



September 19, 2023

Sheriff Tom Lopez  
Yolo County Sheriff's Office  
140 Tony Diaz Drive  
Woodland, CA 95776

Via e-mail: [yolocountysheriffs@yolocounty.org](mailto:yolocountysheriffs@yolocounty.org)

Re: Request to investigate the University of California, Davis, for apparent violation of California's law against leaving an animal unattended in a vehicle

Dear Sheriff Lopez:

I'm writing on behalf of People for the Ethical Treatment of Animals—PETA entities have more than 9 million members and supporters globally, over 666,000 of whom live in California—to request that your office investigate and pursue enforcement action against the University of California, Davis (UC Davis), for its apparent violation of California's law against leaving an animal unattended in a vehicle. An adult female rhesus macaque monkey under the care of UC Davis<sup>1</sup> was left unattended in a cargo van for 50 to 90 minutes under a forced-air heater with a vent temperature of 130 degrees Fahrenheit; she died as a result.

PETA obtained a university report dated August 21, 2023<sup>2</sup> that documents that UC Davis staff members transported via cargo van two adult rhesus macaque monkeys from the California National Primate Research Center (CNPRC) to another nearby facility on May 12, 2023. When they arrived at the other facility, the staff members took one monkey inside for a procedure and left the other monkey alone in the van. The monkey was left unattended in a stainless-steel cage in the van for 50 to 90 minutes. Over the 50 to 90 minutes, the forced-air heater continuously blew hot air directly into the cage. The vent temperature of the heater was measured to be 130 degrees.

According to the report, by the time the staff members returned to the van, the monkey was comatose and lying on the floor of the cage. The stainless-steel surfaces of the cage were hot. Even after 30 to 40 minutes of efforts to cool the monkey, her body temperature was recorded at 104.7 degrees. The monkey was taken back to the CNPRC and intensive care procedures were initiated, but the monkey's pupils were fixed and dilated, she began experiencing seizures, and she remained comatose. She was euthanized, and the necropsy determined that the

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<sup>1</sup> Under California law, "the words 'owner' and 'person' include corporations as well as individuals; and the knowledge and acts of any agent of, or person employed by, a corporation in regard to animals 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." Cal. Penal Code § 599b.

<sup>2</sup>Report available at [https://www.peta.org/wp-content/uploads/2023/09/Adverse-Event-Review-Report-8-25-23\\_Redacted.pdf](https://www.peta.org/wp-content/uploads/2023/09/Adverse-Event-Review-Report-8-25-23_Redacted.pdf).

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cause of her death leading to euthanasia was acute severe hyperthermia (heat stroke), including injury to multiple organ systems.

California law provides:

A person shall not leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

Cal. Penal Code § 597.7(a).

The law also provides for an increased penalty if “the animal suffers great bodily injury.” *Id.* § 597.7(c).

In this incident, the monkey not only suffered great bodily injury, but she died because of it after a period of suffering in the heated air in a hot metal cage. As noted at the end of the report, the monkey’s suffering and death could have been prevented had she not been left unattended in the van or in the blasting heat. The report concluded that the temperature within the cage increased “beyond physiologically tolerable levels.”

Further, UC Davis is not exempt from liability as this incident in no way falls under the category of “properly conducted scientific experiments or investigations.” Cal. Penal Code § 599c. Leaving a monkey unattended in a hot van is not a scientific experiment or investigation, nor could this incident be construed as proper conduct.<sup>3</sup>

Additionally, the federal Animal Welfare Act (AWA) does not insulate UC Davis from liability under state law because it expressly does not preempt the field.<sup>4</sup> Moreover, the enforcement of state law for the protection of animals is crucial given that the AWA provides only minimal protections—and even those have been routinely found by the USDA’s own internal watchdog to be inadequately enforced, and the conduct here appears to fall within the prohibitions of California’s laws.

Thank you for your attention to this important matter regarding UC Davis. Please do not hesitate to contact me with any questions at [AmandaSc@peta.org](mailto:AmandaSc@peta.org). I look forward to hearing from you.

Sincerely,



Amanda Schemkes, J.D., M.S.  
Laboratory Oversight Specialist  
Laboratory Investigations Department

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<sup>3</sup> As just one example, this incident involves serious deviations from the Public Health Service Policy on Humane Care and Use of Laboratory Animals and the *Guide for the Care and Use of Laboratory Animals*, which apply to federally funded experimentation on animals and require compliance with state and local laws.

<sup>4</sup> 7 U.S.C. §§ 2143(a)(8), 2145(b); *see also* USDA OIG, CONTROLS OVER APHIS LICENSING OF ANIMAL EXHIBITORS, AUDIT REP. 33601-10-Ch, at 4 (June 2010), [https://www.rexano.org/RegAgency/OIG\\_Audit\\_USDA\\_Exhibitors2010.pdf](https://www.rexano.org/RegAgency/OIG_Audit_USDA_Exhibitors2010.pdf) (stating that “[t]he AWA does not supersede State and local authorities or restrict them in any way when their laws are more stringent than the AWA”).