



August 10, 2017

The Honorable David L. Lasee
Brown County District Attorney

Via e-mail: david.lasee@da.wi.gov

Dear Mr. Lasee,

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 the JBS Green Bay workers responsible for repeatedly shooting cattle in the head—leaving one bleeding and staggering, with a bolt lodged in her skull—at its slaughterhouse located at 1330 Lime Kiln Rd. in Green Bay, as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS).

On the days in question, federal officials documented the following:

- July 20, 2017:** "A non-ambulatory beef cow was identified The establishment employee attempted to knock the cow but failed to render the animal unconscious. The hand-knocker bolt remained in the animal's skull as she moved her head from side to side in agitation. The cow was bleeding from the nose. The employee removed the knocker from the animal's head and reloaded. A second attempt was unsuccessful in rendering the animal unconscious as evidence[d] by the cow's attempt to crawl out of the pen and away from the employee. The employee again reloaded the knocker and attempted a third time which was unsuccessful The cow stood up and staggered 15–20 feet away from the employee inside the pen. . . . The establishment employees. . . place[d] the animal between a wall and gate in the pen [and] successfully knocked the animal."¹
- January 26, 2017:** "[A worker] attempt[ed] to stun a steer in the restrainer and [the worker] attempted several times to position the hand knocker He . . . began to send the steer off the end of the restrainer and at that time, the steer was blinking, looking around, raising his head and attempting to pull himself forward with his front legs on the discharge belt. The [Consumer Safety Inspector] alerted [the worker] that the steer was sensible and [the worker] attempted to reverse the . . . conveyor but was unable to keep the steer in the restrainer. [The worker] . . . climbed onto the discharge belt guard and again used the hand knocker to render the steer insensible.

. . . .

At the time of the above incident [JBS Green Bay] was in a Notice of Deferral . . . for a similar . . . incident where the . . . stunner attempted [to] stun[] a beef cow with the pneumatic captive bolt device and did not achieve

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Washington, D.C.

1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

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Los Angeles, CA 90026
323-644-PETA

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501 Front St.
Norfolk, VA 23510
757-622-PETA

Oakland

554 Grand Ave.
Oakland, CA 94610
510-763-PETA

Info@peta.org
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¹FSIS District 25 Manager Dawn Sprouls, *Notice of Suspension, Est. M562 – JBS Green Bay, Inc.* (July 20, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/281dac22-0990-4b8f-952a-50ffd58f3155/M562-Suspension-07202017.pdf?MOD=AJPERES>.

unconsciousness. . . . The animal was released to the discharge belt and then to the floor where the animal regained consciousness and moved about 20 feet into the restrainer area where the animal was hand knocked again"2

This conduct appears to violate Wis. Stat. § 951.02, which states, "No person may treat any animal . . . in a cruel manner." The definition of "[a]nimal" includes "every living . . . [w]arm-blooded creature, except a human being"3 "Cruel" is defined as "causing unnecessary and excessive pain or suffering or unjustifiable injury or death."4 Specifically, the workers engaged in taking the failed shots to the cattle's heads, thereby causing injury and likely suffering. Conviction under this section does not require proof of intent or negligence.5 This conduct is not exempt from the animal-mistreatment statute, which, with respect to slaughter, exempts only "the slaughter of animals by persons acting under state or federal law."6 Repeatedly shooting one animal with a captive-bolt gun is not within the bounds of federal law, as FSIS' action demonstrates. It is also not within the bounds of Wisconsin state law: "No slaughterer may slaughter livestock except by a humane method,"7 which, in this case, would have been a "rapid and effective" "single blow or shot."8 Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.9

We respectfully request that your office investigate JBS Green Bay and the workers responsible for this conduct and file charges against all appropriate parties. Please let us know what we might do to assist you. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson
Attorney, Cruelty Investigations Department

²FSIS District 25 Manager Dawn Sprouls, *Notice of Suspension, Est. M562 – JBS Green Bay, Inc.* (Jan. 26, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/824ecaf6-f299-477d-acdb-4dcd66978bee/M562-Suspension-012617.pdf?MOD=AJPERES>.

³Wis. STAT. § 951.01(1)(a).

⁴Wis. STAT. § 951.01(2).

⁵State v. Stanfield, 105 Wis. 2d 553, 314 N.W.2d 339 (1982).

⁶Wis. STAT. § 951.015(1).

⁷Wis. STAT. § 95.80(2).

⁸Wis. STAT. § 95.80(1)(a).

⁹See *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.").