

March 27, 2019

Mr. Larry Palmer  
 Chief of Police  
 Pelham, Alabama

Re: Request for Cruelty to Animals Investigation

Dear Chief Palmer,

On behalf of People for the Ethical Treatment of Animals (PETA) and its more than 6.5 million members and supporters worldwide, I am writing to request that the Pelham Police Department investigate an apparent violation of the state cruelty to animals statute, Ala. Code § 13A-11-14, in connection with an alleged decapitation of a snake on Friday March 22, 2019 in Oak Mountain State Park by one or more members of the film crew for the Netflix Production *The Devil All the Time*.

On March 22, PETA received a report<sup>1</sup> that a member of the crew accidentally encountered a snake with red markings—possibly a species of the nonvenomous king snake—while moving rocks in order to prepare a path for foot traffic. After reporting the presence of the snake to assistant director Brian Bettwy, the snake was decapitated.

According to the report, the snake was not posing a threat to, or otherwise manifesting signs of preparing to strike, any member of the film crew during and after the snake's discovery.

According to the report, no snake handler was present on the set, which is common practice in the industry when filming in areas where snakes might be encountered, nor was any attempt made by anyone with the production company to contact a park ranger, state wildlife officer, or any other person with authority to handle wildlife before the snake was decapitated.

The American Veterinary Medical Association does not consider decapitation without the use of an anesthetic prior to decapitation, and without the immediate destruction of the brain after decapitation, an approved method of killing snakes, as these animals have a slow metabolism and high tolerance to hypoxia.<sup>2</sup> As a result, the brain and other parts of the nervous system can continue to

<sup>1</sup> The whistleblower is available to speak with your office on request.

<sup>2</sup> American Veterinary Medical Association, *AVMA Guidelines for the Euthanasia of Animals: 2013 Edition*, <https://www.avma.org/KB/Policies/Documents/euthanasia.pdf>, pp. 76-8 (accessed March 27, 2019).

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function—and thus the animal remains sensible to pain—for up to one hour after decapitation unless the brain is immediately destroyed.<sup>3</sup> Such a procedure requires expertise and dexterity which cannot be acquired or adequately carried out by laypersons.<sup>4</sup>

Based on the facts reported to PETA, the decapitation of the snake constitutes cruelty to animals under Alabama law, which, in pertinent part, protects “any animal” from reckless or criminally negligent cruel mistreatment. Ala. Code § 13A-11-14(a)(1). Given the intentionality and severity of the actions at issue, the snake’s decapitation likely constitutes aggravated cruelty to animals. *See* Ala. Code § 13A-11-14.1(a).

In light of the extreme animal suffering at issue, it is of the utmost urgency that this conduct is investigated. PETA urges a prompt and thorough investigation and, if appropriate, referral to the Shelby County District Attorney’s Office for prosecution. Thank you very much for your time and attention to this important matter.

Very truly yours,



David Schwartz, Esq.  
Legal Fellow  
PETA Foundation



Lori Kettler, Esq.  
Vice President and Deputy General Counsel  
PETA Foundation

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<sup>3</sup> *See, e.g.*, Melissa Kaplan, *Decapitation of Reptiles*, <http://www.anapsid.org/decap.html> (accessed March 27, 2019).

<sup>4</sup> E-mail from Dr. Clifford Warwick, PGDipMedSci, CBiol, CSci, EurProBiol, FOCAE, FRSB, to Kristen Summers, Section Leader, Exotic Species Coordination, Division of Habitat and Species Conservation, Florida Fish & Wildlife Conservation Commission (Dec. 28, 2012), on file with PETA.