



February 25, 2015

Sheriff Brian Hawthorne
Chambers County Sheriff's Office
P.O. Box 998
Anahuac, TX 77514

Re: Cruelty to alligators at Lone Star Alligator Farms, LLC; Request for investigation

Dear Sheriff Hawthorne:

This is to request that your office investigate and, as appropriate, bring criminal charges against [redacted], a manager at Lone Star Alligator Farms, LLC (hereinafter, "LSAF"), located at 7651 Hwy. 124, Winnie, TX 77665 and the corporation LSAF itself. A witness observed and documented, including on video, that:

- an LSAF manager and some LSAF employees, at that manager's command, tortured and cruelly killed alligators by stabbing and cutting into conscious animals and leaving severely-injured, but still-conscious, animals to suffer in ice water bins and die;
- LSAF failed unreasonably to provide the care required to maintain some alligators in its custody—whose skin an LSAF manager admitted was "hurt[]" and "raw"—in a state of good health; and that
- LSAF confined alligators in a cruel manner by denying the animals adequate space and access to dry surfaces.

All this appears to violate Texas's prohibition against cruelty to non-livestock animals, Texas Penal Code § 42.092. Experts in reptile veterinary medicine and care have commented on PETA's findings—which are detailed below—and confirm that the animals suffered pain. The witness is available at your request and will attest to the accuracy of the facts set out below.

I. An LSAF Manager and Some LSAF Employees, at that Manager's Command, Tortured and Cruelly Killed Alligators, and LSAF Failed Unreasonably to Provide Care Required to Maintain the Alligators in Their Custody in a State of Good Health and Confined Alligators in a Cruel Manner, all in Apparent Violation of Texas Law.

A. Texas Penal Code § 42.092: Cruelty to Non-Livestock Animals

Texas Penal Code § 42.092 provides that "(b) A person commits an offense if the person intentionally, knowingly, or recklessly: (1) tortures an animal or in a cruel manner kills or causes serious bodily injury to an animal; ... (3) fails unreasonably to provide necessary ... care ... for an animal in the person's custody; ... [or] (5) ... confines an animal in a cruel manner"¹

Texas Penal Code § 42.092 (a) provides that "(2) 'Animal' means a domesticated living creature ... and a wild living creature previously captured." Texas Penal Code § 42.092 (a) adds that, "(3) 'Cruel manner' includes a manner that causes or permits unjustified or

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¹Texas Penal Code § 42.092 provides that an offense under subsection (b)(1) is a state jail felony.

unwarranted pain or suffering. (4) ‘Custody’ includes responsibility for the health, safety, and welfare of an animal subject to the person’s care and control, regardless of ownership of the animal. ... (7) ‘Necessary ... care ...’ includes ... care ... provided to the extent required to maintain the animal in a state of good health. (8) ‘Torture’ includes any act that causes unjustifiable pain or suffering.”

Texas Penal Code § 1.07 (a) (38) defines “person” as “an individual, corporation, or association.” Texas Penal Code § 7.22 adds, “(a) If conduct constituting an offense is performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment, the corporation or association is criminally responsible for an offense defined: (1) in this code where corporations and associations are made subject thereto ... (b) A corporation or association is criminally responsible for a felony offense only if its commission was authorized, requested, commanded, performed, or recklessly tolerated by ... (2) a high managerial agent acting in behalf of the corporation or association and within the scope of his office or employment.” As is detailed below, [redacted], believed to be a brother of LSAF officer [redacted] and an LSAF manager—apparently acting in LSAF’s behalf and within the scope of his employment—appears to have committed felony offenses and commanded the commission of others. Accordingly, PETA asks that your investigation include a determination of LSAF’s culpability for the acts and omissions described below.

B. An LSAF Manager, and Some LSAF Employees Commanded by that Manager, Tortured and Cruelly Killed Alligators.

Background: LSAF houses and raises alligators at the above address. When the animals are approximately 1 year old—and provided that the width of their torso and condition of their skin meets LSAF criteria—they are slaughtered at the above address. Based on the witness’s observations, the standard means of slaughtering alligators at LSAF is to shoot the animals between and just behind the eyes, with a stunning instrument referred to as a non-penetrating captive bolt gun, and then cut into the back of the animals’ necks with a box cutter in an attempt to sever one or more blood vessels. LSAF workers then hang the alligators upside down for several minutes on a rack, to facilitate the animals’ bleeding, before putting the alligators into bins of ice and water. The alligators typically remain in these bins for approximately a day² before they are skinned at Lone Star Alligator Products, LLC (hereinafter, “LSAP”).³ The skins are returned to LSAF for further processing and storage.

Rather than immediately retrieve a misplaced captive bolt gun on one day, or repair or replace it when it was believed to be malfunctioning on five other days, [redacted] cut into conscious alligators with a knife—and commanded an LSAF worker to do the same—in attempts to dislocate the animals’ cervical vertebrae, as follows.

[redacted] tortured and cruelly killed approximately four alligators. On October 14, 2014, the witness observed that the captive bolt gun was not near the other slaughter equipment as [redacted] and LSAF workers commenced slaughtering alligators. Rather than wait approximately 2 minutes for a worker to retrieve the gun before beginning the slaughter work, [redacted] stabbed approximately four fully-conscious alligators behind the base of their skulls, causing these alligators “unjustifiable pain and suffering” and to be killed in a cruel manner, in apparent violation of Texas law.

That day, the witness recorded [redacted] driving a knife approximately 1 to 2 inches into two of these animals and moving the blade around inside the animals’ bodies. (See Inc. 1—2, at “Lone Star Alligator Farms, LLC: Investigative Footage for Law Enforcement Officials” DVD, Ex. 1.) The witness saw that

²On October 2, 2014, [redacted] told the witness that LSAF personnel “work Sunday through Thursday because we kill a day ahead of time, and the plant skins and works Monday through Friday.”

³This facility’s published address is 44336 Interstate 10, Winnie.

despite being manually restrained by LSAF worker [redacted], these alligators moved and attempted to stand up as [redacted] cut into and mutilated them. The witness did not see [redacted] or any other LSAF worker use a pithing rod—a thin metal device used in attempts to destroy an animal’s brain—or any other means to ensure these animals’ deaths before they were hung to bleed and put in an ice water bin.

[redacted]’s acts on October 14, 2014 mirrored his later description of how he attempts to dislocate alligators’ cervical vertebrae. On October 26, 2014, [redacted] stated, “When you plunge the knife and ... you can feel that disc, and you ... go into it, you twist it like a keyhole and you come across ... There’s the spine ... You cut it. ... You open up the vertebrae. You get inside the disc. You turn your knife and that opens it.” (See Inc. 3, at Ex. 1.) [redacted] admitted that even the successful dislocation of an alligator’s cervical vertebrae *will not kill* the animal; on October 26, 2014, he stated that “reptiles will continue to live” following cervical dislocation and affirmed that alligators must then be pithed. (See Inc. 4, at Ex. 1.) That day, [redacted] added that following the use of a knife to dislocate an alligator’s cervical vertebrae, one “put[s] the pith rod up the vertebrae ... and that kills the animal instantly.”

However, [redacted] did *not* use a pithing rod on any of the alligators he cut into on October 14, 2014. Further, on October 29, 2014, the witness asked [redacted] why one could not pith alligators with a knife—which is all that [redacted] had used in attempting to kill the four alligators on October 14, 2014—and instead had to use a pithing rod. [redacted] replied, “It’s gotta go up the vertebrae canal ... inside their backbone, the vertebrae.” (See Inc. 5, at Ex. 1.)

At [redacted]’s command, an LSAF worker tortured approximately 580 alligators. On October 21, 2014, [redacted] told the witness that the captive bolt gun’s bolt did not retract as quickly as [redacted] expected it to after it struck alligators’ heads. [redacted] told the witness that he believed that an LSAF worker had fired the gun at a wall or other immovable object and bent the bolt. Accordingly, [redacted] and other LSAF workers ceased using the gun.

That day, despite the absence of a properly-working captive bolt gun with which to stun the alligators and instead of LSAF having the gun repaired, the witness heard and recorded [redacted] instructing LSAF worker “[redacted]”⁴ to attempt to slaughter alligators—in a manner that caused them pain and suffering—by cutting into the animals, just behind the skull, and between adjacent vertebrae, and then turning the knife blade 90 degrees before driving a pithing rod towards the animals’ brains. (See Inc. 6, at Ex. 1.) On October 26, 2014, [redacted] confirmed the witness’s suspicion that on October 21, 2014, [redacted] was “telling” [redacted] to perform “cervical ... dislocation” on alligators by cutting into the animals with a knife. (See Inc. 7, at Ex. 1.)

On October 21, 2014—and subsequent to [redacted]’s above-described instruction and direction to [redacted] to “practice” this slaughter means—the witness saw [redacted] stab and cut into approximately 60 fully-conscious alligators behind the base of their skulls. The witness saw that despite being manually restrained by [redacted], these alligators moved their limbs and tails as [redacted] cut into them. On October 22, 23, 24 and 26, 2014, the witness saw [redacted] similarly cut into and attempt to perform cervical dislocation on a total of approximately 520 more fully-conscious alligators in this same fashion, before attempting to pith their brains. None of these animals were stunned or anesthetized before [redacted] stabbed them and attempted to drive the knife between their vertebrae. The witness saw that some of these alligators’ tails moved and that their legs flailed while [redacted] cut into them.

[redacted]’s actions—and those he commanded [redacted] to undertake—caused alligators pain and to suffer. Dr. [redacted], a professor at the [redacted], a past president of the Association of Reptilian and Amphibian Veterinarians, and who has appeared as an expert witness in court proceedings, reviewed the

⁴This man’s surname could not be determined.

footage identified on Exhibit 1 as incidents 1 and 2 and wrote, “an individual appears to be severing the spinal cord and major arteries just behind the head. I saw no evidence of prior stunning. ... If stunning/pithing did not occur, then pain, suffering and a protracted death would be likely. ... incising through the skin, cervical muscles, major arteries and spine without prior stunning (i.e. in the fully conscious animal) would be expected to cause significant pain.”⁵

According to veterinarian [redacted], who earned his degrees from Texas A&M University, has practiced veterinary medicine in Texas for 15 years, and testified in court as an expert witness on reptile care and handling for [redacted], “Cutting into alligators who were not anesthetized or stunned, as depicted in incidents [1—2] and described in incident [3], and attempting to dislocate their cervical vertebrae, caused these animals pain and suffering, as evidenced by the animals’ movements as the worker cut into them. This use of the knife did not cause these animals’ immediate death ... putting these minimally-bled animals into cold water would prolong the pain and suffering associated with these cuts, and these animals could survive in such a state for hours or even several days.” (See Dr. [redacted]’s Statement, at Ex. 2.)

Dr. [redacted], who studied neuroscience, earned his doctorate in veterinary medicine from the Western University of Health Sciences, and who practices reptile medicine, opined, “Cutting these animals without any form of anesthetic, only under manual restraint, would induce pain. ... The use of this knife to dislocate the cervical vertebrae would not immediately kill the animal. ... These animals would need to be anesthetized prior to this procedure or have an alternative procedure (i[.].e. Captive bolt) performed prior to cervical dislocation and pithing. The initial cut into the cervical space would be considered painful [as would] the subsequent dislocation (without any anesthesia or analgesia).”⁶

Dr. [redacted], a renowned herpetologist at [redacted], wrote, “Severance of the spinal cord alone ... or as an adjunct to ex[s]anguination, is NOT humane. ... Dislocating or attempting to dislocate the spinal column in any way, without any form of stunning/analgesia would not cause immediate death and result in intense pain. ... If pithing is *not used* then submerging/placing the animals in ice would prolong any suffering (due to tolerance to hypoxia/anoxia and the resilience of the reptilian nervous system to these conditions).”⁷

The use of a knife to sever the spinal cord—as [redacted] and, at [redacted]’s command, [redacted] attempted to do to the above, fully-conscious alligators—“inflicts pain” on the animals, causing the animals to be tortured and cruelly killed within the meaning of Texas law.⁸ A study of the slaughter of American alligators, published in *The Texas Journal of Science*, found that alligators remained conscious—and thus susceptible to the pain associated both with their wounds and being moved about thereafter—for up to 1 hour and 53 minutes following the “insertion of [a] blade to sever the spinal cord and blood vessels,” as [redacted] described and attempted above.⁹ The study concluded that “attempts at moving alligators following spinal cord severance before the end of this period”—as occurred at LSAF when workers moved the above alligators into a rack to bleed and put them into an ice water bin—“may

⁵[redacted]. Confidential Expert Review. Available on request from PETA.

⁶[redacted], DVM. Evaluation of Alligator Skin Trade Footage for PETA. Available on request from PETA.

⁷Dr. [redacted]. Request for expert opinion: PETA. Available on request from PETA.

⁸Jerry Karczewski. "Stunning non-traditional species is not a one-size-fits-all proposition." MeatPoultry.com. 30 November 2011.

<<http://www.meatpoultry.com/Writers/Other%20Contributors/Outside%20the%20norm.aspx?p=1&cck=1.&cck=1>>

⁹Warwick C. Crocodilian slaughter methods with special reference to spinal cord severance. *Tex J Sci* 1990; 42: 196, 195.

cause additional trauma. ... Spinal cord severance methods ... do not constitute a humane system of slaughter or euthanasia.”¹⁰

Similarly, a 2014 study of alligator slaughter—supported in part by the Louisiana Alligator Council—found that “spinal cord severance alone,” a synonym for [redacted]’s attempted cervical dislocation described above, “was not ... an appropriate method” for inducing death in American alligators given that animals subjected to the practice continued to spontaneously blink for up to 37 minutes and displayed a corneal reflex—a commonly-used indicator of consciousness in animals—for up to 99 minutes.¹¹ In that study, as at LSAF, a 4-inch knife blade was driven into the necks of alligators who had not been anesthetized for the procedure. Even when this was done “in a single, swift motion”—unlike [redacted]’s repeated and prolonged use of a knife on the animals—“this method failed to meet [the authors]’ definition for a humane procedure ... and should not be used in alligators. ... [S]everance of the spinal cord alone is not appropriate in ... alligators” and “cannot be considered a humane method of inducing death in alligators.”¹²

Though Texas’s prohibition against cruelty to non-livestock animals does not exempt common or industry-accepted means of killing non-livestock animals from prosecution, this conduct violates veterinary and the alligator skin industry’s own standards and thus would not be protected from prosecution if such an exemption did exist. The American Veterinary Medical Association (AVMA) states the use of cervical dislocation “for euthanasia is limited to small birds, poultry, mice, immature rats ... and rabbits.”¹³ The AVMA adds that pithing “is used as an adjunctive procedure to ensure death in an animal that has been rendered unconscious by other means¹⁴ ... Pithing can be used as a second-step euthanasia method in unconscious animals when performed by properly trained individuals” (emphasis added).¹⁵ The AVMA states, “Because it is often difficult to confirm that [a] ... reptile is dead, the application of two or more euthanasia procedures is usually recommended. ... Death should always be confirmed by physical intervention.”¹⁶

Similarly, an expert panel assembled by Switzerland’s Federal Veterinary Office—expressly to issue recommendations for the humane killing of reptiles in the skin trade—concluded that cervical dislocation “is not appropriate for larger reptiles (>200 grams) owing to the resistance of the reptilian brain to hypoxia,” or reduced oxygen supply.¹⁷ (The witness estimated that the smallest alligator slaughtered during the course of the investigation weighed 2 pounds, or more than 900 grams, and that the average weight of slaughtered alligators was 15 pounds, or nearly 7000 grams.) Even when the panel accepted the use of cervical dislocation in reptiles weighing less than 200 grams, it required that the practice be

¹⁰Warwick C. Crocodilian slaughter methods with special reference to spinal cord severance. *Tex J Sci* 1990; 42: 196-197.

¹¹Warwick C. Crocodilian slaughter methods with special reference to spinal cord severance. *Tex J Sci* 1990; 42: 196-197.

¹²Javier G. Nevarez, George M. Strain, Anderson F. da Cunha, Hugues Beaufrère. Evaluation of four methods for inducing death during slaughter of American alligators (*Alligator mississippiensis*). *Am J Vet Res* 2014 Jun; 75 (6): 538, 542.

¹³American Veterinary Medical Association, *The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* (2013) 38. This document is available at <https://www.avma.org/kb/policies/documents/euthanasia.pdf>.

¹⁴American Veterinary Medical Association, *The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* (2013) 42.

¹⁵American Veterinary Medical Association, *The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* (2013) 78.

¹⁶American Veterinary Medical Association, *The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* (2013) 76.

¹⁷Expert Panel, Swiss Federal Veterinary Office. *Analysis of humane killing methods for reptiles in the skin trade* (2013) 4.

“followed by another procedure to ensure death.”¹⁸ The Swiss panel indicated that pithing is acceptable only “[a]fter prior stunning ... or decapitation.”¹⁹

Some other alligators survived LSAF workers’ attempts to slaughter them and were left to suffer pain before finally dying, as follows:

- On October 5, 2014, the witness saw movement in both hind limbs of an alligator—who had been shot in the head with a captive bolt gun and into whose neck [redacted] had cut with a box cutter, and who was hanging in a rack for bleeding purposes. (See Inc. 8, at Ex. 1.) In acknowledgment that the animal was still alive, the witness saw that LSAF worker “[redacted]”²⁰—who only started working at LSAF on this day and observed [redacted] operate the captive bolt gun for approximately 30 minutes before being tasked with shooting animals with it for the remainder of the day—removed the alligator from the rack and shot the animal in the head, again, with the captive bolt gun.
- On October 26, 2014, the witness saw at least two alligators’ limbs and/or tails move in an ice water bin following LSAF workers’ attempts to slaughter the animals. The witness was not able to determine who attempted to slaughter these animals or by what means. The witness first saw an alligator’s hind left limb move towards the animal’s head and then slowly back towards the tail a total of three times. (See Inc. 9, at Ex. 1.) The witness then saw LSAF worker “[redacted]”²¹ put a second alligator in the same ice water bin, immediately after which the animal’s right hind limb moved towards the head; approximately 14 seconds after this motion, the alligator’s tail vigorously moved laterally and the right hind limb moved towards the tail. (See Inc. 10, at Ex. 1.) On observing these movements, the witness asked [redacted] how much time elapsed before alligators’ movements ceased following their attempted slaughter; [redacted] replied, “When their body’s cold”²² and—in acknowledgment of the alligators’ movements the investigator had observed—claimed, “That’s their nerves.” (See Inc. 11, at Ex. 1.) [redacted] then proceeded to push down on some of the slaughtered alligators in the ice water bin and, almost immediately, the hind limb of one of the alligators moved; [redacted] then used a pallet jack to lift and haul the ice water bin away. (See Inc. 12, at Ex. 1.)
- On October 29, 2014, the witness saw movements in the limbs and/or tail of at least four alligators—whom LSAF workers had attempted to slaughter with a captive bolt gun and cut across the back of the neck, but not pithed—in an ice water bin. (See Inc. 13, at Ex. 1.) The witness saw that [redacted] stood close to the ice water bin and then pulled it away with a pallet jack, and suspected that [redacted] saw these animals’ movements. None of the alligators were removed from the bin to be re-shot or verified to be dead.
- On October 29, 2014, the witness saw that as [redacted] used a knife to cut into the tail of an alligator—whom LSAF workers had attempted to slaughter with a captive bolt gun and cut across the back of the neck—one of the animal’s hind limbs vigorously moved upwards, towards the animal’s tail. (See Inc. 14, at Ex. 1.) [redacted] then put the alligator into an ice water bin, and LSAF staff took no additional action to ensure that the animal was dead.

¹⁸Expert Panel, Swiss Federal Veterinary Office. *Analysis of humane killing methods for reptiles in the skin trade* (2013) 7.

¹⁹Expert Panel, Swiss Federal Veterinary Office. *Analysis of humane killing methods for reptiles in the skin trade* (2013) 7.

²⁰The man’s surname could not be determined. On October 6, 2014, [redacted] told the witness that [redacted] had resigned from working at LSAF.

²¹This woman’s surname could not be determined. Her first name is spelled phonetically based upon on how she introduced herself to the witness.

²²In fact, the lack of movement in cold reptiles could indicate not death but only hypothermia, given that these animals’ ability to demonstrate pain or distress is diminished in hypothermic states, even as they continue to experience pain and distress. American Veterinary Medical Association, *The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* (2013) 78.

- On November 2, 2014, the witness saw repeated movements in the left limbs of an alligator—whom [redacted] had cut across the neck—in the ice bin. The witness saw that the alligator appeared to be trying to stand up. The witness pointed to the animal and told [redacted], “That one right there might not be dead. Looks like he keeps trying to stand up.” [redacted], without even observing the alligator, replied, “Yeah. Can’t, though,” and claimed that the animal’s movement was “just ... nerves.” (See Inc. 15, at Ex. 1.) The witness then saw “[redacted]”²³ remove the alligator from the ice water bin, after which [redacted]—acknowledging that the animal was still alive—shot the animal in the head with a captive bolt gun. (See Inc. 16, at Ex. 1.)

The witness also saw the tails of two alligators move in wide, sweeping motions on October 5, 2014, after the animals had been shot, cut, bled and while they were in an ice water bin. The witness saw that LSAF staff removed both these animals from the bin and that [redacted] again shot the animals with the captive bolt gun. Similarly, on October 27, 2014, the witness observed, but could not record, the tail of another alligator rapidly and vigorously moving laterally as the animal was in the ice water bin, following his or her being shot with the captive bolt gun and having been cut across the back of the neck. That day, the witness saw [redacted] remove this animal from the ice water bin, after which the alligator was shot twice more in the head with the captive bolt gun.

LSAF workers’ failed attempts to slaughter these alligators caused the animals pain and to suffer—both from their severe wounds and in their handling thereafter. According to Dr. [redacted], who reviewed some of the above footage, “the alligators’ movements ... indicate that the animals were still alive and were experiencing pain associated both with the wounds incurred during their attempted slaughter (whether with a captive bolt gun or only with a knife) and their subsequent handling and jostling, which can cause further trauma and pain. Again, I base this on the nature of the animals’ movements. The facility manager’s statement ... dismissing these animals’ movements as mere ‘nerves,’ shows a lack of understanding of reptile neuro-anatomy and physiology. While one might expect some minor, brief, uncoordinated muscular movement in slaughtered alligators, the movements seen in the animals ... were excessive and were not simply ‘nerves,’ but in fact attempts by live alligators, in pain, to escape the perceived source of that pain. Further, as reptiles become hypothermic, their behavioral means of demonstrating pain or distress rapidly diminish. While I understand that these alligators had not been in the cold water for more than several minutes, their vigorous movements in such a cold setting are strong indications of the pain they were experiencing.” (See Ex. 2.)

Dr. [redacted] adds, “The attempted exsanguination cut’s placement, as depicted in some of these scenes, as well as the brief period allowed for bleeding ... and the subsequent placement of these animals—who are very resistant to a lack of oxygen and are cold-blooded—in cold water would prolong the pain, suffering, and death of any animals who were only stunned by the captive bolt gun. If the alligators are not left to bleed out entirely, which would likely take longer than 2 minutes based on the apparent severing of two arteries beside the spinal column, these animals would likely still be alive when put in the cold water. Accordingly, the suffering associated with the injuries stemming from captive bolt gunshot and the cut across the neck would be prolonged. In particular, the cold water could slow these animals’ metabolism significantly, and the alligators would resort to anabolic metabolism, in which they rely less than normal on oxygen-carrying red blood cells and so can survive longer without oxygen. If alligators were only minimally bled before being put in the cold water and then left there, the animals could survive—and suffer—for hours and even several days.” (See Ex. 2.)

Dr. [redacted], after reviewing the footage identified on Exhibit 1 as incident 8, wrote, “The animal is displaying purposeful hindlimb and tail movement, which is suggestive of persistent, higher neurological

²³This woman’s surname could not be determined. Her first name is spelled phonetically based upon on how she introduced herself to the witness.

function. A repeat NPCB stun was applied to render the animal motionless/unconscious. It would be my opinion, based upon the video footage provided, that this animal had not been appropriately stunned or pithed, and therefore was semi-conscious and capable of experiencing pain, suffering, and an unnecessarily protracted death.”²⁴

According to Dr. [redacted], “Individuals that may only be stunned, (even with spinal severance and ex[s]anguination) could potentially suffer for up to 2 hours, depending on a number of factors, including body temperature (colder temperature can prolong suffering) and size (larger individuals with a slower metabolic rate will succumb at a slower rate). ... The cold temperature of the ice water would act to slow metabolic rate and prolong any suffering, if the brain is not destroyed (through use of a penetrating captive bolt or pithing). Bleeding is slowed and larger animals will sustain consciousness for longer periods than smaller individuals.”²⁵

The above animals’ survival of LSAF workers’ attempts to slaughter them raises the strong possibility that these and perhaps other alligators are dying of drowning or hypothermia in the ice water bins at LSAF and/or LSAP. Such deaths would violate veterinary standards. The AVMA states, “Drowning is not a means of euthanasia and is inhumane.”²⁶ The Swiss panel concurred that drowning is “not acceptable for euthanasia of reptiles.”²⁷

Similarly, Dr. [redacted] notes, with regard to the ice water bins, that “if the animals were incorrectly stunned or not pithed following cervical spine severance then pain perception would persist, and suffering would be likely. It is also well accepted that chilling/freezing a reptile does not increase the pain threshold, and ice crystal formation in tissues would be expected to be painful. Hypothermia is considered an unacceptable method of euthanasia for reptiles.”²⁸ The AVMA adds, “Hypothermia is an inappropriate method of ... euthanasia for ... reptiles unless animals” weigh less than 4 grams “to permit immediate and irreversible death if placed in” liquid nitrogen; “because ... reptiles lack behavioral or physiological means of demonstrating pain or distress while hypothermic, generalized prohibitions on hypothermia for ... euthanasia are appropriate.”²⁹ The Swiss-assembled expert panel found that “Immobilization of reptiles by cooling is considered inappropriate and inhumane even if combined with other physical ... methods of euthanasia.”³⁰ The *Best Management Practices for Louisiana Alligator Farming*—prepared by that state’s Department of Wildlife and Fisheries and Louisiana State University’s School of Veterinary Medicine—reads, “Don’t place live alligators in ice.”³¹

C. LSAF Failed Unreasonably to Provide Care Required to Maintain The Alligators in Its Custody in a State of Good Health.

²⁴[redacted]. Confidential Expert Review.

²⁵Dr. [redacted]. Request for expert opinion: PETA.

²⁶American Veterinary Medical Association, *The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* (2013) 102.

²⁷Expert Panel, Swiss Federal Veterinary Office. *Analysis of humane killing methods for reptiles in the skin trade* (2013) 6.

²⁸[redacted]. Confidential Expert Review.

²⁹American Veterinary Medical Association, *The AVMA Guidelines for the Euthanasia of Animals: 2013 Edition* (2013) 78.

³⁰Expert Panel, Swiss Federal Veterinary Office. *Analysis of humane killing methods for reptiles in the skin trade* (2013) 5.

³¹Louisiana Department of Wildlife and Fisheries and Louisiana State University, School of Veterinary Medicine, *Best Management Practices for Louisiana Alligator Farming* (2011) 12. This document is available at http://www.panamleathers.com/Portals/152878/docs/best_management_practices_allig_farms_-_june_2011.pdf.

The witness saw that the skin on the bottom jaw of most of the hundreds of alligators he secured for slaughter at LSAF appeared raw and was often covered in a yellow, fat-like substance. The witness recorded alligators in this condition—which was representative of the similar condition of hundreds of other alligators he observed—on October 2 and 9 and November 2, 2014. (See Inc. 17—19, respectively, at Ex. 1.)

On October 2, 2014, [redacted] told the witness that the “Crap peeling off of [alligators’ jaws] is fat [I]t’s making the skin raw underneath is what it is. ... It’s fat from the feed.” When the witness asked whether “The fat from the food makes the skin raw,” [redacted] replied, “Well when it cakes like that, yes.” (See Inc. 20, at Ex. 1.) On October 23, 2014, [redacted] admitted that what he believed was fat caked onto the animals’ jaws “hurts their skin. It makes their skin raw.” (See Inc. 21, at Ex. 1.) The pain felt by these alligators may be heightened given that “[t]he crocodylian sense of touch is concentrated in a series of small, pigmented domes that dot their skin all over their body. In alligators, the spots are concentrated around their face and jaws ... [and] contain a concentrated collection of touch sensors that make them even more sensitive to pressure and vibration than human fingertips.”³²

Despite this, the witness never saw or learned of any care provided to these alligators, or any changes made in their feeding or housing, to maintain the animals in a state of good health.

According to Dr. [redacted], “The red flesh on alligators’ lower jaws ... may be ulcers and/or infections, and raises questions about the animals’ welfare and the sanitation of their housing that only a veterinary evaluation of the animals could answer. Animals afflicted with this condition are in need of veterinary examination.” (See Ex. 2.) Dr. [redacted] adds, “the skin appears to be severely eroded ... There are many things that can lead to the formation of ulcers such as the ones observed here including poor husbandry, overcrowding, behavioral issues, trauma and primary or secondary infections ... it is highly probable that there is an underlying infectious component such as bacterial or fungal organisms that can either inhibit healing or precipitate systemic infection. In my professional opinion the animals shown ... are in need of veterinary assessment and potential therapeutics. These lesions have a degree of either acute or chronic inflammation associated with them, which can induce some pain and discomfort.”³³

Dr. [redacted] adds, “The recommendations of the Southern Regional Aquaculture Center (SRAC) which includes detailed information on alligator farming (<https://srac.tamu.edu/index.cfm/getFactSheet/whichfactsheet/43/>) indicates that diets should be high in protein and low in fat. The feeding of a high fat diet [would] appear less than ideal and not in keeping with established alligator farming practices. If the incidence of this issue is high then veterinary investigation would be indicated.”³⁴

Dr. [redacted] wrote, “The facial skin is clearly sloughed, revealing the underlying tissues. ... I believe these animals to be infected with *superficial* mycosis and/or mycotic dermatitis, leading to massive skin sloughing. The grey (possibly ‘slimy’) appearance of the underlying flesh partially confirms the likelihood of this diagnosis. ... Given the extent of the infection and the likely conditions ... leading to this condition, it is likely that these animals are infected with *deep* mycosis (throughout body organs). ... Without question, poor husbandry, sanitation, and captivity stress has led to this/these conditions. It is likely that the animals at this facility are infected with more than one pathological condition. The conditions of ‘putrid water’, lack of sunlight, lack of basking sites ... and general overcrowded nature of the holding tank/s will contribute to the spread of disease throughout the captive population. These

³²Vanderbilt University. “Despite their thick skins, alligators and crocodiles are surprisingly touchy.” ScienceDaily. ScienceDaily, 8 November 2012. <www.sciencedaily.com/releases/2012/11/121108073633.htm>.

³³[redacted], DVM. Evaluation of Alligator Skin Trade Footage for PETA.

³⁴[redacted]. Confidential Expert Review.

diseases may include bacterial hepatitis, superficial and deep mycosis, septicaemia, fluke infections, renal gout and subsequent bacterial nephritis, various pox viruses, enteritis and general maladaptation syndrome.”³⁵

D. LSAF Confined Alligators in a Cruel Manner.³⁶

The witness saw that LSAF keeps approximately 125 alligators in each of its many water-filled tanks, which measure approximately 8 feet wide and 12 feet long, and which afforded each animal less than 1 square foot of access to the water surface, and little more space given that the pits’ water depth was approximately 20 inches. By contrast, the Texas Parks and Wildlife Department (TPWD) states, “The minimum recommended space requirements for alligators housed in sheds is that for each alligator 12 inches in length, a space of 12 inches in length by 12 inches in width is required. For example, a 4-foot alligator would require a space of 4 feet in length and 4 feet in width per animal.”³⁷ Were LSAF to meet this standard, it would house *six* or fewer alligators in each of these pits.

The witness also saw that a 4-foot-by-8-foot wooden platform in each pit was raised out of alligators’ reach, at least during handling in connection with slaughter. If the platforms were lowered, around 125 4- to 5-foot long alligators would have access to just 32 square feet of dry surface. TPWD requires that those applying for permits to raise alligators provide “dry ground sufficient to permit alligators to completely exit from the water.”³⁸

Dr. [redacted] wrote, “It is my expert opinion that housing alligators in this manner would cause pain or suffering. These animals are not allowed to perform natural behaviors—such as easily escaping the water to dry themselves and bask and having enough space to do so for as long as they wish—which results in immune suppression, increased susceptibility to infections and thus, pain or suffering. Such housing would certainly fail to maintain these animals in a state of good health.” (See Ex. 2.)

Dr. [redacted] added, “If these animals have an increased chance of encountering conspecific aggression, trauma or any painful event because of the stocking density of these enclosures then there is a direct effect on the animals[’] ability to survive and the animals[’] well being. Providing necessary husbandry in captive reptiles ... is directly related to an animal’s health. A reptile kept under less than ideal husbandry conditions can lead to increased stress levels and immunosuppression. Improper husbandry and poorly maintained enclosures with concurrent immunosuppression can precipitate secondary infections, which the body typically fights off when in proper husbandry conditions. These secondary infections can lead to the demise of some animals. Inappropriate housing can be detrimental to these animals[’] health.”³⁹

Dr. [redacted] wrote, “Of primary concern, is the lack of land or islands for the animals to leave the water. If this cannot be provided, the water should be shallow enough to allow the animals to expose their backs ... The density of alligators in the current facility is exceedingly high and I have no doubt that many weaker individuals will simply drown under the weight of larger/more dominant individuals. This may account for the weakened state of individuals in the slaughter footage. ... In summary, the housing will not be able to maintain the animals in a state of good health. ... There is no doubt that these animals are suffering as the basic requirements for a healthy lifestyle, both physiologically and physically are not being met. There is no indication of veterinary care and ironically, many (if not most) of the disease rife

³⁵Dr. [redacted]. Request for expert opinion: PETA.

³⁶These conditions also appear to violate 31 TEX. ADMIN. CODE § 65.361 (a).

³⁷Texas Parks & Wildlife Department. *Alligator Farming in Texas* (2013), 6-7. This document is available at http://www.tpwd.state.tx.us/publications/pwdpubs/media/pwd_bk_w7000_1433_alligator_farming_in_texas.pdf.

³⁸Texas Parks & Wildlife Department. *Alligator Farming in Texas* (2013), 6.

³⁹[redacted], DVM. Evaluation of Alligator Skin Trade Footage for PETA.

in such facilities, can be addressed successfully with the maintenance of housing, including clean water, light, space and appropriate access to heat sources (for thermoregulatory needs). Without such access, even minor disease, will lead to major morbidity and subsequent mortality.”⁴⁰

II. Conclusion

The witness observed and documented, including on video, that an LSAF manager and some LSAF employees, at that manager’s command, tortured and cruelly killed alligators by stabbing and cutting into conscious animals, including without pithing them immediately afterwards, and leaving injured but still-conscious animals to suffer and die in ice water bins; that LSAF failed unreasonably to provide the care required to maintain some alligators in its custody, whose skin an LSAF manager admitted was “hurt[]” and “raw,” in a state of good health; and that LSAF confined alligators in a cruel manner by denying the animals adequate space and access to dry surfaces. All this appears to violate Texas Penal Code § 42.092. PETA asks that your office investigate the conduct described above and file charges against the appropriate parties. I can be reached at 757-962-8231 or DanP@peta.org. Thank you.

Sincerely,



Dan Paden
Evidence Analysis Manager
Cruelty Investigations Department

cc: Hon. Cheryl Lieck, Chambers County District Attorney
Hon. Scott Peal, Chambers County Attorney

⁴⁰Dr. [redacted]. Request for expert opinion: PETA.