



11357 Nuckols Road, #138, Glen Allen, Virginia 23059
info@animalpartisan.org | www.animalpartisan.org

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Submitted via email to OSHPAIU@dps.ohio.gov and cajones@dps.ohio.gov

Major Anne R. Ralston
Ohio State Highway Patrol
Administrative Investigations Unit
1583 Alum Creek Drive
Columbus, Ohio 43209

Colonel Charles A. Jones
Superintendent
Ohio State Highway Patrol
1970 W. Broad Street
Columbus, Ohio 43223

Dear Major Ralston and Colonel Jones,

On behalf of Animal Partisan, I submit this correspondence in support of an administrative complaint against two members of the Ohio State Highway Patrol (“OSHP”). This complaint arises from OSHP’s conduct while responding to a November 17, 2023 accident involving a truck carrying piglets outside of Dayton, Ohio. We respectfully request that you investigate the allegations detailed herein and enact the appropriate disciplinary, training, and procedural measures to remedy the issues raised and prevent future recurrence. We further request that the OSHP issue a public statement addressing the conduct described below.

I. STATEMENT OF FACTS

On November 17, 2023, a semi-truck carrying 1,900 piglets crashed in Butler Township at the junction of Interstates 75 and 70.¹ Numerous units from the OSHP’s Dayton Post responded to the incident.² As a result of the accident, hundreds of piglets escaped from the truck, others remained trapped inside the trailer, and many others were killed after being thrown from the

¹ D. Susco, *Troopers chase piglets after trailer hauling 1,900 of them overturns on I-75 to I-70*, Dayton Daily News, <https://www.daytondailynews.com/local/troopers-chase-piglets-after-trailer-hauling-1900-overturns-on-i-75-to-i-70-flyover/IT4VRHAYTRBPBJD2I3B6HTQXZY/> (last visited Mar. 7, 2024).

² *Id.*

overpass. OSHP and scores of other first responders corralled the loose piglets and loaded them to another trailer.³ After investigation, the OSHP cited the driver for failure to control.⁴

On November 21, 2023, Animal Partisan submitted a request to OSHP under the Ohio Open Records Law, §149.43 et seq. seeking any video recordings associated with the accident. On December 20, 2023, the OSHP provided 17 individual videos, including both dash cam and body cam videos. Only two specific body cam videos (referenced below as [Appendix A](#) and [Appendix B](#)) are relevant to this complaint. These videos are hyperlinked throughout this complaint and have also been uploaded in their entirety to Vimeo.⁵

While the majority of OSHP troopers responding to this chaotic and complicated incident behaved admirably, the videos depict troubling conduct committed by two OSHP troopers. This conduct not only breaches professional standards, but also constitutes violations of both Ohio and federal law.

II. UNLAWFUL CONDUCT BY THE OSHP

A. In violation of the First Amendment, a Sergeant with OSHP—acting at the behest of a pork industry representative—censored local news media from taking videos of dead and injured piglets because it may have garnered sympathy for animal rights.

The body cam videos obtained by Animal Partisan depict a series of acts by an OSHP Sergeant (“the Sergeant”)⁶ that violate the First Amendment of the United States Constitution. As described below, the Sergeant—doing the bidding of the pork industry—prevented local news media from taking videos that would have been unfavorable to the pork industry and sympathetic to animal rights. This censorship, directed solely at suppressing speech in favor of animal rights, constitutes forbidden viewpoint discrimination.

1. Specific Conduct

This specific incident is documented in the body cam video designated as [Appendix A](#) and begins at the 9:45 mark of the video.⁷ The incident begins when the Sergeant is approached by an unknown individual affiliated with the pork industry (“Pork Industry Person”) who is depicted at the right of the screenshot below. A transcription of the conversation is included below.

³ J. Shike, *Semi Hauling 1,900 Piglets Overturns in Ohio*, FARM JOURNAL’S PORK, <https://www.porkbusiness.com/news/industry/semi-hauling-1900-piglets-overturns-ohio> (last visited Mar. 8, 2024).

⁴ *Id.*

⁵ Appendix A: Final_Redacted_Overlay_Extraction_Axon_Body_3_Video_2023-11-17_2124_X60A28172: <https://vimeo.com/910213888?share=copy>; Appendix B: Final_Redacted_Axon_Body_3_Video_2023-11-17_2002_X60A18693, <https://vimeo.com/910220725?share=copy>.

⁶ For identification purposes, the Sergeant is wearing body cam labeled Axon Body 3 X60A28172 and is also plainly visible at the 1:40 mark of a separate video provided by the OSHP in response to Animal Partisan’s public records request; that video is entitled Final_Redacted_Axon_Body_3_Video_2023-11-17_2001_X60A2936C.

⁷ Appendix A: Final_Redacted_Overlay_Extraction_Axon_Body_3_Video_2023-11-17_2124_X60A28172, <https://vimeo.com/910213888?share=copy>.



Pork Industry Person: “Uhh, one favor that I’d like to ask if you can help. So, we have these camera crews here.”

Sergeant: “Yep.”

Pork Industry Person: “Is there any way we can tell them for their safety they can’t be here filming this because animal rights people love . . . we’re treating these pigs right, but they take this the wrong way.”

Sergeant: “Ok.”

Pork Industry Person: “And that’s . . .”

Sergeant: “So ask them to step back a little bit?”

Pork Industry Person: “If they could, just so their camera is not right on us working.”

Sergeant: “Yep, I can do that.”

Immediately following the conversation, the Sergeant walks approximately 20 to 30 feet to address several members of the local news media who stand near cameras on tripods that appear to be focused on the downed tractor trailer. Based on a logo on one of the photographers’ jackets, at least some members of the group appear to be affiliated with WDTN News, Channel 2, out of Dayton.⁸ The following conversation occurs when the Sergeant reaches the news crew as depicted in the image below:

⁸ A. Pearson, E. Lewis, *Semi-trailer overturns on I-75, piglets run loose*, WDTN, <https://www.wdtn.com/traffic/semi-trailer-overturns-on-i-75-piglets-run-loose/#:~:text=According%20to%20Ohio%20State%20Highway,75%20to%20westbound%20I%2D70.&text=The%20semi%2Dtrailer%20was%20hauling,the%20crash%2C%20and%20some%20died.>



Sergeant: “Hey gentlemen, can I talk to you for a second? Hey, can I talk to you guys for a second?”

Photographer 1: “Yeah”

Sergeant: “I have a slight request.”

Photographer 1: “Ok”

Photographer 2: “Ok”

Sergeant: “I know you guys are out here and I have no problem with you being out here. But, with them dealing with the livestock the way they are, you know, I mean, it’s part of their business, it’s the way they handle them. There just can . . . sometimes there can be some issues with animal rights and things like that. Does that make sense?”

Photographer 1: (Nods)

Photographer 2: (Nods)

Sergeant: “So, its fine that you’re up here, but maybe not zoom in so much on them actually taking the ones out. Because we’re going to get to the place . . . there’s going to be dead ones in this trailer. Ok, I was just trying to forewarn you so that way, you know, it doesn’t backfire on all of us, I guess is what I’m saying. More of the story is there were over 1,900 of them.”

Reporter: “How many?”

Sergeant: “There were 1,900 of them.”

Reporter: “1,900 piglets?”

Sergeant: “So, we done a pretty good job of getting them corralled, so, but like I said, just so you guys know, heads up before they start pulling them out, that maybe not so much the camera on the actual . . . “

Cameraman 2: “They haven’t pulled out the dead ones yet, have they?”

Sergeant: “No, but I mean I’m just saying, it’s just, well, the concern, like the owner, the concern he has is with like animal rights people and so forth, you know what I’m saying, so he was just like ‘Hey, I know they can be out here’, I have no problem with that, it’s your job, just like mine. But if we just give just a little bit of space of what they’re actually doing and safety wise, because they’re getting ready to cut this trailer open so I’m gonna start pulling people back anyways. So, I appreciate it. Just a friendly heads up, that’s all.”

Following the conversation, the Sergeant then walks back toward the trailer and engages with two unknown troopers. This occurs at approximately 12:05 in the [Appendix A](#) video and a screenshot is below:



Unknown Trooper 1: “Am I gonna see you on the nightly news, Sarge?”

Sergeant: “No, I’m not giving it, but the thing is, everybody’s got to be aware that the media is here, and you know as well as I do that a lot of animal rights people are not gonna like what they see, people . . . pigs getting drug around. Especially when they start pulling . . . there’s going to be dead ones in there. So, the owner asked, like ‘Hey, just for the sake of not just the business, but the industry . . .’”

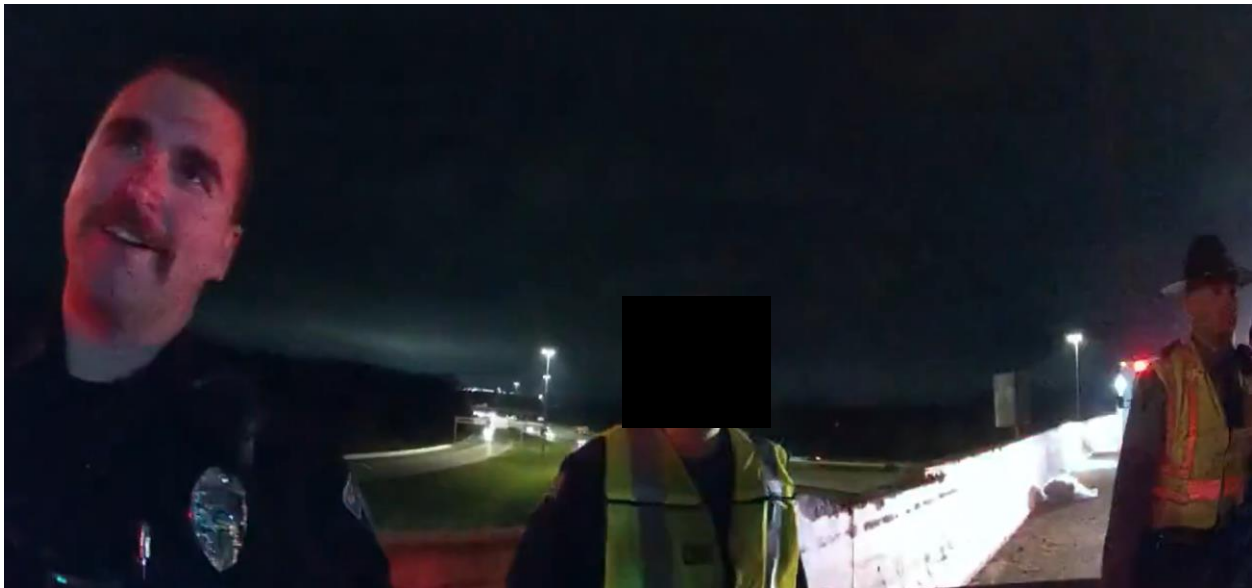
Unknown Trooper 2 (finishing the sentence with the Sergeant): “Industry.”

Sergeant: “‘You know, can they scale it back just a little bit.’ So, that’s what I asked them to do. So, we should be good. I told them don’t focus on what’s coming out of here. I said the positive is, there were 1900 of them on here. Other than a few down here and maybe a straggler or two, they’re contained.”

Trooper 1: “And all alive”

Sergeant: “Yeah, so. So run with that. Put a spin on that, you know?”

Shortly after that, at the 14:00 minute mark of [Appendix A](#), the Sergeant is approached by what appears to be a police officer, seen on the left of the image below, and the following exchange occurs:



Police Officer: “PETA’s going to have a heart attack.”

Sergeant: “Oh, I know, I know. That’s what his concern. And I’m like. Well, you know. I agree with you. It’s a fine line of what I can tell them they can and can’t. You know. It’s like hey. You know just don’t focus on what’s coming out of the trailer and how it’s being handled out of the trailer. First conception of everybody “Awww, we’re hurting them”, no we’re not hurting them. It’s fine. You know.”

Then, at the 15:18 mark of [Appendix A](#), the Sergeant engages two other troopers, one who is believed to be Sergeant Bradley Hess (left side of video), who seemingly endorses the conduct. The exchange is below:



Hess: "Media's done. Like, we don't have to give 'em a statement, I already gave something."

Sergeant: "Good, I'm glad that you did. Because he asked me if I could have them kind of move a little bit. He was concerned just with the animal rights. You know how we're..."

Hess: "Yeah, if he don't want 'em up here, we can send 'em down the ramp."

Sergeant: "That's why I just had them move. That's what I told 'em, They were right here. And he's like, 'Hey, can you do me a favor, it's just bad for the industry,' you know. Especially when they start pulling the dead ones, you know. Well, the dead ones probably stay in there."

In sum, the Sergeant engages nine separate individuals during these sequences. From each interaction, it is evident that his intention is to prevent the dissemination of video to the public that may be sympathetic to animal rights and unflattering for the pork industry.

2. Violation of the First Amendment

The Sergeant's conduct constitutes clear viewpoint discrimination in violation of the First Amendment.⁹ By prohibiting the local news media from video recording footage that may have harmed the pork industry, the Sergeant suppressed speech solely because it may have engendered sympathy for animal rights. Such an exercise of government authority is antithetical to free expression, and we urge the OSHP to investigate this matter and enact the appropriate disciplinary and remedial measures.

⁹ U.S. Const. amend. I.

News-gathering activities are indisputably “entitled to First Amendment protection, for without some protection for seeking out the news, freedom of the press could be eviscerated.”¹⁰ “The First Amendment protects the right to gather information about what public officials do on public property, and specifically, a right to record matters of public interest.”¹¹ Courts have widely held that video recording constitutes speech under the First Amendment: “The act of making an audio or audiovisual recording is necessarily included within the First Amendment’s guarantee of speech . . . as a corollary of the right to disseminate the resulting recording.”¹²

Actions by government officials that suppress speech—including video recording—based on the viewpoint of the speaker are expressly forbidden. “It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.”¹³ In fact, “[d]iscrimination against speech because of its message is presumed to be unconstitutional.”¹⁴

As the Supreme Court has held, “[w]hen the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant.”¹⁵ This position has been echoed by Ohio courts which have found that “[v]iewpoint discrimination is . . . an egregious form of content discrimination.”¹⁶

Here, based on his own words, the Sergeant’s intent was to protect the pork industry by prohibiting the local news media from recordings that may have garnered sympathy for animal rights. The Sergeant effectively invoked his law enforcement authority to act as an agent of the pork industry and stifle dissent. In doing so, the Sergeant attempted to “remove certain ideas or perspectives from a broader debate,” namely ideas and perspectives supportive of animal rights.¹⁷ The Sergeant’s very own words offer the best indicator of his intention to suppress animal rights-related viewpoints:

- Speaking to news crew: “[S]ometimes there can be some issues with **animal rights** and things like that.”
- Speaking to the news crew: “[The owner, the concern he has is with like **animal rights people** and so forth.”

¹⁰ *Harrison v. Humphreys*, 1994 U.S. App. LEXIS 30783, n.1 (1994).

¹¹ *Hils v. Davis*, 2022 U.S. Dist. LEXIS 44205 at *19 (S.D. Ohio 2022).

¹² *Knight v. Montgomery Cty.*, 470 F. Supp. 3d 760, 768 (M.D. Tenn. 2020); *see also Animal Legal Def. Fund v. Herbert*, 263 F. Supp. 3d 1193, 1208 (District of Utah 2017) (“In sum, it appears the consensus among courts is that the act of recording is protectable First Amendment speech.”).

¹³ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995)

¹⁴ *Id.*

¹⁵ *R.A.V. v. St. Paul*, 505 U.S. 377, 391, 112 S.Ct. 2538, 120 L.Ed.2d 305 (1992).

¹⁶ *Portage Cnty. Educators Ass’n for Developmental Disabilities-Unit B v. State Empl. Rels. Bd.*, 169 Ohio St. 3d 167 (Ohio Supreme Court 2022) (quoting *Rosenberger v. Rector and Visitors of the Univ. of Virginia*, 515 U.S. 819, 829, 115 S.Ct. 2510, 132 L.Ed.2d 700 (1995)); *see also Reed v. Town of Gilbert*, 576 U.S. 155, 168 (2015) (internal citations omitted) (“Government discrimination among viewpoints—or the regulation of speech based on the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of content discrimination.”).

¹⁷ *Matal v. Tam*, 582 U.S. 218, 250 (2017).

- Speaking with troopers: “[E]verybody’s got to be aware that the media is here and you know as well as I do that a lot of **animal rights people** are not gonna like what they see, people.”
- Speaking to the police officer who mentioned that “**PETA’s** going to have a heart attack”: “Oh, I know, I know. That’s what [the pork company person’s] concern. And I’m like. Well, you know, **I agree with you.**”
- Speaking to Hess: “Because [the pork company person] asked me if I could have them kind of move a little bit. He was concerned just with the **animal rights**. You know how we’re . . . **That’s why I just had them move.**”

Spurred by a private citizen affiliated with the pork industry, the Sergeant sprang into action to silence any potential negative news coverage. Aware that video showing grievously mangled, injured, and killed piglets might offer the public a lens into the treatment of animals in the agriculture industry and foster support for the animal rights movement, the Sergeant swiftly approached the local news crew and forbid them from recording certain aspects of the accident response. The Sergeant was so transparent in his animosity towards the animal rights movement that he openly told everyone he encountered of his reasons for censoring the media. Such viewpoint discrimination based on a specific motivating ideology is “egregious,” “blatant,” and prohibited by the First Amendment.¹⁸

B. While aggressively herding frightened piglets—including striking them with a baton, prodding them, and throwing them onto the concrete—an OSHP trooper committed repeated acts of animal cruelty in violation of R. C. §959.13(A)(1).

In addition to violating the First Amendment, at least one OSHP trooper (“the Trooper”) abused terrified and vulnerable piglets in a manner that constitutes animal cruelty under Ohio law. The conduct at issue was committed by the trooper wearing body cam designated as Axon Body 3 X60A18693 in the corresponding video which is labeled as [Appendix B](#).

1. Specific Conduct

Between 26:39 and 46:24 of the video included as [Appendix B](#), the Trooper herds piglets toward the trailer in an effort to contain them.¹⁹ While herding the frightened piglets, the Trooper employs various abusive methods, relying mostly on his extended metal baton, but also grabbing, throwing, and potentially kicking piglets. The Trooper’s conduct is so abusive that another trooper (believed to be Hess) who is walking alongside him appears to say “Don’t poke ‘em like that.” The Trooper flippantly responds by stating “Hey, I been to the State Fair enough to know what they do with ‘em.”²⁰

¹⁸ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995); *R.A.V. v. St. Paul*, 505 U.S. 377, 391, 112 S.Ct. 2538, 120 L.Ed.2d 305 (1992).

¹⁹ Appendix B: Final_Redacted_Axon_Body_3_Video_2023-11-17_2002_X60A18693, <https://vimeo.com/910220725?share=copy>.

²⁰ *Id.* at 26:43.

Selected instances of the Trooper's abuse follow. Beneath each picture is a reference to the specific timestamp where the conduct can be in found the video designated as [Appendix B](#).



Trooper strikes piglet with baton (28:21).



Trooper strikes piglet with baton, sending the animal airborne (34:19).



As seen on the yellow highlight (added), a piglet hurtles through the air before landing on the concrete after being thrown several feet by the Trooper (36:35).



The Trooper spins several piglets sideways with his baton. The Trooper's aggressiveness is evident from this clip as he intervenes while a firefighter gently herds the piglets and begins striking them with his baton (37:00).



The Trooper throws a piglet at least ten feet onto the concrete. The piglet is visible in the yellow highlight (added) as the animal flies through the air. The Trooper's aggressiveness is again evident in this clip as he grabbed the piglet off the ground as another first responder was gently herding the animal. (38:43-38:55).



The Trooper throws another piglet onto the concrete. The piglet is highlighted in yellow (added) as he/she hurtles through the air. The Trooper grabbed this piglet from a citizen who was gently herding the animal with her flashlight and stated "They run away from the light" just before the Trooper violently yanked the animal off the ground. (40:12-40:29).



A piglet slams into the concrete guardrail after being struck by the Trooper's baton (42:17).

2. Violation of Ohio's Animal Cruelty Law

The Trooper's conduct—including striking, prodding, and throwing piglets onto the concrete—violates Ohio's animal cruelty law, R. C. §959.13. The OHSP must discipline the Trooper involved and refer this matter to an independent law enforcement agency for consideration of prosecution.

a. *Covered Species*

While R. C. §959.13 does not specifically define an animal, R. C. §1717.01—which applies to “every law relating to animals”—defines an animal as “every living dumb creature.” Thus, piglets such as the ones abused by the Trooper fall squarely within the purview of the animal cruelty statute.

b. *Actus Reus*

Ohio's animal cruelty law R. C. §959.13(A)(1) states: “No person shall [t]orture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water.”

The word “torture” includes “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.”²¹

The Trooper's conduct constitutes “torture” in that he committed “act(s)” —including beating, striking, prodding, and throwing—which caused “unnecessary or unjustifiable pain or suffering.” The lack of necessity for the Trooper's conduct is plainly demonstrated in many of the segments above where he grabbed piglets who were being gently and efficiently herded by other first responders or citizens. For example, the segment below (38:23) depicts three firefighters who are

²¹ R.C. 959.131, *see also* R.C. §1717.01(B).

calmly herding the animals without any use of force. The piglets are moving quickly toward the trailer.



The clip below (40:06) depicts a citizen using a light to move the piglets. The piglet is moving quickly toward the trailer without the use of any force.



Instead of using the same methods that every other first responder and citizen documented in the videos appears to have used successfully, the Trooper aggressively and forcefully beat, prodded, and threw the piglets. In doing so, he caused “unnecessary” pain and suffering.

Moreover, even the Ohio pork industry prohibits the conduct the Trooper engaged in. For example, the in its Swine Care manual, the Ohio Department of Agriculture “prohibit[s] anyone who owns or has responsibility for or custody of livestock from maliciously or recklessly throwing, dropping, or dragging the animals.”²² Thus, despite the Troopers absurd assertion that he has learned such handling techniques at the state fair, his conduct is prohibited by the pork industry in Ohio and was therefore unnecessary.

c. Mens Rea

While the relevant subsection of the animal cruelty statute does not contain an explicit mens rea requirement, Ohio courts have determined the mens rea sufficient for R. C. §959.13 is “recklessness.”²³ A person is reckless with respect to circumstances when “with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person’s conduct is likely to cause a certain result or is likely to be of a certain nature.”²⁴

The Trooper’s conduct was plainly reckless. Again, this is evident by comparing the Trooper’s conduct with every other first responder or citizen who handled piglets. All others seemingly knew what everyone knows—that striking piglets with metal batons or throwing them into concrete walls causes pain and suffering. Certainly, the Trooper knew that a piglet thrown 10 to 20 feet onto concrete or atop other piglets may experience pain or potentially injury. Yet the Trooper was indifferent to these consequences; his only intent was to move piglets to the trailers as quickly as possible, no matter what consequences ensued. Even when challenged on his conduct by Hess, he persisted, further demonstrating the recklessness of this actions. Moreover, the Trooper’s conduct violates pig handling guidelines established by the Ohio Department of Agriculture, further evincing his recklessness.

d. Absence of an Agricultural Exemption Defense

The Trooper cannot evade criminal liability by reliance on any agricultural exemption. While Ohio’s cruelty to animals statute contains two agricultural exemptions, neither is remotely applicable to the present facts.

- The first exemption is contained in R. C. §959.13(A)(2), which prohibits a person from confining an animal without access to shelter. R. C. §959.13(A)(2) explicitly exempts animals confined before slaughter, stating that “Division (A)(2) of this section does not apply to animals impounded or confined before slaughter.” The present complaint has

²² Ohio Livestock Care Standards-Swine, OHIO DEPARTMENT OF AGRICULTURE, p.5, <https://ocj.com/wp-content/uploads/2011/09/OLCS-Swine-Final.pdf> (last visited Mar. 9, 2024).

²³ *State v. Davis*, No. 88-A-1391, 1989 WL 85683, 2 (July 28, 1989), *see also State v. Lapping*, 75 Ohio App. 3d 354, 356, 599 N.E.2d 416, 417 (11th Dist. 1991), *see also State v. Hoffman*, 2008-Ohio-6602, ¶ 1(10th Dist.).

²⁴ R.C. 2901.22(C).

nothing to do with confinement and is instead based on R. C. §959.13(A)(1) which makes no such exemptions.

- A second statute that is not the basis of this complaint, R. C. §959.13(A)(4), states that “[n]o person shall keep animals other than cattle, poultry or fowl, swine, sheep, or goats in an enclosure without wholesome exercise and change of air.” The exemption applies to enclosing livestock animals and supplying the animals with wholesome air, food, and exercise. This exemption is also irrelevant to the present matter, which does not involve keeping animals in an enclosure or an allegation that such animals were deprived of wholesome exercise or a change of air. Thus, this exemption is also inapplicable to the present facts.

The lack of any agricultural exemption that would preclude prosecution of the Trooper is further demonstrated by comparison to other states whose laws contain such exemptions. Nearby states like Pennsylvania, West Virginia, and Indiana have enacted agricultural practice exemptions to their cruelty to animals statutes. For example, Pennsylvania broadly exempts “normal agricultural operations” from many animal cruelty statutes.²⁵ Similarly, West Virginia exempts usual and accepted agricultural practices from the state’s cruelty to animals statute.²⁶ West Virginia’s legislature exempted from prosecution persons keeping and maintaining livestock animals “according to usual and accepted standards... of production and management”.²⁷ Indiana also exempts “acceptable farm management practices” from the animal cruelty statute.²⁸ Also exempted are the rules adopted under IC 15-17 for federal livestock slaughtering facilities.²⁹

Ohio’s legislature elected **not** make broad sweeping exemptions of generally accepted agricultural practices like other states. If the Ohio Legislature wanted to make similar broad sweeping exemption(s), it could have done so by utilizing the same or similar language. Instead, the Ohio Legislature chose not to exempt common agricultural practices from prosecution under R. C. §959.13(A)(1). Moreover, even if the legislature had created such an exemption—which it *did not*—it would not apply as the Trooper’s conduct resembles nothing close to normal agricultural practices. Thus, the Trooper cannot defend himself from animal cruelty charges on grounds of any agricultural exemptions.

e. Penalties

Violation of R. C. §959.13(A)(1) is a “misdemeanor of the second degree.” A misdemeanor of the second degree carries a penalty of up to ninety days in jail and a maximum fine of \$750.00, or both.

As depicted in his own body cam video, the Trooper repeatedly beat, prodded, struck, and threw helpless piglets. When confronted by a fellow trooper urging him not to strike the animals with

²⁵ 18 Pa. C.S. §5560.

²⁶ WV Code §61-8-19(f).

²⁷ *Id.*

²⁸ IC35-46-3-5(a)(5).

²⁹ IC35-46-6(A).

his baton, he continued to abuse them. Even faced with scores of other first responders and citizens who calmly and humanely moved the animals towards the trailer, he elected to grab them, throw them, and strike them. The Trooper's conduct constitutes animal cruelty under Ohio law. Accordingly, we urge the OSHP to pursue internal disciplinary measures and refer this matter to an independent law enforcement agency for consideration of animal cruelty charges.

III. CONCLUSION

While the conduct of many members of the OHSP and other first responders dealing with this extremely difficult and unexpected situation was commendable, other members of the OSHP unfortunately behaved in a manner that violates both federal and state law. By censoring the local news media to protect the pork industry and prevent the filming of videos that may have garnered sympathy for animal rights, the Sergeant violated the First Amendment. By beating, striking, throwing, and prodding defenseless piglets, the Trooper violated Ohio's animal cruelty statute. We urge the OSHP to fully investigate this matter and take all appropriate measures, including disciplinary, training, and procedural. We further urge the OSHP to refer the alleged animal cruelty violations to an independent law enforcement agency for consideration of prosecution. Finally, we ask the OSHP to issue a public statement addressing the misconduct outlined in this complaint.

If you have any questions on this request, please contact me at wlowrey@animalpartisan.org or (804) 307-4102. Thank you in advance for your assistance with this matter.



Will Lowrey
Legal Counsel
Animal Partisan
wlowrey@animalpartisan.org
(804) 307-4102