

February 6, 2020

Brian Boman, Animal Control Supervisor
Pierce County Animal Control

Via email: pccanimalcontrol@co.pierce.wa.us

Re: Request to Investigate Donald Miller dba Debbie Dolittle's Indoor
Petting Zoo for Cruelty to Animals

Dear Mr. Boman,

I am writing on behalf of PETA to urge Pierce County Animal Control to investigate and charge Donald Miller dba Debbie Dolittle's Indoor Petting Zoo (aka Jozee Rooz Indoor Petting Zoo/City Goats Farm & Zoo Inc.) and all other culpable parties with cruelty to animals following the death of a young female sloth named Malia. In July 2019, [Malia](#) was reportedly only ten months old and being used for public encounters. Three months later, she was dead.

According to a [December 2019](#) inspection report from the United States Department of Agriculture (USDA), Malia died on October 26, 2019, after falling from a climbing structure. Ex. A. A necropsy was performed and "[t]he ultimate cause of death was determined to be blunt force trauma to the head, most likely resulting from the fall." *Id.* Significantly, the necropsy found that at the time of her death Malia was suffering from "severe emaciation, indications of chronic stress, and older bruising to the body wall that was not associated with the current trauma." *Id.* The USDA cited the facility for "lack of knowledge of the species," noting that the necropsy results were "consistent with mishandling, neglect and ignorance of animal care," which "may have contributed" to Malia's death. *Id.*

Pierce County Animal Control has a duty to investigate and enforce "the provisions of the Pierce County Code and the laws of the State of Washington as they pertain to animals." Pierce County Code (PCC) § 6.02.020; *see also* Wash. Rev. Code (RCW) § 16.52.015(1). A person is guilty of first-degree animal cruelty when they with criminal negligence starve an animal and consequently cause "[s]ubstantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering." RCW § 16.52.205(2).¹ A person is guilty of second-degree animal cruelty if they "knowingly, recklessly, or with criminal negligence inflict[] unnecessary suffering or pain upon an animal." RCW § 16.52.207(1)(a).

The necropsy report found severe emaciation that was consistent with neglect, which rises to the level of first-degree animal cruelty. According to wildlife veterinarian, Dr. Heather Rally:

¹ For first-degree animal cruelty, "animal" means "every creature, either alive or dead, other than a human being." RCW § 16.52.205(8)(a). For second-degree animal cruelty, "animal" includes "any nonhuman mammal, bird, reptile, or amphibian." RCW § 16.52.011(b). Sloths are mammals.

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Severe emaciation in a young and otherwise healthy animal occurs through extreme malnourishment and/or starvation, which is accompanied by painful and life-threatening pathological changes that can ultimately lead to permanent organ damage and death. Animals who suffer chronic malnourishment or starvation experience an array of painful and distressing symptoms through the course of their deterioration.

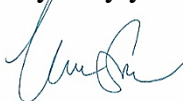
Neglecting an animal to the point of starvation is routinely the basis of animal cruelty charges. *See e.g., State v. Leatherman*, 2019 WL 2950057, at *1 (Wash. Ct. App. July 9, 2019) (“The State filed the animal cruelty charge after a necropsy . . . revealed signs of starvation and neglect.”); *State v. Markley*, 184 Wash. App. 1021 (2014) (animal cruelty charges based on starvation were filed after a horse was found “clearly emaciated”). Indeed, the pain and suffering caused by starvation is considered “unnecessary and unjustifiable because merely providing adequate food would have stopped it.” *State v. Zawistowski*, 119 Wash. App. 730, 737 n.3 (2004).

In addition to severe emaciation, the necropsy report found that Malia sustained “older bruising to the body wall,” which according to Dr. Rally is the result of blood capillary breakage under the skin, usually caused by blunt force trauma. Dr. Rally opined that such trauma could occur from a fall, rough handling, active beating, or other abuse. In addition to being physically painful, such trauma can have profound psychological impact on an animal causing fear, distress, and suffering that persists well beyond the abusive event. Indeed, the necropsy report found other indications of chronic stress in this animal.

The unjustifiable suffering that Malia endured at the hands of an ignorant petting zoo that lacks the expertise to provide basic care warrants cruelty charges. Notably, [three months prior](#) to Malia’s death, the USDA determined that lack of knowledge of a species “was a contributing factor” in the death of a young tamandua. Ex. B. Despite being told that he lacked the expertise to care for these animals, Mr. Miller continues [to acquire](#) them. *See e.g., Ex. C.* (announcing two sloths, Bonnie and Clyde, would be on display soon). Unless Pierce County holds Mr. Miller fully responsible for Malia’s suffering, there is no guarantee that Bonnie and Clyde will be spared from the same fate.²

PETA urges the County to fully evaluate the necropsy report findings for animal cruelty or at very least a Class 3 Civil Infraction for “fail[ing] to provide adequate care” to an animal. PCC § 6.03.010(J).³ PETA stands ready to refer your agency to experienced and credible species experts upon your request. Thank you for your attention to this matter.

Very truly yours,



Michelle Sinnott
Counsel, Captive Animal Law Enforcement

² The USDA enforces only the minimal standards of the Animal Welfare Act, which is not a cruelty law and does not insulate facilities from state-level prosecution. *See* 7 U.S.C. § 2143(a)(8) (finding that states remain free to promulgate additional standards). Pierce County involvement here is critical because it has jurisdiction to prosecute animal cruelty.

³ The Pierce County Code defines “animal” as “any nonhuman mammal, bird, reptile or amphibian including livestock and poultry.” PCC § 6.02.010. Adequate care includes providing “[f]ood or feed appropriate to the species . . . in sufficient quantity, quality, and form appropriate to sustain the animal[.]” PCC § 6.02.010.