



April 5, 2018

Galen L. Carroll, Chief  
John Bear, Animal Control Officer  
Modesto Police Department

Via e-mail: [carrollg@modestopd.com](mailto:carrollg@modestopd.com) and [bearj@modestopd.com](mailto:bearj@modestopd.com)

Dear Chief Carroll and Officer Bear,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against Western Meat Processing, Inc., and the worker responsible for beating a cow in the face with a hard paddle at its slaughterhouse located at 725 Zeff Rd. in Modesto. The employee aggressively and repeatedly swung the paddle like an axe to strike the confined cow in the face, apparently causing the animal to cry out, as documented by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) in the attached report. The report states the following:

"[T]he FSIS Supervisory Public Health Veterinarian (SPHV) ... heard a cow vocalize outside the knock box. The SPHV immediately proceeded to the knock box area and observed your employees standing on a platform directly above the knock box .... One of the employees ... was standing directly above the second cow and hitting it in the face repeatedly with a hard plastic rattle paddle mounted on the end of a plastic pole. The SPHV instructed the employee to stop hitting the animal, but due to the force and increasing intensity of the strikes, the employee did not initially hear the SPHV's instructions. The SPHV observed the employee holding the paddle like an axe to strike the animal on the face and nose, and he observed the animal lifting and moving its head away after the impact of the strikes. The SPHV again immediately instructed the employee to stop hitting the animal and he finally stopped. ... This is an egregious act of inhumane handling of animals in connection with slaughter, as your employee was striking the cow in an aggressive manner."<sup>1</sup>

This conduct appears to violate Cal. Penal Code § 597, which states that "every person who ... tortures, torments ... or ... cruelly beats ... any animal ... is ... guilty of a crime."<sup>2</sup> "Torment" and "torture" are defined as "every act ... whereby unnecessary or unjustifiable physical pain or suffering is caused."<sup>3</sup> Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.<sup>4</sup>

<sup>1</sup>FSIS District 05 Manager Yudhbir Sharma, DVM, *Notice of Suspension, Western Meat Processing, Inc., Est. M44824* (March 15, 2018)

<https://www.fsis.usda.gov/wps/wcm/connect/be1fdc51-cf25-4866-9523-156c201620e0/M44824-Suspension-031518.pdf?MOD=AJPERES>.

<sup>2</sup>Cal. Penal Code § 597(b).

<sup>3</sup>Cal. Penal Code § 599b.

<sup>4</sup>See *Nat'l. Meat Assoc. v. Harris*, 132 S. Ct. 965, 974 n.10 (2012) ("... States may exact civil or criminal penalties for animal cruelty or other conduct that also violates the FMIA. See [21 U.S.C.] §678; cf. *Bates v. Dow Agrosciences, LLC*, 544 U. S. 431, 447 (2005) (holding that a

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Please let us know what we might do to assist you. I can be reached at [ColinH@peta.org](mailto:ColinH@peta.org) or 757-962-8326. Thank you for your consideration and for the difficult work that you do.

Sincerely,

A handwritten signature in cursive script that reads "Colin Henstock".

Colin Henstock  
Investigations Specialist

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preemption clause barring state laws 'in addition to or different' from a federal Act does not interfere with an 'equivalent' state provision). Although the FMIA [Federal Meat Inspection Act] preempts much state law involving slaughterhouses, it thus leaves some room for the States to regulate.").