

TRANSMITTAL

To:
THE COUNCIL

Date: **MAY 24 2012**

From:
THE MAYOR

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.

 (Janelle Erickson)
for

ANTONIO R. VILLARAIGOSA
Mayor

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**ANTONIO R. VILLARAIGOSA
MAYOR**

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CHIEF VETERINARIAN

May 11, 2012

Honorable Antonio R. Villaraigosa
Mayor, City of Los Angeles
Room 303, City Hall
200 North Spring Street
Los Angeles, California 90012

Subject: Use of Bullhooks in the City of Los Angeles

Dear Mayor Villaraigosa:

At its meeting of April 24, 2012, the Board of Animal Services Commissioners (Board) voted to recommend to the Mayor and City Council that City adopt an ordinance prohibiting the use of bullhooks, baseball bats, axe handles, pitchforks and other implements designed to inflict pain for the purpose of training and controlling the behavior of elephants.

Additionally, the Board recommended that this ordinance should provide that, in cases where violations of this prohibition take place in the context of, or the preparation for, any performance including animals that has received a permit from the Department of Animal Services (LAAS), the violation should lead to immediate revocation of the permit to operate within the city limits. Individuals found to be in violation would be subject to prosecution for a misdemeanor and potentially subject to prosecution for animal cruelty depending upon the severity of the offense.

Additionally, the Mayor and City Council also should adopt a policy strongly supporting a progressive elephant management method called "protected contact" as the approved system for training elephants in Los Angeles and affirm its intention to enforce existing state laws against the use of any electric prods, stun guns or other electrically-powered instruments in the handling of elephants or other animals in the context of public performances or training of animals for such performances.

BACKGROUND

On February 3, 2012, the City Council referred a motion (Koretz/LaBonge: Council File 12-0186) to the Personnel and Animal Welfare (PAW) Committee requesting Los Angeles Animal Services to report to the Committee with recommendations on banning the use of bullhooks in the handling of elephants in circuses and traveling exhibitions held in the City of Los Angeles, along with suitable enforcement mechanisms. Current City law is silent on this topic. According to the motion, the bullhook (also known as an "ankus" or "guide") is a stick with a sharp spike attached to it, whose use can lead to the abuse of elephants.

The Los Angeles Zoo dropped its use of bullhooks in 2010 upon opening its "Elephants of Asia" exhibit, switching instead to a more humane form of elephant handling known as "protected contact,"
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in which a protective barrier separates trainer and elephant, and positive reinforcement training is used to elicit behaviors. Protected contact is safer for handlers and arguably more humane for the elephants. The motion goes on to define traveling circuses or exhibitions as any non-permanent live exhibition open to the public, including but not limited to any circus, public show, public photographic opportunity, carnival, fair, ride, parade, performance or similar undertaking, but does not include any use closed to the general public.

The employment of techniques that allegedly could lead to physical and/or psychological injury has been questioned in complaints to the United States Department of Agriculture and in litigation before the federal courts, with the fundamental issue of the welfare of elephants in captivity always looming in the background.

According to a 2008 report by the American Veterinary Medical Association (AVMA), "Between five and six hundred elephants are kept in North America, more than 280 of them in Association of Zoos and Aquariums (AZA)-accredited zoos and the rest by non-accredited zoos, sanctuaries, circuses, other entertainment providers, or private individuals."

"Because of their large size, intelligence, and social needs, elephants can be challenging to keep in a way that is safe for humans and satisfactory for animal welfare. Training can assist in assuring human safety when working with elephants, reducing the need for chemical restraint. For their own health and welfare, elephants must be able to calmly tolerate routine husbandry procedures such as foot care, checks of reproductive status, and tuberculosis testing. Training also provides elephants with intellectual challenge and exercise, and can encourage positive relationships with handlers. The use of training to provide care is becoming more widespread in zoos. The two main training approaches currently used for elephants are 'free contact' and 'protected contact.'"

THE ROLE OF THE BULLHOOK

The bullhook resembles a fireplace poker, with a pointed steel tip and hook at the end, and it can puncture and tear the skin. A handler may use the device to prod, jab, hook and even strike an elephant to elicit desired behaviors. The bullhook is effective because the elephant has at some point learned to associate it with a painful consequence. If trainers were able to control elephants with light touches and voice commands, as some claim to be able to do, they could carry a lightweight stick instead of a steel-tipped weapon. Even when not in use, the bullhook is a constant reminder of the painful punishment that can be meted out at any time, for any reason. The negative association with the bullhook is sufficiently powerful that an elephant who has not seen the device in years will respond immediately to its presence.

The bullhook is used in the "free contact" system of management, in which a trainer must dominate an elephant through the use of negative reinforcement training (an aversive stimulus, the bullhook, is withdrawn only when the correct behavior is performed), physical punishment or threat of it, and some positive reinforcement (food rewards). Trainers may embed the hook in the soft tissue behind the elephant's ears, in the trunk, and in tender areas under the chin and around the feet to elicit a behavior.

Training is always secretive and performed at animal training compounds to assure the total control and consistent performance that the handler needs during a performance before an audience. Elephant calves begin training at a young age, when they are taken from their mothers and subjected to a regimen that includes being bound with ropes, chained, and jabbed and struck with a bullhook. Coverage of free contact training in the *Washington Post*, *Mother Jones* and elsewhere revealed these realities. This training is life-long and unrelenting, meant to force an elephant to be compliant and obedient.

In the performing animal industry there can be no room for error with an animal as powerful and intelligent as an elephant. To ensure that elephants perform consistently they are kept under the constant control of a handler who always carries a bullhook. However, there have been several serious incidents in which handlers were powerless to stop an elephant from escaping or rampaging, despite use of the bullhook. Based on the growing body of video evidence and legal testimony documenting the physical suffering inflicted on elephants with the bullhook, an increasingly vocal faction of elephant experts, renowned scientists, trainers and animal welfare organizations condemn its use. They allege that there is no humane or "right" way to use a bullhook which, by its very design, is meant to cause pain and fear.

WHY CONTINUE TO USE A BULLHOOK?

Setting aside for a moment the fundamental questions of whether it's healthful for elephants to be trained to regularly perform a series of actions and tricks that some experts argue are inherently unnatural and that may cause or contribute to health problems, whether it's wise to employ them in situations that expose members of the public to potential danger, and whether it's healthful to confine them in captivity and subject them to the rigors (such as extensive travel, restraints and standing around on hard pavement) associated with being performing animals in the first place, the basic argument for permitting the continued use of bullhooks and other free contact pain-infliction methodologies on performing elephants is straightforward: Many experts believe that, without being able to apply these methodologies, elephants simply would not be suitable participants in circuses and other performance situations.

CHANGING CIRCUMSTANCES

Since the publication of the above-referenced AVMA report, attitudes about elephant handling and training have continued to evolve. The deliberate infliction of physical and psychological pain increasingly is viewed as cruel and inhumane. Negative training methods are now thought by some to result in aggression and chronic stress. Given the widely acknowledged empathetic nature of elephants, even those animals not being poked or hit likely will feel stress as well when in the company of those that are.

The body that oversees accreditation of zoos, the Association of Zoos and Aquariums (AZA), of which a number of prominent entities featuring performing elephants, such as Ringling Brothers Barnum and Bailey Circus, are members, has mandated a transition to protected contact by September 1, 2014. Veterinarians and trainers are increasingly employing protected contact and positive reinforcement in the process of providing veterinary care, husbandry procedures and reproductive assessments. Zoos and circuses already employ protected contact in their handling of older male elephants, which are more unpredictable and dangerous than the females that primarily populate the performance arena.

AN EVOLVING REGULATORY ENVIRONMENT

The effectiveness of free contact training and handling in protecting trainers and the public also increasingly is being challenged. Since 1990, some 15 human deaths and 135 injuries in the U.S. have been attributed to elephants, primarily due to circus-related incidents. Since 2000, there have been 35 incidents of circus elephant escapes, some resulting in human deaths or injuries. First responders to elephant escapes are often local law enforcement, which, in some cases, have been responsible for destroying an elephant even though they lacked the firearms necessary to quickly kill one. Use of a tranquilizer may not be an option if human safety is immediately endangered.

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As has been repeatedly shown, even the bullhook is no protection against an elephant bent on escape. Between these threats to human safety and the humane concerns, public opinion against the use of bullhooks and other potentially injurious tools in elephant training has been growing. In 2011, the Ringling Brothers Barnum and Bailey Circus was fined \$270,000 for mistreatment of its animals and the *Los Angeles Times* published an editorial calling for Ringling to stop using elephants. Ringling also had to defend itself in court against charges of animal cruelty and, depending on whose arguments are to be believed, escaped further punishment for the time being primarily because of procedural issues and legal technicalities.

Additionally, a number of local jurisdictions have taken legislative steps to prohibit the use of bullhooks. The largest of these are Fulton County, Georgia (where Atlanta is located), Tallahassee, Florida and Ft. Wayne, Indiana. The ban in Fulton County, enacted in 2011, is under legal challenge and, in February 2012, a judge stayed its enforcement apparently due to jurisdictional concerns. In 2011, for the first time ever LAAS employed an outside veterinarian to assist staff in inspecting Ringling Brothers' elephants upon their annual arrival in Los Angeles. The Department will continue this practice.

The goal in Los Angeles as set forth in the Koretz/LaBonge motion, the proposed ban on bullhooks primarily is intended to cover animal performances in public settings. It is silent on training and handling done in private and/or to prepare elephants for film and television appearances. It also is silent on other painful forms of control, such as the use of electric prods and stun guns, but since those already are illegal under California law, they don't need to be regulated at the municipal level.

While the motion does not appear to call for making it completely impossible for elephants to be used in performances, at events, and in films and TV, the Department does question the feasibility of allowing the use of free contact training methods and tools in private but banning them in public. We also question the benefit of banning only bullhooks, as proposed in the original motion, with other arguably inhumane tools remaining readily available.

Much as they are in zoos, elephants are fascinating, popular attractions in the performance realm, though their appearances in circuses are typically brief and represent just one of many performances in a show. Proposals to totally remove them from either context may arouse objections (though mainly from the circus industry). The Department believes that, much as the auto industry adapted to air quality and fuel economy regulations it initially claimed were unworkable, the performing animal industry should be given an opportunity to adapt as well.

Southern California circus audiences may already be leading the way with changing consumer habits, considering that Cirque du Soleil, with human-only performers, found it profitable to launch a new show, "IRIS, a Journey Through the World of Cinema," created exclusively for its permanent home at the Kodak Theatre in Los Angeles. In sharp contrast, Piccadilly Circus, a traveling circus that still uses wild animals, had to cancel shows across Southern California in 2011 due to poor ticket sales, and reports show that hundreds of people have come out in recent years to protest outside the Staples Center when Ringling Bros. performs.

CONCLUSION

If the City's goal is to take a step toward protecting the welfare of elephants when they are within the City limits, then banning the use of a bullhook as described in this motion would be consistent with that goal. So is including other implements that might be substituted for bullhooks. Given that elephants are dangerous wild animals capable of causing great bodily harm to members of the public, the City would also be acknowledging the risk to public safety posed by reliance on the

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bullhook as a sole means of controlling an 8,000-10,000 pound elephant. If, at some point, the City's goal becomes broader, it might consider the more sweeping approach made by hundreds of other municipalities around the world, which is simply to ban the exhibition of wild animals in circuses and other public exhibitions. Since this was not the direction provided in the Council motion, it is not addressed here.

FISCAL IMPACT

In 2011, the Department issued six permits covering 18 days of performance-related activities involving elephants within the City of Los Angeles. These permits generated \$9,450 in fees paid to the Department to cover the cost of issuing and enforcing the permits. The proposed regulation could serve to reduce the number of permits issued at least for an interim period while the applicants adjust the training regimens of the elephants to achieve compliance.

Section 21.17 of the Los Angeles Municipal Code prohibits the public release of specific data on tax receipts received from individual payers, but tax rates for circuses specified in Section 21.74 allow for estimates to be calculated based on attendance. According to those estimates, the permittees appear to have generated approximately \$15,000-20,000 in direct and indirect tax revenues to the City in 2011, including taxes on the events and parking. As with permit application fees, this level of revenues could be impacted by this proposed regulation to an as-yet-undetermined extent depending on choices made by the exhibitors based on the need to comply with the regulation in order to stage their performances in Los Angeles.

If you require additional information regarding this action of the Board, please have your staff call me at (213) 482-9558 or Ross Pool, Management Analyst II, at (213) 482-9501.

Sincerely,



Brenda F. Barnette, General Manager
Department of Animal Services

BFB:JC

cc: Jim Bickhart, Office of the Mayor
Dov Lesel, Assistant City Attorney
File

Attachment

**BOARD OF
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COMMISSIONERS**

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MAYOR

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BRENDA F. BARNETTE
General Manager

Report to the Board of Animal Services Commissioners

Brenda F. Barnette, General Manager

COMMISSION MEETING DATE: April 24, 2012 **PREPARED BY:** Brenda Barnette

REPORT DATE: April 19, 2012

TITLE: General Manager

SUBJECT: Use of Bullhooks in the City of Los Angeles

BOARD ACTION RECOMMENDED:

That the Board Recommend to the Mayor and City Council that:

The City consider adopting an ordinance prohibiting in any context the use of bullhooks, baseball bats, axe handles, pitchforks and other implements and tools designed to inflict pain for the purpose of training and controlling the behavior of elephants.

Additionally, this ordinance should provide that, in cases where violations of this prohibition take place in the context of any performance including animals that has received a permit from the Department of Animal Services (LAAS), the violation should lead to immediate revocation of the permit to operate within the city limits. Individuals found to be in violation would be subject to prosecution for a misdemeanor and potentially subject to prosecution for animal cruelty depending upon the severity of the offense.

Additionally, the Mayor and City Council also should adopt a policy strongly supporting a progressive elephant management method called "protected contact" as the approved system for training elephants in Los Angeles and affirm its intention to enforce existing state laws against the use of any electric prods, stun guns or other electrically-powered instruments in the handling of elephants or other animals in the context of public performances or training of animals for such performances.

I. SUMMARY:

On February 3, 2012, the City Council referred a motion (Koretz/LaBonge: Council File 12-0186) to the Personnel and Animal Welfare (PAW) Committee requesting LAAS to report to the committee with recommendations on banning the use of bullhooks in the

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handling of elephants in circuses and traveling exhibitions held in the City of Los Angeles, along with suitable enforcement mechanisms. Current City law is silent on this topic.

According to the motion, the bullhook (also known as an "ankus" or "guide") is a stick with a sharp spike attached to it, whose use can lead to the abuse of elephants.

The Los Angeles Zoo dropped its use of bullhooks in 2010 upon opening its "Elephants of Asia" exhibit, switching instead to a more humane form of elephant handling known as "protected contact" first developed at the San Diego Zoo, in which a protective barrier separates trainer and elephant, and positive reinforcement training is used to elicit behaviors. Protected contact is safer for handlers and arguably more humane for the elephants. (Bullhooks are commonly used in the "free contact" method of handling, an approach in which the trainer instills fear as a way to dominate elephants.)

The motion goes on to define traveling circuses or exhibitions as any non-permanent live exhibition open to the public, including but not limited to any circus, public show, public photographic opportunity, carnival, fair, ride, parade, performance or similar undertaking, but does not include any use closed to the general public.

II. BACKGROUND:

Few issues have aroused as much passion and concern before the Los Angeles City Council in recent years as the treatment of elephants. Multiple standing-room-only debates since 2006 over the fate of the elephant exhibit at the Los Angeles Zoo led to the enlargement of that exhibit and possibly influenced Zoo management in its decision in 2010 to implement the protected contact approach to the handling of elephants.

The same concerns underlying those debates also are relevant to the methodologies for training and handling of performing elephants in an entertainment context. The employment of techniques that allegedly could lead to physical and/or psychological injury has been questioned in complaints to the United States Department of Agriculture (which is responsible for enforcement of the federal Animal Welfare Act) and in litigation before the federal courts, with the fundamental issue of the welfare of elephants in captivity always looming in the background.

According to a 2008 report by the American Veterinary Medical Association (AVMA), "Between five and six hundred elephants are kept in North America, more than 280 of them in *Association of Zoos and Aquariums* (AZA)-accredited zoos and the rest by non-accredited zoos, sanctuaries, circuses, other entertainment providers, or private individuals.

"Because of their large size, intelligence, and social needs, elephants can be challenging to keep in a way that is safe for humans and satisfactory for animal welfare. Both Asian and African elephant species are dangerous to work with due to their size

and variable temperament. Males are currently less commonly maintained in captivity in the United States as they enter a periodic reproductive state called musth during which they may become excitable and intractable...

“Asian elephants have a long history, in many countries, of being intensively trained for purposes, including warfare, religious ceremonies, timber harvest and circus performances. Training can assist in assuring human safety when working with elephants, reducing the need for chemical restraint. For their own health and welfare, elephants must be able to calmly tolerate routine husbandry procedures such as foot care, checks of reproductive status, and tuberculosis testing. Training also provides elephants with intellectual challenge and exercise, and can encourage positive relationships with handlers. The use of training to provide care is becoming more widespread in zoos. The two main training approaches currently used for elephants are 'free contact' and 'protected contact...”

The report goes on to explain free and protected contact methodologies, methods of restraint and the evolving nature of elephant handling. It suggests that, for elephants involved with performing and breeding, free contact (with all that it implies) may be both preferred and necessary, while protected contact works best in circumstances in which “elephants that are potentially dangerous, do not need to perform, or have negligible need for human intervention.”

A. The Role of the Bullhook

As noted above, the bullhook resembles a fireplace poker, with a pointed steel tip and hook at the end, and it can puncture and tear the skin. A handler may use the device to prod, jab, hook and even strike an elephant to elicit desired behaviors.

The bullhook is effective because the elephant has at some point learned to associate it with a painful consequence. If trainers were able to control elephants with light touches and voice commands, as some claim to be able to do, they could carry a lightweight stick instead of a steel-tipped weapon.

Even when not in use, the bullhook is a constant reminder of the painful punishment that can be meted out at any time, for any reason. The negative association with the bullhook is sufficiently powerful that an elephant who has not seen the device in years will respond immediately to its presence. Sometimes an elephant will, without a bullhook even being present, react negatively to the sight of a human who has used a bullhook on it in the past.

The bullhook is used in the “free contact” system of management, in which a trainer must dominate an elephant through the use of negative reinforcement training (an aversive stimulus, the bullhook, is withdrawn only when the correct behavior is performed), physical punishment or threat of it, and some positive reinforcement (food rewards). Trainers may embed the hook in the soft tissue behind the elephant’s ears, in the trunk, and in tender areas under the chin and around the feet to elicit a behavior.

Though thick, an elephant's skin is quite sensitive. The bull hook is only used on elephants.

Training is always secretive and performed at animal training compounds to assure the total control and consistent performance that the handler needs during a performance before an audience. (Handlers never use this same training in front of an audience, which suggests they know that the public may find it unacceptable.) Elephant calves begin training at a young age, when they are taken from their mothers and subjected to a regimen that includes being bound with ropes, chained, and jabbed and struck with a bullhook. Coverage of free contact training in the *Washington Post*, *Mother Jones* and elsewhere revealed these realities.

This training is life-long and unrelenting, meant to force an elephant to be compliant and obedient. In the performance industry there can be no room for error with an animal as powerful and intelligent as an elephant. To ensure that elephants perform consistently they are kept under the constant control of a handler who always carries a bullhook. However, there have been several serious incidents in which handlers were powerless to stop an elephant from escaping or rampaging, despite use of the bullhook.

Based on the growing body of video evidence and legal testimony documenting the physical suffering inflicted on elephants with the bullhook, an increasingly vocal faction of elephant experts, renowned scientists, trainers and animal welfare organizations condemn its use. They allege that there is no humane or "right" way to use a bullhook which, by its very design, is meant to cause pain and fear.

B. Why Continue to Use a Bullhook?

Setting aside for a moment the fundamental questions of whether it's healthful for elephants to be trained to regularly perform a series of actions and tricks that some experts argue are inherently unnatural and that may cause or contribute to health problems, whether it's wise to employ them in situations that expose members of the public to potential danger, and whether it's healthful to confine them in close captivity and subject them to the other rigors (such as extensive travel, restraints and standing around on hard pavement) associated with being performing animals in the first place, the basic argument for permitting the continued use of bullhooks and other free contact pain-infliction methodologies on performing elephants is straightforward: Many experts believe that, without being able to apply these methodologies, elephants simply would not be suitable participants in circuses and other performance situations.

C. Changing Circumstances

Since the publication of the above-referenced AVMA report, attitudes about elephant handling and training have continued to evolve. The deliberate infliction of physical and psychological pain increasingly is viewed as cruel and inhumane. Negative training methods are now thought by some to result in aggression and chronic stress. Given the

widely acknowledged empathetic nature of elephants, even those animals not being poked or hit likely will feel stress as well when in the company of those that are.

The body that oversees accreditation of Zoos, the Association of Zoos and Aquariums (AZA), has mandated a transition to protected contact by September 1, 2014. Veterinarians and trainers are increasingly employing protected contact and positive reinforcement in the process of providing veterinary care, husbandry procedures and reproductive assessments. Zoos and circuses already employ protected contact in their handling of older male elephants, which are more unpredictable and dangerous than the females that primarily populate the performance arena.

D. An Evolving Regulatory Environment

The effectiveness of free contact training and handling in protecting trainers and the public also increasingly is being challenged. Since 1990, some 15 human deaths and 135 injuries in the U.S. have been attributed to elephants, primarily due to circus-related incidents. Since 2000, there have been 35 incidents of circus elephant escapes, some resulting in human deaths or injuries. First responders to elephant escapes are often local law enforcement, which, in some cases, have been responsible for destroying an elephant even though they lacked the firearms necessary to quickly kill one. Use of a tranquilizer may not be an option if human safety is immediately endangered. As has been repeatedly shown, even the bullhook is no protection against an elephant bent on escape.

Between these threats to human safety and the humane concerns, public opinion against the use of bullhooks and other potentially injurious tools in elephant training has been growing. In 2011, the Ringling Brothers Barnum and Bailey Circus was fined \$270,000 for mistreatment of its animals and the Los Angeles Times published an editorial calling for Ringling to stop using elephants. Ringling also had to defend itself in court against charges of animal cruelty and, depending on whose arguments are to be believed, escaped further punishment for the time being primarily because of procedural issues and legal technicalities.

Additionally, a number of local jurisdictions have taken legislative steps to prohibit the use of bullhooks. The largest of these are Fulton County, GA (where Atlanta is located), Tallahassee, FL and Ft. Wayne, IN. The ban in Fulton County, enacted in 2011, is under legal challenge and, in February of this year, a judge stayed its enforcement apparently due to jurisdictional concerns.

In 2011, for the first time ever the Department employed an outside veterinarian to assist staff in inspecting Ringling Brothers' elephants upon their annual arrival in Los Angeles. We expect to continue this practice going forward.

E. The Goal in Los Angeles

As set forth in the Koretz/LaBonge motion, the proposed ban on bullhooks primarily is intended to cover animal performances in public settings. It is silent on training and handling done in private and/or to prepare elephants for film and television appearances. It also is silent on other painful forms of control, such as the use of electric prods and stun guns, but since those already are illegal under California law, they don't need to be regulated at the municipal level.

While the Department does not desire to make it completely impossible for elephants to be used in performances, at events, and in films and TV, we do question the feasibility of allowing the use of free contact training methods and tools in private but banning them in public. We also question the benefit of banning only bullhooks, as proposed in the original motion, with other arguably inhumane tools remaining readily available.

Much as they are in zoos, elephants are fascinating, popular attractions in the performance realm, though their appearances in circuses are typically brief and represent just one of many performances in a show. Proposals to totally remove them from either context may arouse objections (though mainly from the circus industry). The Department believes that, much as the auto industry adapted to air quality and fuel economy regulations it initially claimed were unworkable, the performing animal industry should be given an opportunity to adapt as well.

Southern California circus audiences may already be leading the way with changing consumer habits, considering that Cirque du Soleil, with human-only performers, found it profitable to launch a new show, "IRIS, a Journey Through the World of Cinema," created exclusively for its permanent home at the Kodak Theatre in Los Angeles. In sharp contrast, Piccadilly Circus, a traveling circus that still uses wild animals, had to cancel shows across Southern California in 2011 due to poor ticket sales, and reports show that hundreds of people have come out in recent years to protest outside the Staples Center when the Ringling Bros. Circus performs.

F. Conclusion

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If the City's goal is to take a step toward protecting the welfare of elephants when they are within the city limits, then banning the use of a bullhook as described in this motion would be consistent with that goal. Given that elephants are dangerous wild animals capable of causing great bodily harm to members of the public, the City would also be acknowledging the risk to public safety posed by reliance on the bullhook as a sole means of controlling an 8,000-10,000 pound elephant. If, at some point, the City's goal becomes broader, it might consider the more sweeping approach made by hundreds of other municipalities around the world, which is to ban the exhibition of wild animals in circuses and other public exhibitions. Since this was not the direction provided in the Council motion, it is not addressed here.

III. FISCAL IMPACT:

In 2011, the Department issued six permits covering 18 days of performance-related activities involving elephants within the city limits of Los Angeles. These permits generated \$9,450 in permit fees paid to the Department to cover the cost of issuing and enforcing the permits. The proposed regulation could serve to reduce the number of permits issued at least for an interim period while the applicants adjust the training regimens of the elephants to achieve compliance.

Section 21.17 of the Los Angeles Municipal Code prohibits the public release of specific data on tax receipts received from individual payers, but tax rates for circuses specified in Section 21.74 allow for estimates to be calculated based on attendance. According to those estimates, the permittees appear to have generated approximately \$15,000-20,000 in direct and indirect tax revenues to the City in 2011, including taxes on the events and parking. As with permit application fees, this level of revenues could be impacted by this proposed regulation to an as-yet undetermined extent depending on choices made by the exhibitors based on the need to comply with the regulation in order to stage their performances in Los Angeles.

Approved:

Brenda F. Barnette, General Manager

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____