19, 2014

Page Two

necessary husbandry and veterinary care, including specialized and more intensive care for our older elephants. Our elephants cooperate with foot care, blood collection, trunk washes, physical examination, and a variety of husbandry behaviors without risk to our staff. The elephants willingly engage with keepers, and they display behaviors that indicate the training is a positive experience for them.

There is no reason why a circus cannot alter its training and management methods. Most Association of Zoos and Aquariums (AZA) accredited zoos no longer allow keepers to share unrestricted space with elephants. In fact, zoos have been mandated to transition to the protected contact management system, an AZA policy designed to protect elephant keepers from injury and death. The Oakland Zoo has long used this method, setting an important standard that should apply to any elephant in the city of Oakland.

Should circuses adopt a different way of managing elephants that does not rely on the bullhook and negative reinforcement training, it would mean that the display of elephants would differ from what audiences see now. Without the threat of physical punishment elephants will not likely perform tricks that are unnatural for them, especially those that cause discomfort. "Power moves," such as sitting upright or standing on the front legs, are extremely strenuous. Elephants are trained to perform these maneuvers under the threat, and often the delivery, of painful punishment, usually via the bullhook but sometimes through use of electric shock devices. These tricks put excessive stress on the joints and contribute to degenerative joint disease, and they can also lead to hernias and other serious medical complications.

Based on decades of experience, I must agree with a prohibition on the use of bullhooks on elephants in circuses and traveling shows. Such a law does not prevent circuses from performing in Oakland. It only means that for circuses with elephants it would not be business as usual.

The times are changing, and both science and public opinion strongly indicate that the inhumane management of elephants in circuses is no longer acceptable. If circuses are to keep up with the times, and a public that increasingly condemns the cruel treatment of animals, they must change accordingly.

I am available to answer any questions you may have and to assist you in your deliberations on this important animal welfare issue. Please do not hesitate to contact me

Sincerely,

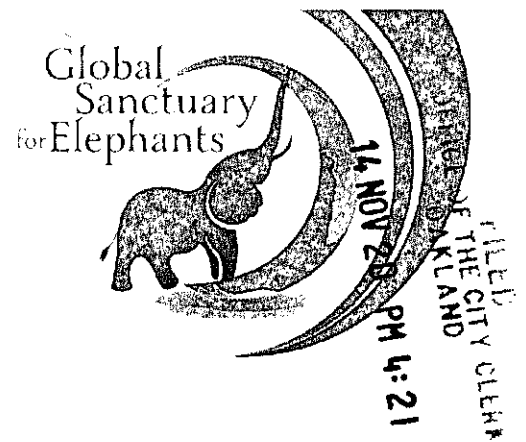
A handwritten signature in black ink, appearing to read "Ed Stewart". The signature is fluid and cursive, with a large initial "E" and "S".

Ed Stewart
President and Co-founder, PAWS

*Protecting rescuing and providing
sanctuary for elephants worldwide*

November 19, 2014

Oakland City Council
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612



Dear Council Member:

I am writing in support of protecting performing elephants from cruel and abusive treatment by restricting inhumane tools like the bullhook that are used to enforce dominance through pain and punishment.

I have spent the majority of my life working around and caring for captive elephants, including in circuses where I helped train both old and young elephants. I have experienced first hand the full extent and use of the bullhook and I've seen the devastating effect dominance-based training can have on the emotional and psychological health and stability of performing elephants. Many people don't know what goes on in circuses, and, for better or worse, I do.

With personalities that range across a spectrum as great as that of humans, and emotional intelligence that reaches further still, captive elephants endure a pain that few humans can comprehend. Traditional elephant management techniques used in circuses are based on fear and intimidation. By instilling a level of fear in the elephant you keep them on edge, knowing that you have the ability to inflict pain. Oftentimes this is done without provocation. This need to instill fear is ultimately based on fear itself; trainers know the potential damage that elephants can cause. The fear that elephant trainers and handlers experience is real, elephants can lash out with a speed, force and rage rarely matched in the natural world. But this act is not actually based on elephant nature; it is fundamentally a result of the severe suppression and abuse that captive elephants have endured.

One renowned trainer teaches up-and-comers that "all elephants just want to kill people," as if it is an instinctive trait. This is what I was taught when I was new to elephant handling after an elephant first ran at me. I was giving elephants rides to children, and nearing the end of the circle the elephant ran at me and tried to squash me between her and the loading platform. I escaped unscathed and the rest of the day the elephant continued to give rides. The next morning I was brought into the barn where the elephant was chained. With four experienced trainers standing close by I was told to lay her down and beat her. She immediately lay on her side. I hit her with the bullhook as I was told to, and then my boss called me over and said, "She tried to kill you. Unless you want her to become rogue you have to get angry. You have to let her know that you are in charge." The beating continued for another 30 minutes until both the elephant and I had become submissive to the regime. The experience concluded with, "Don't let anyone from the public see you do this." At age 16, I believed my superiors, and I believed that elephants needed to conform. Unfortunately, more than 25 years later, these same practices persist in circuses and across many realms of captive elephant management.

A 501(c)(3) non-profit organization

The life they all deserve.

615-435-9523

Global Sanctuary for Elephants
PO Box 2426 Brentwood, TN 37024, USA
www.globalelephants.org

contact@globalelephants.org

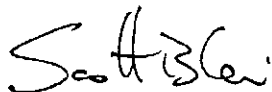
After several years working with elephants in a dominance manner for entertainment purposes, I realized that the archaic world of captive elephant management needed to change. In 1995 I co-founded a 2,700-acre elephant sanctuary in Tennessee to provide refuge to captive elephants from circuses and zoos. All of the elephants we received arrived with an enormous range of physical, emotional and psychological ailments. Some have taken years to recover from their traumas, many didn't know how to socialize or play, and some were so distrusting that any questionable action by a human triggered a fit of rage. All of the residents of The Elephant Sanctuary demonstrated unparalleled recovery. Once dominance-based management is removed you can develop a cooperative relationship with elephants, tend to their needs, and attain key behavioral goals through positive reinforcement training. You also can begin to see the elephants for who they really are: sensitive, intelligent, caring and uniquely forgiving and empathetic individuals.

Banning the use of bullhooks will essentially ban the use of performing elephants. Without tools used to assert dominance, such as bullhooks or similar devices used to inflict pain, elephants will not voluntarily participate by endlessly performing unnatural tricks. One of the positive gains from this ban would be increased public safety. Many people have no idea that elephants are ticking time bombs due to the abusive training they endure. Equally important is the protection of elephants. Most people in our society are not willing to support abuse of animals in any form. Your vote is an important step towards protecting elephants from the unyielding abuse they've spent a lifetime enduring.

You will undoubtedly hear counter arguments including that these harsh techniques are no longer used, that circuses treat their elephants like family or that the hook is only a guide. If these are true than they should have no problem adapting their practices to end the use of the bullhook. It is clear, based on my direct experience and the degree with which circuses fight similar legislative efforts, that they do so because the bull hook is the best tool to enforce the extreme dominance required for their performances. The hook is a weapon used to inflict severe pain and to instill fear, it is not "simply a guide." While under oath in court hearings, trainers have proven that their statements are far different than you will see in a written letter or hear testified in front of legislative committees. The truth and reality is brutal and well concealed, it is time for a positive change that will end these antiquated and barbaric training practices. It is time for a compassionate and a respectful future

Presently I am in South America working to build a sanctuary for captive elephants in support of legislation that has banned performing elephants in 5 countries and soon to have two additional countries, including Brazil, demonstrate their commitment to a progressive and empathetic future. Due to my remote location, it is difficult to reach me via phone but I can be reached through email any time and will gladly arrange a time to talk. Thank you for your consideration and please do not hesitate to contact me with questions or if I can assist in any way.

Sincerely,



Scott Blais- CEO
Global Sanctuary for Elephants
scott@globalelephants.org



**ACTIVE
ENVIRONMENTS**

19 November 2014

14 NOV 20 PM 4:21

Oakland City Council
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Dear Councilmembers:

I am writing to urge your support on a critical proposal that directly affects animal welfare within the City of Oakland. Choosing to ban the use of the training tool known as a bullhook, ankus, or guide, would put Richmond at the forefront protecting animals within your city. As you contemplate this proposal, please consider what the animals experience when these training methodologies are employed and why the animal *appears* compliant.

I am an animal behavioral consultant with the firm Active Environments, a consulting company that works to improve the care and welfare of captive animals. We are members of the Association of Zoos and Aquariums (AZA), served on the Board of Directors of the Animal Behavior Management Alliance (ABMA), and teach workshops all over the world on animal welfare and management to zoo professionals. As consultants and previously an elephant manager at an AZA institution, we have worked with elephants for over 25 years, and have assessed and established elephant programs, and training techniques. We've worked with over 170 elephants at facilities worldwide (North, South, and Central America, Asia, SE Asia, and Europe).

Active Environments developed the system of elephant management known as Protected Contact (PC) which prohibits the use of the bullhook or any device that can be used in a similar manner, and any form of physical punishment. Instead, PC relies on the use of positive reinforcement and benign tools called targets. Since the introduction of PC in 1991, the majority of US zoos and a growing number worldwide have converted to this management system; every zoo in Mexico uses PC.

Protected Contact stands in sharp contrast to traditional elephant management known as Free Contact which is used to manage and train elephants in the circus and entertainment industries and in and in some zoos. Free Contact (FC) is founded on the tenet of human dominance over the elephant, and uses the ankus as the primary tool to train and cue behaviors. The ankus is meaningless to a naïve elephant, so the elephant must first be taught to respond by moving away from it. Establishing the ankus as an aversive stimulus is done by repeatedly striking the elephant with it and/or poking or prodding (sometimes lacerating the skin) with the metal tip, associating the site of it with aversion and fear. Fear is a negative experience that has deep rooted control over behavior that can seem inescapable to the individual (if you are afraid of anything, think about how your behavior changes in the presence of that fear-provoking stimulus). The step of forming the association of fear/aversion with the ankus is an absolutely necessary and unavoidable step to teach the elephant the proper response to this tool. Without this step, the elephant would lack the motivation (aka fear) to respond to this otherwise meaningless tool.

Elephants in Free Contact are kept under stringent control by the trainer with absolute compliance required. If an elephant steps out of line, even a little bit, that elephant will be physically punished. This punishment is rarely seen by the public because it purposefully occurs behind the scenes and well out of public view. Most people are unaware of the training practices used in Free Contact; however, there is a growing body of video documentation that demonstrates this abuse. Instinctively, most people feel these techniques are inappropriate. Current scientific literature supports that feeling with innumerable references in the scientific literature illustrating the detrimental effects of negative reinforcement and physical punishment training practices with many species, including elephants.

These techniques of negative reinforcement and punishment are open for abuse and inherently flawed. The human practitioners of these techniques will succumb to emotion, which often leads to abuse. We have viewed and assessed hours of video of

7651 Santos Road, Lompoc, CA 93436 Tel. 805-737-3700 E-mail info@activeenvironments.org
Website: www.activeenvironments.org

circus elephants, and have seen countless incidents of trainers using very "heavy-handed" techniques including "hooking", poking, and hitting the elephants with excessive force; we have also seen electric prods or other electrical devices used to control and punish elephants.

We have inspected circus elephants for municipal animal control agencies and have witnessed fear responses as the trainers walked by the elephants and prepared them for the performance. We have worked with many ex-circus elephants that were trained with hooks and electric prods, and have seen the physical evidence of old hook marks in sensitive places on their faces and bodies. We have seen many elephants who appeared to recognize when they'd made a mistake, and even though they'd not been physically punished in years, they still showed the telltale behavioral signs of a history of punishment training. When these elephants think they've done something wrong, they squint and duck their heads in anticipation of being hit – the emotional scars of physical punishment are everlasting. Fear is a powerful emotion based on experience; it has deep rooted control over behavior. Individuals appear cooperative and compliant, but subjects of fear-based training can reach a state called "learned helplessness" wherein they cease attempting to affect any change to a situation. In this state, an individual's welfare is severely compromised and they are stripped of autonomy.

Proponents of the ankus will claim that it is a necessary tool for successful reproduction, veterinary care, and safe management of elephants. However, there are many successful programs in the US and abroad that do not use this tool. These programs safeguard the health and well-being of the elephants and the staff by using positive reinforcement based training that does not rely on threatening, coercing, punishing, and dominating elephants. The numerous accounts of elephants attacking and killing people typically occur in situations where humans and elephants share the same space, an ankus or other aversive training method is in use, and where elephants are forced to comply with human dominance. These are extremely intelligent, WILD animals that when forced to comply with the whims of humans, will fight back. In these situations, both humans and elephants stand to lose.

In addition to the treatment of elephants in FC, please consider the fact that human injuries and deaths occur every year from elephant attacks. It is reasonable to assume that because of the aversive and too often aggressive techniques used to dominate and control elephants, some will seek opportunities to challenge that dominance. Therefore, there is a potential, albeit unquantifiable, risk to the public.

Logic, reason, and scientific evidence suggest that aversive training and handling techniques compromise animal welfare. Therefore, I urge you to take this bold step and support a ban on the use of the elephant hook and similar, aversive training methodologies in the City of Oakland. Please protect elephants and people from potential harm!

Thank you for your consideration of this important matter; it stands to set your City at the forefront of compassion and caring for animals.

Sincerely,



Margaret Whittaker
Animal Behavior Consultant
Active Environments, Inc.

14 NOV 20 PM 4:21

From: pkensley@aol.com

Subject: Corrections to Reference Section of "Points to Consider....."

Date: November 16, 2014 9:36:31 AM PST

To: ngallo@oaklandnet.cdm, lreid@oaklandnet.com, dkalb@oaklandnet.com,
lschaaf@oaklandnet.com, dbrooks@oaklandnet.com,
atlarge@oaklandnet.com, LMcElhaney@oaklandnet.com

November 15, 2014

Oakland City Council
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

Dear Council Members;

It is my understanding that the Oakland City Council will soon be considering an ordinance to ban bullhooks, also referred to as ankuses or guides. I will be very candid. **Bullhooks, ankuses or guides, however this husbandry tool is referred, indirectly over time will permanently disable, injure, and cripple captive performing elephants.** I base my opinion on over thirty years of working as a zoo veterinarian, and for the past fifteen years reviewing, consulting, and evaluating cases of alleged abuse and mistreatment of captive performing elephants that are maintained under free contact management programs.

Statement of Professional Qualifications: I am a veterinarian with more than thirty years of clinical experience in zoo and wild animal medicine. I obtained my Doctor of Veterinary Medicine degree in 1970 from Tuskegee University in Alabama. Following graduation I served for two years in the US Army Veterinary Corps. I subsequently completed an internship in small animal medicine and surgery at the Henry Bergh Memorial Hospital of the American Society for the Prevention of Cruelty to Animals (ASPCA) in New York City. I also completed a postdoctoral internship in zoo animal medicine and surgery at the Smithsonian Institution, National Zoological Park in Washington, D.C.

In 1976 I joined the Zoological Society of San Diego as an associate veterinarian. I remained employed by the Zoological Society of San Diego in that capacity for twenty-nine years. The Zoological Society of San Diego is a non-profit organization that operates the San Diego Zoo in Balboa Park, the San Diego Zoo's Safari Park in Escondido, and the San Diego Zoo's Institute for Conservation Research. In that capacity, I was involved with the care for Asian and African elephants and learned a great deal about the cause and effect relationship between certain standards of care and living conditions in captivity and their accompanying health problems.

In 1993 I became a diplomat of the American College of Zoological Medicine (ACZM). The ACZM is the body that administers the certification examination to qualify specialists in zoological medicine. The ACZM was established in 1983 and is an international specialty organization recognized by the American Veterinary Medical Association to qualify veterinarians with special expertise in zoological medicine.

As a consequence of my training and experience I believe I have demonstrated skills, knowledge and abilities relative to elephants used in performances and exhibitions; their behaviors, and their health and welfare.

In the attached document to this letter you will find images, references and facts to support my opinions. If you have any questions after reviewing this document please do not hesitate to contact me by phone (cell-719.431.9173 or email (pkensley@aol.com)). **One critical fact I have learned is that you cannot always count on our regulatory agencies to look out for the welfare of performing elephants. It up to each municipality to undertake this responsibility.**

Very truly yours,

Philip K Ensley, DVM, Dipl. ACZM
780 Coronado Road
Westcliffe, Colorado 81252

Points to Consider in Passing a Bullhook Ban With Regard to Captive and Performing Elephants

Philip K. Ensley, DVM, Dipl. ACZM
November 15, 2014

- It was reported by G. Priest in the text *Animal Training* (Ramirez, ed. 1999)⁴ “Elephants are intelligent, social and potentially lethal animals. In the past 15 years 15 keepers have been killed by elephants.” “The keepers’ dominance is established early on in the relationship, and the need for physical dominance decreases as the social bonds develop between trainer and animal. Unfortunately, this control system requires 100% compliance from the animal 100% of the time. There is no room for deviation, nor can the keeper safely allow any breakdown in control, as this can lead to catastrophic results.” No doubt this has influenced the Association of Zoos and Aquariums (AZA) Board of Directors on July 29, 2011 to unanimously approve, “As soon as possible and no later than September 1, 2014, elephant care providers at AZA facilities with elephants shall not share the same unrestricted space with elephants, except for certain well-defined circumstances.” What this means is that the AZA has adopted new guidelines that will require its members who maintain elephants to institute protective contact management schemes, thus eliminating free contact or direct contact management programs such as in a circus which relies upon physical dominance over elephants reinforced with discipline and the use of the guide, ankus or bullhook. **As a result, most—and soon, all – zoos will be using protective contact management practices, which require more sophisticated keeper skill sets to train elephants for husbandry and veterinary medical procedures, making the guide, ankus or bullhook obsolete.**
- During travel, loading and unloading performing elephants there is a continual presence of employees carrying guides as documented in the two photographs on the following page.

This practice seems to confirm the necessary presence of the guide as reported in G. Priest's comments.



The use of the guide on elephants has become a source of controversy.



The guide remains a basic potent symbol to reinforce authority.



Whether there is application of or the visual presence of the guide the elephant is reminded of the discomfort and pain a guide can cause and know they must comply.



The guide is used to reinforce authority and dominance by its tactile cueing.



- Author Ed Roberts, a senior zoo keeper at the W.D. Stone Zoo in Massachusetts reports⁸ “But there is one unalterable fact, and all of them (elephant men) will agree on this—that discipline in the form of punishment is the force necessary to gain an elephant’s respect.” “So to get down to basics, you gain an elephant’s respect through the fear of punishment.” In his 1981 book, *Wild Elephants in Captivity*, Adams describes the use of the guide in chapter 10, The Bull-Hook, “The bull-hook is an indispensable instrument in the training and control of elephants. It is through the combination of spoken words and the effective use of the bull-hook that the trainer, handler or caretaker controls an elephant of any size. When not in use, the bull-hook should be always placed in the same conspicuous, convenient and accessible place where it can be readily obtained if necessary.”¹ In the 1995 textbook, *Restraint and Handling of Wild and Domestic Animals*, Fowler, in the chapter on elephants discusses physical restraint “The hook (bull hook or ankus) is an indispensable tool for working with elephants. The hook should not be so sharp that it will tear the skin. Its primary purpose is to exert pressure to sensitive spots on the body inducing the elephant to move away from the source of pressure.”³

- The process of training an elephant calf using guides, the ankus, or bullhook begins early. This photograph reveals an Asian elephant calf being trained. The calf is pulled down on its left side by six individuals using ropes tied to three of four legs. Three or four individuals are holding guides. There is a restraint rope around the calf's trunk. The trunk is being held by one individual holding a guide to the calf's head and neck.



This young baby Asian elephant is being restrained with three ropes. One individual is seen holding a guide. The purpose of this procedure appears to sit the calf on a tub. In the 1978 book *Elephant Tramp* by George Lewis that chronicles a career of handling elephants, writes⁵ "...an elephant doesn't especially like to learn an act, and young ones who haven't developed much will of their own, nor enough weight to prevent being pushed around physically, are much easier to train than adults." "Many people have the impression that elephants enjoy performing but they don't." "As I said before, fear of and respect for its trainer are therefore essential as the principal control over it."



George Lewis goes on to say, "Actually to perform ring acts an elephant must develop muscles that the ordinary work elephant never uses, just as acrobats develop muscles that laborers and office workers don't know they have."

In this photograph a baby elephant continues the process of learning to perform the sit up. The elephant has rope restraints on its legs, and trunk, as guides are used to force the calf to hold up its front legs.

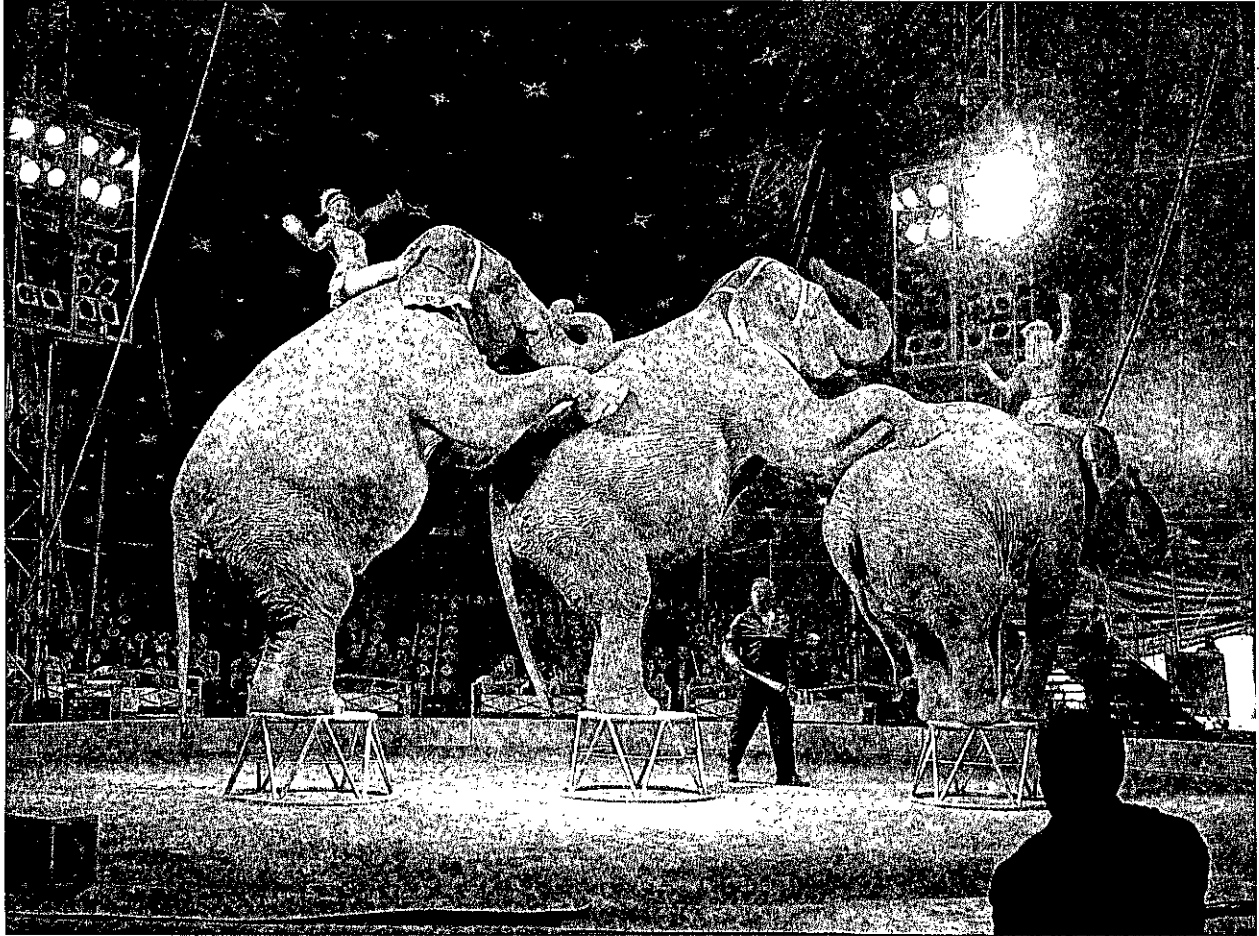


Similar training strategies are used in this photograph documenting two Asian elephant calves and four individuals using guides to force one elephant to mount another.



Ultimately the baby elephants are forced to follow the same commands as juveniles and then as adults throughout their lives as documented during performances in the two photographs below.





Elephants are forced into unnatural body positions using guides and are controlled by tethering with chains at an early age which puts them at risk for injury. Young growing elephants that are forced into repetitive, athletic, and non-species typical behaviors will suffer over time excessive wear and tear on their joints, predispose themselves to acute injury, acute and chronic pain, discomfort, and ultimately suffer the long term cumulative effects of these activities as they grow in size, weight, and reach older age, having the ability to exacerbate prior injuries, which then become chronic, debilitating, and cripple elephants.

- There is a general consensus in the relevant veterinary scientific community that lack of exercise, long hours standing on hard substrates, and contamination resulting from standing in their own excreta are major contributors to elephant foot problems. This general opinion is documented in the introduction to the veterinary text, *The Elephant's Foot, Prevention and Care of Foot Conditions in Captive Asian and African Elephants* (Csuti, 2001)² which is based upon information presented at the First North American

Conference on Elephant Foot Care and Pathology held in March, 1998. Further the American Veterinary Medical Association's (AVMA) policy on elephant guides and tethers states "Tethers provide a means to temporarily limit an elephant's movements for elephant safety or human safety and well-being." The AVMA only supports the use of tethers for the shortest time required."

- Performing elephants are continually chained or tethered on hard and unyielding surfaces during transport, before, between and following performances. Despite the many reasons for tethering or chaining elephants, much of the literature suggests that chaining limits activity, prevents natural interactions between animals, and may be detrimental to both psychological and physical health. The AZA standards on the issue of indoor space for elephants are consistent with another leading standard – the Elephant Husbandry Resource Guide (Olson D. ed. 2004).⁷ The AZA standards for indoor space recommend that at least 400 sq. ft. for a single animal, and approximately 800 sq. ft. for two animals and so on be provided.
- Available mortality data from zoos maintaining elephants from 1997 to 2005 reveals of the Asian elephant fatalities involving 10 males and 36 females, there were 14 with musculoskeletal disorders resulting in euthanasia. African elephant losses included 9 males and 34 females with 8 having musculoskeletal disorders resulting in euthanasia. Euthanasia due to musculoskeletal problems was the primary cause of death in older animals (22/89- 25% total mortalities).⁶

Key Points:

1. **The purpose and use of the bullhook is to enforce a harmful standard of care and living conditions in performing elephants and therefore should be banned.**
2. **The purpose and use of the bullhook is to enforce and maintain dominance over elephants maintained under outdated free contact management practices with performing elephants and therefore should be banned.**

References

1. Adams, J. 1981. Wild Elephants In Captivity. Center For The Study Of Elephants.
2. Csuti, B., Sargent, E.L., and Bechert, U.S. eds. 2001. The Elephant's Foot, Prevention and care of foot conditions in captive Asian and African elephants. Iowa State University Press.
3. Fowler, M.E. 1995. Restraint And Handling Of Wild And Domestic Animals. 2nd ed. Iowa State University Press.
4. Priest, G.M. 1999. Animal behavior management at the san diego wild animal park. In: Ramirez K. ed. Animal Training. Shedd Aquarium, Chicago, ILL. pp. 405-406.
5. Lewis, G. Elephant Tramp. 1955. Little, Brown and Company.
6. Miller, M. Personal Communication. 2013
7. Olson, D. ed. 2004. Elephant Husbandry Resource Guide: International Elephant Foundation.
8. Roberts, E. 1979. Elephant control. Animal Keeper's Fourm. July 1979. pp. 137-138.