



June 8, 2017

Bruce Brooks  
Police Chief  
City of Pataskala Division of Police

Via e-mail: [bbrooks@pataskalapolice.net](mailto:bbrooks@pataskalapolice.net)

Dear Chief Brooks,

I hope this letter finds you well. I would like to request that your office investigate and file suitable criminal charges against Pataskala Meats and its workers responsible for failing to stun a cow and a pig on the first attempt on two recent dates at its slaughterhouse located at 12397 Broad St. S.W. in Pataskala. This caused the cow to collapse and attempt to right himself between repeated rifle blasts to his head and the pig to cry out and attempt to climb from the knock box after a firearm blast above the eye, as documented in the attached reports by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS).

According to the reports, on the days in question, federal officials documented the following:

- **March 16, 2017:** "[T]he FSIS Consumer Safety Inspector (CSI) was performing observations . . . . A large . . . steer was driven into the knock box. [The worker] attempted to stun the steer using a .22 caliber rifle. The initial shot was fired, and the steer was observed to drop down with the head remaining in an elevated position and eye movement noted. A second shot was fired into the forehead . . . and the animal was observed to rise into a standing position in response, with both head and eye movement still present. A third shot was fired into the forehead . . . and it again dropped, with the head remaining elevated and both head and eye movement still present. A fourth shot was fired into the forehead . . . and again the animal rose to a standing position in response, with both head and eye movement observed. A fifth shot was fired into the forehead . . . [T]his . . . constitutes an egregious violation . . . ." <sup>1</sup>
- **May 25, 2017:** "[T]he District Veterinary Medical Specialist . . . was performing observations . . . . A hog was driven into the knock box . . . . As the hog maneuvered within the area, the gate became detached . . . and the hog began climbing over and through the gate. The firearm operator . . . [took] position above the hog, aim[ed] the laser site onto the head, and discharge[d] the firearm. The hog . . . immediately vocalize[d], turn[ed] completely around and [ran] to the opposite end of the knock box with blood . . . coming from a hole above the left eye . . . running into the eye. The hog attempted to climb the rear concrete barrier wall as the firearm operator . . . discharged the firearm a second time. . . . The ineffective initial shot was placed approximately one inch above the left eye . . . . [T]his . . . constitutes an egregious violation . . . ." <sup>2</sup>

<sup>1</sup>FSIS Chicago District Manager Paul V. Wolseley, *Notice of Suspension, Est.M51187 – Pataskala Meats*, (Mar. 16, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/2cb57211-d209-4aa7-8c3c-d527e98113e9/M51187-Suspension-031617.pdf?MOD=AJPERES>.

<sup>2</sup>FSIS Chicago District Manager Paul V. Wolseley, *Notice of Reinstatement of Suspension, Est.M51187 – Pataskala Meats*, (May 25, 2017),

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

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554 Grand Ave.  
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- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

This conduct appears to violate the Ohio cruelty-to-animals statute,<sup>3</sup> as well as the Pataskala anti-cruelty ordinance,<sup>4</sup> which both state that a person shall not "[t]orture [or] . . . needlessly mutilate . . ." an animal. "Torture" is defined as "every act, omission, or neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief."<sup>5</sup> Recklessness is the culpable mental state required to sustain a conviction for cruelty to animals.<sup>6</sup> The conduct in both incidents appears to have been reckless, since the workers failed to stun the animals on the first attempts, causing the cow and pig to be mutilated between the first and final shots. Firing multiple gunshots at a single animal is not an accepted industry practice, as the FSIS' action demonstrates. Furthermore, this conduct is not exempt from the cruelty statute, which, with respect to "livestock," exempts only slaughter in accordance with R.C. 945.<sup>7</sup> You may also consider working with the Ohio Department of Agriculture to investigate violations of the Humane Slaughter of Livestock Statute, which states that "all animals are [to be] rendered insensible to pain by a single blow or gunshot . . . or other means that is rapid and effective."<sup>8</sup> Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.<sup>9</sup>

We respectfully request that your office investigate Pataskala Meats and the workers responsible for this conduct and file cruelty 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, Esq.  
Policy Associate

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<https://www.fsis.usda.gov/wps/wcm/connect/15e972d8-a2dc-4648-b059-c9d291ff62ea/M51187-NOROS-052517.pdf?MOD=AJPERES>.

<sup>3</sup>OHIO REV. CODE ANN. § 959.13(A)(1).

<sup>4</sup>CODIFIED ORDINANCES OF PATASKALA § 505.07(a)(1).

<sup>5</sup>OHIO REV. CODE ANN. § 1717.01(B). *See State v. Howell*, 137 Ohio App.3d 817, 804 (Ohio App. 11 Dist. 2000) (holding that the definition of "torture" in the humane society statute applies to prosecutions for cruelty to animals).

<sup>6</sup>*See State v. Howell* 137 Ohio App.3d 819, 804 (Ohio App. 11 Dist. 2000).

<sup>7</sup>OHIO REV. CODE ANN. § 959.06(B).

<sup>8</sup>OHIO REV. CODE ANN. § 945.01(A).

<sup>9</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.").