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September 16, 2013

Deputy Inspector John Lewis  
71<sup>st</sup> Precinct  
New York City Police Department  
421 Empire Boulevard  
Brooklyn, NY 11225

Re: September 10 – 13, 2013 – Slaughter of Chickens in Crown Heights in Public Places

Dear Deputy Inspector Lewis:

As a private citizen and concerned resident of Crown Heights, Brooklyn, I am writing about the sale and slaughter of thousands of live chickens that occurred in my neighborhood the week of September 13, 2013.<sup>1</sup> A police officer from the 71<sup>st</sup> Precinct told me that the New York City Police Department provides a permit for this activity to occur on public property.

I am outraged that the sale and slaughter of thousands of live chickens is permitted to happen on public property in my neighborhood. Two of the makeshift slaughterhouses are a few hundred feet across from the entrance to the Kingston Avenue number 3 subway station. The other makeshift slaughterhouse is across the street from residential buildings on President Street and adjacent to the shopping district on Kingston Avenue south of Eastern Parkway. It is difficult for Crown Heights residents and visitors, including children, to avoid seeing animals being killed and to avoid the health risks inherent in the storage of thousands of live chickens. I urge you to deny permits for this activity in the future and to enforce the laws cited below.

The following summarizes the locations where and when I observed the activity:

- Sale Site #1: I observed thousands of live chickens stored and available for sale on September 10 on the southern pedestrian mall on Eastern Parkway at Kingston Avenue across from 824 Eastern Parkway. I did not observe the slaughter of chickens but I observed and photographed dead chickens in crates on the sidewalk at this site.
- Sale and Slaughter Site #2: I observed thousands of live chickens available for sale and chickens slaughtered from September 12 to 13 on the southern pedestrian mall on Eastern Parkway at Kingston Avenue.
- Sale and Slaughter Site #3: I observed thousands of live chickens available for sale and chickens slaughtered from September 12 to 13 on the street and sidewalk on President Street at Kingston Avenue.

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<sup>1</sup> All dates in this letter refer to the year 2013.

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- Sale and Slaughter Site #4: I observed a makeshift slaughterhouse in the front lot of 824 Eastern Parkway and crates and boxes used to hold chickens piled up on the sidewalk in front of the lot on September 13.

Collectively, the four sites are referred to in this letter as “Sites.”<sup>2</sup>

As a threshold matter, the fact that the sale and slaughter of chickens at the Sites is connected to a religious ritual does not make it exempt from the local and state laws cited below. Laws of general applicability are not a violation of the Establishment Clause of the First Amendment and are applicable to religious activity. *See, e.g., Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 531 (1993); *Cent. Rabbinical Cong. v. New York City Dep't of Health*, 2013 U.S. Dist. LEXIS 4293 (S.D.N.Y. Jan. 10, 2013); *People v. Pierson*, 176 N.Y. 201, 210-12 (1903).

There is no authority for a permit to be issued for the sale and slaughter of chickens in any of these Sites and this activity is barred on private property abutting Eastern Parkway. **N.Y.C. Administrative Code section 18-112(d)** prohibits the erection of a slaughterhouse on Eastern Parkway and on President Street at Kingston Avenue. N.Y.C. Administrative Code section 18-112(d) provides for a prohibited zone as follows:

It shall be unlawful to erect, establish or carry on, in any manner whatever, upon any lot fronting upon Eastern parkway or its extension to Bushwick avenue, or upon any lot bounded by either Union street or Lincoln place, easterly from New York avenue to the former city line of Brooklyn, or upon the streets intersecting Eastern parkway between St. Johns Place and President street, any slaughterhouse . . . or any other manufactory, trade, business or calling, which may be in anyway dangerous, obnoxious or offensive to the neighboring inhabitants.

The term “slaughterhouse” is not limited to a building with walls; it includes the activity of carrying on the slaughter of animals “in any matter whatever.” N.Y.C. Administrative Code § 18-112(d). At the Sale and Slaughter Sites #2, #3, and #4, makeshift slaughterhouses were erected under temporary tents within the prohibited zone and hundreds or thousands of animals were sold and slaughtered in violation of this law.

In addition to the fact that permits were issued in violation of local law, I am concerned that police officers stationed at the event did not enforce other laws for the protection of human and animal health and safety. The following explains seven laws that were violated but appeared to be unenforced:

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<sup>2</sup> According to tickets for the purchase of chickens, the National Committee for the Furtherance of Jewish Education sponsored the sale and slaughter of chickens at Sale Site #1 and Sale and Slaughter Site #2 and, according to an advertising poster, the Eshel Hachnosas Orchim Centre sponsored the sale and slaughter of chickens at Sale and Slaughter Site #3.

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1. It is a misdemeanor to deprive animals from food and drink and to torture animals. **N.Y.S. Agriculture and Markets Law section 353** provides in part:

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor . . .

On the morning of September 13, at Sale and Slaughter Site #3, I videotaped five bloody chickens writhing on the street and a man taunting the chickens by saying, "Run away." (See Photograph #1.) On September 10, I observed roughly a dozen chickens that were dead or dying in crates behind the poultry truck at Sale Site #1. (See Photograph # 2.) On September 12, during torrential downpour at Sale and Slaughter Site #2, I observed hundreds of chickens in poultry crates exposed to the rain and not moved back into the poultry truck. Moreover, there are reports that the chickens are not provided with food and drinking water for days. And the activity of holding chickens by their wings, as was done in the religious ceremony at all Sites, is painful to chickens and constitutes torture.

2. Sellers of live poultry must keep the areas of slaughter and the surrounding areas clean and free of animal nuisances. **N.Y.C. Health Code section 161.19(b)** provides:

A person who is authorized by applicable law to keep for sale or sell livestock, live rabbits or poultry shall keep the premises in which such animals are held and slaughtered and the surrounding areas clean and free of animal nuisances.

N.Y.C. Health Code section 161.19(b) was violated, assuming for the sake of argument that the keeping of chickens in this area is authorized (and it is illegal). I observed the dust from dried chicken feces permeating the air at Sale Site #1 and Sale and Slaughter Sites #2 and #3. I videotaped and photographed chicken blood, feces, and feathers on the sidewalk and street at all Sites. (See Photographs #1 and #3 - #6.)

3. It is illegal to put any blood, offensive animal matter, dead animals, or stinking animal matter into a public street, place or sewer. **N.Y.C. Health Code section 153.09** provides:

No person shall throw or put any blood, swill, brine, offensive animal matter, noxious liquid, dead animals, offal, putrid or stinking vegetable or

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animal matter or other filthy matter of any kind, and no person shall allow any such matter to run or fall into any street, public place, sewer. . . .

There were feathers, blood, dead chickens at all Sites. (See Photographs #1 and #3 - #6.) I photographed dead chickens on the sidewalk and writhing in their own blood on at Sale and Slaughter Site #3. (See Photograph #1.) The pedestrian mall at Site #1 and adjacent part of Eastern Parkway was littered with feathers and feces, which I photographed on September 12, and the stinking odor of chicken feces was strong even when the chickens were gone. (See Photograph #5.) At approximately 7:00 a.m. on September 13, I came upon a live chicken in crate who had been left alone on the Eastern Parkway pedestrian mall across from Sale and Slaughter Site #4. (See Photograph #3.)

4. It is illegal to pile up dead animals on the street prior to their disposal. **N.Y.C. Health Code section 153.21(a)** provides:

Every person who has contracted or undertaken to remove any diseased or dead animal . . . or who is engaged in such removal shall do so promptly. The operation shall be conducted in a clean and sanitary manner and shall not create any hazard to life or health. The offensive matter shall not lie piled up or partially raked together in any street or place before its removal . . .

On September 13, at approximately 7:00 a.m., I photographed piles of hundreds or thousands of dead chickens on the public sidewalk at Sale and Slaughter Site #3. (See Photograph #4.) Their bodies, blood, feathers, and feces were piled up on the sidewalk and street in violation of the Health Code. On the morning of September 13, I photographed an uncovered dumpster containing chickens on the street in front of Sale and Slaughter Site #4. (See Photograph #7.) This activity violated the law.

5. Blood and feces from animals and animal parts are prohibited on a public sidewalk and “pervasive odors” from animals are prohibited. **24 RCNY section 161.03(a)** provides:

A person who owns, possesses or controls a dog, cat or other animal shall not permit the animal to commit a nuisance on a sidewalk of any public place, on a floor, wall, stairway or roof of any public or private premises used in common by the public, or on a fence, wall or stairway of a building abutting on a public place.

An “animal nuisance” includes, but is not limited to “animal feces, urine, blood, body parts, carcasses, vomitus and pervasive odors; animals that carry or are ill with contagious diseases communicable to persons or other animals. . . .” 24 RCNY § 161.02.

I photographed blood, feces, dead animals, and/or animal parts on the public sidewalk at all Sites. (See Photographs #1, #3 – #6.) In addition, the smell from the feces of

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thousands of chickens pervaded the air over a block away from the Sites in violation of this law.

6. State law requires that certain precautions be taken to prevent the spread of avian influenza. **1 NYCRR 45.4** provides:

All persons entering any premises containing live poultry within the State of New York with any poultry truck, feed delivery and/or other service vehicle shall take every sanitary precaution possible to prevent the introduction or spread of avian influenza into or within the State. Said precautions shall include the disinfecting of all footwear before entering and after leaving any premises containing live poultry. . . . In addition, all markets, auctions, sales outlets and distribution facilities containing live poultry shall be maintained in a clean and sanitary manner. . . .

As described above, the conditions were filthy at all Sites. There were dead chickens, blood, and feathers on the sidewalk and dried feces permeated the air and covered the sidewalk. The public entered the Sites, where thousands of chickens were sold, and left without disinfecting footwear and, consequently, carried chicken feces outside of the Sites. I became sick after observing the sale of chickens for 90 minutes on the southern pedestrian mall of Eastern Parkway at Kingston Avenue on September 10.

7. It is illegal to post advertising signs on lampposts and utility poles in New York City. **N.Y.C. Administrative Code section 10-119(a)** provides:

It shall be unlawful for any person to paste, post, paint, print, nail or attach or affix by any means whatsoever any handbill, poster, notice, sign, advertisement, sticker or other printed material upon any curb, gutter, flagstone, tree, lamppost, awning post, telegraph pole, telephone pole, public utility pole . . .

I observed dozens of signs advertising the sale of live chickens posted on Eastern Parkway and Kingston Avenue from September 9 to 13 in violation of this law. (See Photograph #8.)

In addition to the laws cited above, additional laws may have been violated if the chickens were used for food. There are reports that some of the chickens slaughtered are donated to the poor to be eaten. For example, a 2013 report in *Gothamist* states that chickens slaughtered are “either eaten or donated to a foodbank.” Marc Yearsley, *Protestors Try to Stop Jews’ Ritual Chicken Slaughter in Crown Heights*, *Gothamist* (Sept. 11, 2013), at [http://gothamist.com/2013/09/11/kaporos\\_protest.php](http://gothamist.com/2013/09/11/kaporos_protest.php). I have not been able to verify whether this information is true.

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1. A person or entity slaughtering animals may not do so within a 1,500-foot radius of a residential building pursuant to **N.Y.S. Agriculture & Markets Law section 96-b(2)**, as follows

In a city with a population of one million or more, the commissioner shall not license any person, firm, partnership or corporation to operate any place or establishment where animals and/or fowls are slaughtered or butchered for food within a fifteen hundred foot radius of a residential dwelling. This subdivision shall not apply to any premises upon which a person, firm, partnership or corporation has been continuously conducting business as described in this subdivision from a date prior to the effective date of this subdivision.

Chickens were being slaughtered within a 1,500-foot radius of residential buildings at Sale and Slaughter Sites #2, #3, and #4.

2. It is illegal to employ a child under the age of 18 in any slaughterhouse in any position. **N.Y.S. Labor Law section 133(2)(o)** provides, "No minor of any age shall be employed in or assist in . . . any occupation in or about a slaughter and meat-packing establishment, or rendering plant."

I observed children handing live chickens to the public in exchange for tickets bearing the price \$5.00 at Sale Site #1 and Sale and Slaughter Site #2.

I urge you not to issue permits for this activity in the future and to enforce the laws cited above. As a resident of the affected neighborhood, I would appreciate the opportunity to discuss this in person with the 71<sup>st</sup> Precinct's Community Affairs Unit. Please contact me at (347) 770-2473 or barrettlori@hotmail.com to set up an appointment. I am also requesting a copy of the permit or permits issued for the events described in this letter pursuant to the Freedom of Information Law. Thank you.

Sincerely,



Lori Barrett, Esq.

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### **Photograph #1**

I took this photograph of living and dead chickens on the public sidewalk and street under a truck at the makeshift slaughterhouse on President Street at Kingston Avenue at approximately 7:00 a.m. on September 13, 2013. I also videotaped five of the chickens pictured here moving and a man taunting the chickens by saying, "Run away."



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**Photograph #2**

I observed roughly a dozen dead chickens in crates on the sidewalk behind the large truck holding chickens at Sale Site #1 on the evening of September 10, 2013. I took this photograph of two of the dead chickens that I saw.



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**Photograph #3**

I took this photograph on the morning of September 13, 2013. It shows chicken feathers and feces on the street and sidewalk and a single, living chicken left in a crate on the southern pedestrian mall on Eastern Parkway at Kingston Avenue.



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**Photograph #4**

I took this photograph of chicken carcasses and chicken blood on the sidewalk and street of President Street at Kingston Avenue at approximately 7:00 a.m. on September 13, 2013.



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**Photograph #5**

I took this photograph of the southern pedestrian mall on Eastern Parkway at Kingston Avenue on the evening of September 11, 2013. The white spots on the pavement appear to be chicken feces. Although there were no live chickens on site when I took the photograph, the stench of chicken feces pervaded the air.



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**Photograph #6**

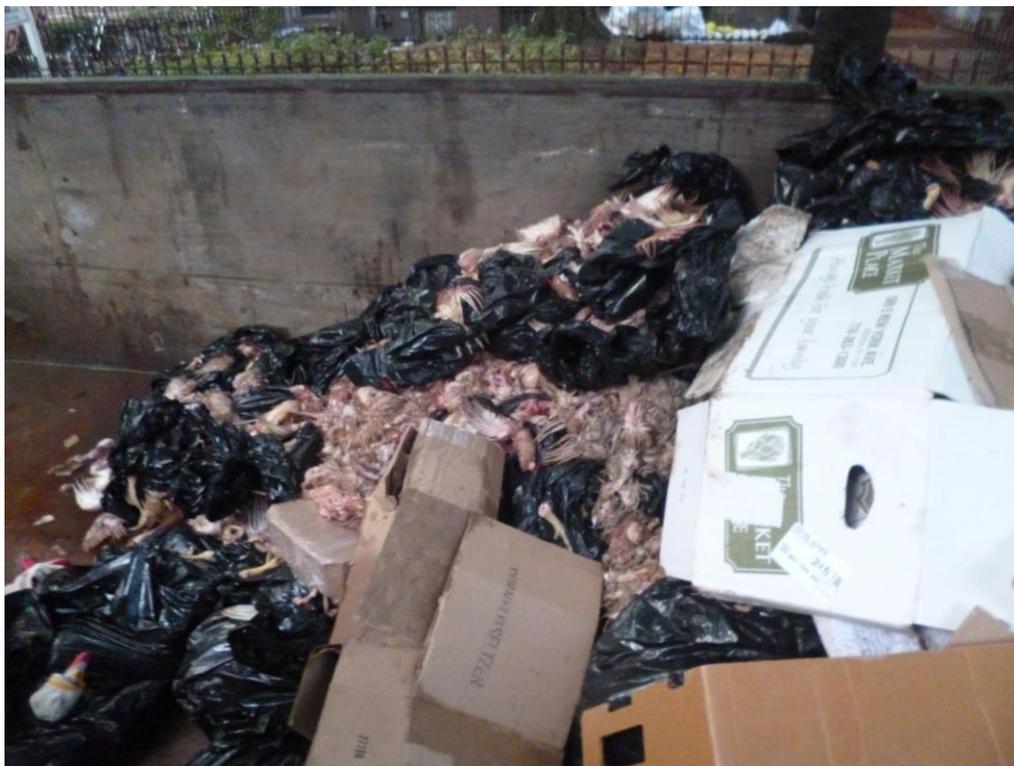
I took this photograph of a makeshift slaughterhouse in the front lot of 824 Eastern Parkway on the morning of September 13, 2013. There are boxes, chicken crates, feathers, and feces covering the sidewalk in front of the property.



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**Photograph #7**

I took this photograph of an uncovered dumpster containing chicken carcasses in front of 824 Eastern Parkway on the morning of September 13, 2013.



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### Photograph #8

I took this photograph of a sign advertising the sale of chickens posted on a lamppost on Eastern Parkway on September 10, 2013.

