



September 5, 2017

Jack Zitterkopf  
Hall County Attorney

Via e-mail: [jackz@hallcountyne.gov](mailto:jackz@hallcountyne.gov)

Dear Mr. Zitterkopf,

I hope this letter finds you well. I would like to request that your office (and the proper local law enforcement agency, as you deem appropriate) investigate and file suitable criminal charges against JBS Grand Island and its workers responsible for ineffectively and repeatedly shooting cattle in the head on at least four dates since April 2016 and, most recently, for mis-shooting a fully conscious cow staff had shackled and hoisted at its slaughterhouse located at 555 S. Stuhr Rd. in Grand Island. These incidents caused cattle to bleed from the nose, struggle, and cry out, as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS). According to the reports, federal officials documented the following:

- **8.16.17:** "[A]n animal came out of the knock box and landed on its feet with a normal head carriage and was looking around in a bright, alert and responsive manner. . . . [T]his animal . . . fell on its side . . . it was shackled. The animal was conveyed up in the air with its head approximately 3 feet off the ground. The animal was vocalizing and attempting to right itself. I immediately yelled to the knock box employees to stop the chain. . . . [O]ne [employee] attempted to stun the animal with a hand-held captive bolt gun. This first . . . attempt was unsuccessful . . . . The employee made another . . . attempt and this second stun rendered the animal unconscious."<sup>1</sup>
- **1.21.17:** "[S]ix . . . cattle . . . were in a penned area . . . . Two animals were still standing and there were 3 or 4 employees with hand knockers . . . trying to knock the 2 animals. One . . . attempted to knock one of the animals but did not render it unconscious. The animal shook its head a few times and . . . [had] blood coming . . . from the nose. Approximately 3 minutes later, a 2nd knock was attempted. The animal moved away . . . and remained standing. Approximately 2 minutes after that, a third attempt . . . rendered [the animal] unconscious. Approximately 5 minutes elapsed between the first . . . and . . . third attempt . . . . All the heads were skinned . . . one head had a knock hole in the maxillary/nasal bone region . . . . [and] 2 additional knock holes in the normal target area. Another head had a knock hole on the lateral extent of the brain case in addition to 2 knock holes in the normal target area."<sup>2</sup>
- **10.14.16:** "[A] steer [was] stunned with the pneumatic captive bolt gun, shackled . . . and hoisted onto the bleed rail. When the steer reached the rail approaching the wash cabinet . . . [he] blink[ed] three times . . . [the PHV]

<sup>1</sup>FSIS District 15 Manager Anna Gallegos, *Notice of Suspension, Est. M 969G – Swift Beef Company* (Aug. 16, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/ef181f4b-fbc2-4e4a-a4e1-efa6235c27bc/M969G-Suspension-081617.pdf?MOD=AJPERES>.

<sup>2</sup>FSIS District 15 Manager Anna Gallegos, *Notice of Reinstatement of Suspension, Est. M 969G – Swift Beef Company* (Jan. 21, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/f3ca5387-6bba-4916-80b9-476a7c0e8691/M969G-NOROS-012117.pdf?MOD=AJPERES>.

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instructed a plant employee to stop the line . . . . The stunner operator stunned the steer with a hand-held captive bolt. The PHV touched the eye and the steer blinked in response . . . . [T]he stunner operator . . . administered an additional blow. At this point, the animal . . . was out of reach. The line was restarted to move the steer . . . . As the steer came out of the wash cabinet . . . the animal blink[ed] again . . . [the PHV] requested . . . an additional stun . . . ."3

- **4.1.16:** "[P]lant employees . . . wanted to knock [a] non-ambulatory disabled steer in pen 43 with his head underneath the fence. . . . The pen employee . . . appl[ied] the knock, and the animal was not rendered unconscious; its eyes were tracking and it was lifting its head up. After the second . . . attempt, the animal was still not . . . unconscious, as its eyes were still tracking. After the third knock . . . the animal was . . . unconscious . . . ."4

This conduct appears to violate Nebraska's Livestock Animal Welfare Act, which prohibits a person from "intentionally, knowingly, or recklessly abandon[ing] or cruelly neglect[ing] a livestock animal."<sup>5</sup> "Cruelly neglect means to fail to provide a livestock animal in one's care, whether as owner or custodian, with . . . care as is reasonably necessary for the livestock animal's health."<sup>6</sup> Specifically, the workers' apparently reckless ineffective shots to the animals' skulls likely caused cattle additional pain and suffering. Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.<sup>7</sup>

We respectfully request that your office investigate JBS Grand Island and the workers responsible for these incidents and file suitable charges against all appropriate parties. Please let us know what we might do to assist. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson  
Attorney, Cruelty Investigations Department

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<sup>3</sup>FSIS District 15 Manager Anna Gallegos, *Notice of Suspension, Est. M 969G – JBS Grand Island, Inc.* (Oct. 14, 2016), <https://www.fsis.usda.gov/wps/wcm/connect/bab0d01f-154b-4902-9774-c77cc7d441f4/M969G-Suspension-101416.pdf?MOD=AJPERES>.

<sup>4</sup>FSIS Deputy District 15 Manager Richard T. Atkinson, *Notice of Suspension, Est. M 969G – JBS Grand Island, Inc.* (Apr. 1, 2016), <https://www.fsis.usda.gov/wps/wcm/connect/04742107-b32f-465f-a945-f96b007fee1d/M969G-Suspension-040116.pdf?MOD=AJPERES>.

<sup>5</sup>NEB. REV. STAT. § 54-903(1). The words "intentionally, knowingly, and recklessly" modify both "abandons" and "cruelly neglects." *See State v. Jensen*, No. A-15-089, 7261420 at \*11 (Neb. Ct. App. Nov. 17, 2015).

<sup>6</sup>NEB. REV. STAT. § 54-902(5).

<sup>7</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 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.").