



March 8, 2018

The Honorable Sheriff Tim Svenson
Yamhill County Sheriff's Office

Via e-mail: Svensont@co.yamhill.or.us

Dear Sheriff Svenson,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against Dayton Natural Meats, LLC, and its worker responsible for repeatedly shooting a goat with a captive-bolt gun—with up to 55 seconds passing between the first and final shots—at its slaughterhouse located at 13245 S.E. Fletcher Rd. in Dayton. These actions caused the goat to cry out and apparently injured both of the animal's eyes, rupturing one of them, as documented in the attached report by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). According to the report, on February 7, 2018, the Supervisory Public Health Veterinarian (SPHV) observed the following:

"[There was] a failed stunning attempt on a market goat [T]he SPHV heard the captive bolt gun fire followed by an immediate vocalization from the goat. The SPHV observed the goat rise from a recumbent position in the knock-box, stand on all four feet, and vocalize again. The knocking employee attempted a second stun with a captive bolt gun within ten seconds of the initial stun attempt. ... [T]he employee reloaded the same captive bolt gun instead of using the backup captive bolt gun in the knock-box area. The SPHV heard the captive bolt gun click but it did not fire. The employee adjusted the captive bolt gun and administered an effective stun after approximately 45 seconds from the second failed attempt. ... Upon examination of the goat head the SPHV observed the following: One knock hole in the back of the head on midline and slightly below the base of the horns from the successful third stun attempt, an abrasion over the lateral canthus of the right eye, and the left eye of the goat was ruptured."¹

This conduct appears to violate Or. Rev. Stat. § 167.320(1)(b), which states, "A person commits the crime of animal abuse in the first degree if ... the person ... recklessly ... [c]ruelly causes the death of an animal." At the very least, this conduct apparently violates Or. Rev. Stat. § 167.315(1), which states, "A person commits the crime of animal abuse in the second degree if ... the person ... recklessly causes physical injury to an animal." "Animal" is defined as "any nonhuman mammal, bird, reptile, amphibian or fish."² This conduct is not exempt from the animal abuse statutes, which exempt "the killing of livestock according to the provisions" of Or. Rev. Stat. § 603.065, which—while not explicitly

¹FSIS District 15 Manager Anna Gallegos, *Notice of Suspension, Dayton Natural Meats, LLC, Est. M9230* (Feb. 7, 2018) <https://www.fsis.usda.gov/wps/wcm/connect/b223c18a-670d-4622-9195-c194e64b0bba/M9230-Suspension-020718.pdf?MOD=AJPERES>.

²Or. Rev. Stat. § 167.310(3).

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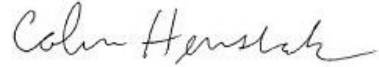
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protecting goats—requires that animals be stunned by a single shot.³ Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.⁴

We respectfully request that your office investigate Dayton Natural Meats, LLC, and the worker responsible for this conduct and file suitable criminal charges against all appropriate parties. Please let us know what we might do to assist you. I can be reached at ColinH@peta.org or at 757-962-8326. Thank you for your time and consideration.

Sincerely,



Colin Henstock
Investigations Specialist

³Or. Rev. Stat. § 167.335(5).

⁴*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 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.").