

Animals' Angels USA

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ANIMALS' ANGELS

we are there with the animals

**Animals' Angels Investigation of the Nickerson Slaughter
Horse Collecting Facility
External report**

Date:

6/24/08-6/27/08

1. General Information

Location:

105 CR-27

Coventryville (Bainbridge), NY 13733

The lot is located on the intersection of CR-27 and Rt 206.

Owner/Manager:

The Property is owned by Donald Nickerson, a longtime horse trader. He runs the collecting station together with his son and wife.

Humane Society:

Chenango County SPCA

6160 CR-32

Norwich, NY 13815

607-334-9724

Police Department:

Chenango County Sheriff's Office

279 CO Rt 46

Norwich, NY 13815

2. Observations:

6/24/08

We arrived at the location at 10am. On the premises is an old farmhouse, where the Nickerson family appears to live. The other buildings are wooden barns of different size and condition. Large, fenced in pastures are behind the farmhouse, we observe approximately 5 horses grazing on the pastures.

Information obtained from third parties:

We are informed later by a neighbor that these horses are Nickerson's private horses, which he keeps separate from the slaughter horses. In addition, we are informed by the Deputy Sheriff that Nickerson owns a total of 50 acres of land.



In addition to these 5 horses there were another 4 on the pasture which appeared to be slaughter horses because they already had the green USDA tag attached to them.

A brand new truck with custom spray paint and a double deck trailer is parked across the street.



Information on the side of the truck:

Nickerson's Livestock
Bainbridge, NY
DOT 689688

An older pick-up truck with a small trailer is parked next to the farmhouse. A concrete driveway leads to a round pen with a small, wooden barn. Inside this pen were approximately 35 horses. The pen was nothing but deep mud and the horses were standing in the mud to their ankles, in some areas even up to their knees.



In the front area, sharp edged rocks and pieces of concrete had been thrown into the mud. In the middle of the pen was a feed trough with hay, which appeared to be of very poor quality. The horses were locked into the pen and had no access to the pastures or the wooden building in the back. The wooden building is on higher ground than the pen and the horses would have to jump over an approx. 3 feet high, concrete wall to enter it. (Which some of them might be able to do, but not all of them.) In addition, it is completely unacceptable that this is the only way for the horses to enter the shelter.

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NY AGRI & MKTS §§ 353

353. Overdriving, torturing and injuring animals; failure to provide proper sustenance.

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

NYSHA's notes on Section 353: Although this section is not specific about any one type of cruelty, it may be used for a dog being locked in a hot car, beating or unjustifiably killing an animal, or failure to provide proper sustenance, such as food, water, shelter and veterinary care.



Concrete wall

There was one horse inside the barn, it remains unclear how she was able to get in there. The condition of most of the horses inside the pen was very poor. Several were extremely thin.





Other horses were severely limping and/or had open leg injuries. Some appeared sick and were coughing constantly. It was raining hard almost all day and the horses had no place to seek shelter. As the day proceeded, moving around through the mud became more and more difficult for the horses in the pen, as the mud became worse through the rain. We remained and observed the lot until 10pm. There was no more activity.

6/25/08

We arrived at the premises at 8.45am. Someone had added hay into the feed through in the middle. The same amount of horses was in the pen then during the day before. Another brand new looking truck with a single deck trailer was parked beside the blue truck.



The blue truck left empty during the early afternoon. At 6pm, the truck with the single deck trailer backed up to the pen and the loading ramp. The “loading ramp” was nothing but a narrow alley covered with thick mud and it was extremely slippery.



Loading ramp

The horses, which now all had the green USDA slaughter tag attached, were loaded at 6.30pm. The horses had difficulties getting into the trailer and were sliding. After the loading was finished and the doorway was closed, everybody went inside the house. The horses were left on the trailer for 5.5 hours, until the truck finally started to drive towards the Canadian border.



6/26/08

We decided to visit the local SPCA in Norwich to report our findings and make an animal cruelty complaint. We entered the building and introduced ourselves to the receptionist, telling her that we would like to make an animal cruelty complaint. Without even asking what we observed or what kind of animal was involved, we were interrupted and informed to contact the local Sheriffs Department.

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Statement: “We only investigate animal cruelty complaints if the Sheriffs Department tells us it is a valid complaint. We do not initiate an investigation without that.”

Then she gave us the number of the Sheriffs Department (only after we asked her for it) and went back to what she was doing before. Extremely concerned about this policy, we left. Why would an animal protection agency, which employs humane officers trained and experienced in animal cruelty cases leave it up to the local Sheriffs Department to inform them if there is a valid complaint? Shouldn't an animal protection agency, when being informed about a possible animal cruelty case by a concerned private person at least look at the evidence presented to them and then decide if the complaint appears to be valid?

We then contacted the local Sheriffs Department and the dispatcher told us one of their Deputy Sheriffs would contact us. 10 minutes later Deputy Sheriff C. Samsel called. We told him about our observations and gave him the address of the lot. He asked if we wanted to talk to him in person, before he would visit the lot and we responded that would be a good idea because we could show him our pictures and video of the lot. He agreed and told us he would meet us in 20 minutes. One hour later, he arrived. As it turned out, opposite to what he had told us, he went straight to the Nickerson farm. We were then informed that:

- He thinks the horses do have shelter, since there is a barn at the pen.
- He talked to Nickerson and he told him that he would let the horses out onto the pasture every morning so that they could graze and then he would put them back into the pen. (...!)
- The horses would look pretty bad, but that is not Mr. Nickerson's fault. He would get them already in this condition. “They are just passing through”
- He did not think the mud is an issue, especially because the horses get to go out to the pasture every day.
- He thinks Mr. Nickerson takes good care of them, in fact, while he was out there, Mr. Nickerson was just feeding them some grain. (...!)
- He said that the local SPCA is aware of the location and does not see anything wrong there either.
- He then admitted that he was “new to the field” and that they don't get animal cruelty complaints very often. However, he is the officer in charge for such complaints.

He ignored our comments about the horses not being able to enter the barn other than over the concrete wall and the fact that we have observed the lot the last two days and therefore know that he is not letting the horses out onto the pasture. And – how would he get them back in?

It appeared that he had very limited knowledge of existing animal cruelty laws and of what to look for in a case like this. Before he left he told us that “he would keep an eye on him (Mr. Nickerson) and that he had “recommended” doing something about the mud.