

RESOLUTION NO. 6-24

**A RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA,
SUPPORTING THE RIGHT OF MEMBERS OF THE PUBLIC TO OFFER AID TO
ANIMALS IN DISTRESS AND OPPOSING ANY LEGAL PENALTIES FOR SUCH
ACTIONS**

WHEREAS, the City of Richmond, California, recognizes the importance of the welfare and well-being of all animals within its jurisdiction; and

WHEREAS, five members of the animal rights organization Direct Action Everywhere (DxE), currently face felony and/or misdemeanor charges in Sonoma County in connection with investigations and open rescues of animals at two factory farms in Sonoma County: Petaluma Poultry and Reichardt Duck Farm in June 2023 and November 2023, respectively; and

WHEREAS, the City Council acknowledges that animals, both domestic and wild, may occasionally find themselves in situations of distress due to various circumstances such as illness, injury, abandonment, or natural disasters; and

WHEREAS, the public of California cares deeply about nonhuman animals raised in commercial operations, as evidenced by, among other things, the passage by 62.66% of voters of Proposition 12 in 2018, which established new standards for confinement of farm animals and banned non-complying products; and

WHEREAS, California's animal cruelty statute, California Penal Code Section 597 et seq., does not contain an animal husbandry exemption and thus covers cruelty inflicted on nonhuman animals raised in commercial operations; and

WHEREAS, California Penal Code Section 597(b) makes it a crime to torture, torment, deprive of necessary sustenance, drink, or shelter any animal, or cause any animal to be tortured, tormented, deprived of necessary sustenance, drink, or shelter, where the words "torment" and "torture" include "every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted"; and

WHEREAS, California Penal Code Section 597(e) makes it a crime to hold a domestic animal in confinement without providing the animal with sufficient food and water, and also provides a legal defense against the claim of trespass to anyone who enters the area where the domestic animal is confined for the purpose of providing food and water; and

WHEREAS, the City Council believes that compassionate members of the public should be allowed, and indeed encouraged, to offer aid to animals in such situations, provided that they do so in a manner that is safe for both the animal and the person involved; and

WHEREAS, companies that supply animal products have been known to portray their treatment of animals in a substantially more favorable light than the reality; and

WHEREAS, little or no enforcement of California's animal cruelty statute occurs with respect to animals raised in commercial operations; and

WHEREAS, peaceful activists have attempted to bring violations by commercial animal operations of California's animal cruelty statute to the attention of the public as well as law and regulatory enforcement agencies, including video and photographic evidence of animals caught stuck laying on their backs unable to right themselves, left with large, untreated sores, and animals who had died of thirst, starvation, injury, or illness whose bodies were lying among the living; and

WHEREAS, the act of investigating the conditions of commercial animal operations and exposing abuses to the public and to law enforcement, and providing relief to animals who are thirsty, starving, injured, or sick, is in the interests of both those individual animals and the public that cares about them.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby declare that the five members of the animal rights organization Direct Action Everywhere (DxE), being prosecuted in Sonoma County, are non-violent activists who were investigating and attempting to expose the abuses of animals in commercial animal operations; and

BE IT FURTHER RESOLVED, the City Council encourage the Sonoma County District Attorney to dismiss such prosecution; and

BE IT FURTHER RESOLVED , that the City Council encourage the Sonoma County District Attorney to devote the resources that could be saved from these actions to instead investigate and prosecute potential violations of the law in commercial animal operations in Sonoma County; and

BE IT FURTHER RESOLVED, that the City Council encourage law and regulatory enforcement agencies in California, including the California Attorney General and the California Department of Food and Agriculture, to investigate and prosecute potential violations of the law in commercial animal operations throughout California; and

BE IT FINALLY RESOLVED, that this resolution shall take effect immediately upon its adoption.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held February 6, 2024, by the following vote:

AYES: Councilmembers Bana, McLaughlin, Robinson, Zepeda, Vice Mayor Jimenez, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Willis.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 6-24**, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on February 6, 2024.


Pamela Christian, Clerk of the City of Richmond