

Resolution Number 6527-2023

City of Sebastopol  
Resolution Supporting Activists Facing Felony Prosecution for Investigating Factory Farms and Rescuing  
Distressed Animals Therein  
In the City of Sebastopol, Sonoma County, California

WHEREAS, four individuals, Rachel Ziegler, Priya Sawhney, Wayne Hsiung, and Cassie King, (the “Defendants”), members of the animal rights and environmental organization Direct Action Everywhere (DxE), currently face felony or misdemeanor charges in Sonoma County in connection with broad-daylight investigations and open rescues of animals at two factory farms in Sonoma County: Sunrise Farms and Reichardt Duck Farm in May 2018 and June 2019, respectively; and

WHEREAS, the Defendants also previously faced charges in connection with an investigation and rescue at a third factory farm in Sonoma County, McCoy’s Poultry Services, in September 2018, the charges in relation to which were dropped by the Sonoma County District Attorney in late 2022 and early 2023; and WHEREAS, 148 nonviolent individuals in total, including the Defendants, were arrested in connection with those three investigations and rescues; and

WHEREAS, prior to participating in those investigations and rescues, associates of the Defendants had written to the Sonoma County District Attorney and the Sonoma County Sheriff, among others, to report animal cruelty violations in factory farms in Sonoma County and elsewhere, including video and photographic evidence of animals caught in wire cages and left with large, untreated sores, and animals who had died of thirst, starvation, injury, or illness whose bodies were lying among the living, and no action was taken by those authorities to address the same; and

WHEREAS, prior to participating in those investigations and rescues, DxE received an opinion from a legal scholar who reviewed footage from Sunrise Farms and opined that, in a situation such as the one captured in that footage, an open rescuer who removed sick animals from that facility should be able to successfully argue for a necessity defense; and

WHEREAS, during the investigation and rescue at McCoy’s Poultry Services, the Sheriff seized nine living chickens from the investigators’ possession and delivered them to Sonoma County Animal Services, which found that all nine were in poor health and in distress, including one with a lesion so large that his muscle tissue and bone were exposed;<sup>1</sup> and

WHEREAS, the Animal Services Case Report listed the owner of the farm, Robert Shawn McCoy, as a suspect for animal cruelty in violation of California Penal Code Section 597, indicating “Cruelty Against an Animal,” and “Not Providing Property [sic] Care and Attention to an Animal”;<sup>2</sup> and

WHEREAS, despite receiving that report, the District Attorney filed charges against the investigators, and shortly thereafter, a member of the District Attorney’s office appeared at an event titled, “Beyond the

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<sup>1</sup> Sonoma County Animal Services, Case Report, Sept. 29, 2018, <https://www.dropbox.com/s/qzceqj4lnqzr2pb/Case%20Report%20SoCo%20Animal%20Services%20REDACTED%20%20%282%29.pdf?dl=0>.

<sup>2</sup> *Id.* at 1.

Fence Line,” hosted by the Sonoma County Farm Bureau, which purported to teach members how to “prepare for and manage activists”; and

WHEREAS, to date, Sonoma County authorities have taken no action to investigate or prosecute animal cruelty law violations in commercial facilities, and during the Defendants’ preliminary hearings, a number of Sheriff officers testified that they had no intention of doing so in response to the Defendants’ and other DxE members’ requests to do so when officers were present during those investigations and rescues; 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 nonhuman animals who are thirsty, starving, injured, or sick, is in the interests of both those individual animals and the public that cares about them. WHEREAS, the City of Berkeley (Resolution 69,232-N.S., December 10, 2019) and the City and County of San Francisco (Resolution No. 261-20, June 9, 2020) passed resolutions unanimously supporting the Defendants and urging the District Attorney to dismiss the charges and investigate animal cruelty; and WHEREAS, a recent opinion piece in *The New York Times* argued that rescuing animals from factory farms should be legal.<sup>3</sup>

NOW THEREFORE, BE IT RESOLVED that the City Council hereby supports the Defendants.

BE IT FURTHER RESOLVED that the City Council encourages the Sonoma County District Attorney to dismiss such prosecution, and 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.

BE IT FURTHER RESOLVED that the City Council encourages 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.

BE IT FURTHER RESOLVED that the City Council urges the California State Legislature to pass laws expanding the protection of nonhuman animals raised in commercial animal operations.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to Sonoma County Assistant Sheriff Jim Naugle, Sonoma County District Attorney Carla Rodriguez, Sonoma County Deputy District Attorney Robert Waner, Assemblymember Stephanie Nguyen, State Senator Mike McGuire, Representative Mike Thompson, Senator Diane Feinstein, and California Attorney General Rob Bonta.

IN COUNCIL DULY PASSED, APPROVED, and ADOPTED this 18th day of April 2023.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

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<sup>3</sup> Farhad Manjoo, Opinion, *Rescuing Farm Animals from Cruelty Should be Legal*, N.Y. TIMES (Feb. 14, 2023), <https://www.nytimes.com/2023/02/14/opinion/foster-farms-chicken-slaughterhouse-animal-cruelty.html>.

**VOTE:**

Ayes: Councilmembers Maurer, McLewis, Zollman, Vice Mayor Rich and Mayor Hinton

Noes: None

Absent: None

Abstain: None

APPROVED:  \_\_\_\_\_  
Mayor Neysa Hinton

ATTEST:  \_\_\_\_\_  
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:   
Larry McLaughlin, City Attorney