

**Protocols and Solutions
For the Creation of
County Animal Cruelty and Neglect Units**

PLEASE KEEP FOR REFERENCE

Prepared by
Colorado Coalition Against Animal Cruelty and Neglect

Colorado Coalition Against Animal Cruelty and Neglect

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Dear Local Sheriff Departments:

It is the intent of this letter to give you information that may be helpful in cases of animal cruelty or neglect situations. It is our hope that we can establish protocols that will assist your office and at the same time work towards positive solutions to such problems. We ask that you create a **County Animal Cruelty and Neglect Unit** which can assist in these efforts and that the below guidelines be published on your website so that the public can get this information easily and understand that you WILL enforce the law. One possibility is that volunteers could be recruited to create such a citizen's task force that is responsible to your office.

You need to let people know who to call in your county to report animal cruelty and/or neglect. We suggest that you designate a specific person from your county (perhaps a deputy, an animal control person, or a trained civilian representative) as a member of the Animal Cruelty Unit for the public to contact. It is important that this person and the members of this Unit care about the welfare of animals.

Below is a list of possible procedures that may help you in your efforts, and attached is a list of various animal organizations, including rescue and rehabilitation facilities which are knowledgeable to assist your efforts. Please go directly to each organization for support as per the list. It is important to enforce the law for the sake of the animals involved. Animal cruelty and/or neglect is unacceptable whether it leads to other crimes or not.

The following steps should be taken:

1. Go to the site of the complaint and assess the situation. If you are not sure, call someone who has first-hand knowledge of a particular species to confirm your suspicions (see list of rescue facilities attached).

It is important to photograph the initial encounter. Photographs should be dated at the time they are taken and witnessed with a written, signed statement by those present, preferably more than one person. The report and accompanying photographs should include: (1) date; (2) time of day; (3) the weather; (4) general condition of facility; (5) comments on water and food access; (6) current condition of animal(s) specifying individual concerns and species; and (7) owner's name and phone number;

2. If you need official support, contact the office that has the authority to investigate animal cruelty and neglect complaints. **Dr. John Maulsby** is a state veterinarian at the Colorado Department of Agriculture, 700 Kipling Street, Suite 4000, Lakewood, CO 80215 and can be reached at **303-239-4161**. He is in charge of the **Bureau of Animal Protection (BAP)**.

An officer with BAP will follow up by contacting a commissioned officer and/or the county sheriff's office in the proper jurisdiction. The BAP works closely with local authorities to research complaints and any possible investigation that might ensue. Many of the BAP commissioned officers in Colorado are employees of local animal shelters, humane societies and law enforcement organizations. Complaints involving all species are researched. Most cases involve the local authorities as the lead investigative agency. Only law enforcement and district attorneys can file cruelty and/or neglect charges against an individual;

3. Remove any animals as soon as possible that appear to be distressed or suffering from lack of nutrition or medical care. These animals can be placed in rehabilitation facilities temporarily to assess their specific needs and/or to care for their wounds or neglect. It is

important for the rehab facility to do an initial intake evaluation which lists the observed problems, abuse, and needs of each animal. Photographs are recommended also;

4. Bring charges against the individual or individuals who perpetrated the neglect or abuse while these animals were in their care. It is important to note that although research indicates that these kinds of crimes lead to other more serious pathology, animal cruelty and/or neglect is unacceptable behavior in our society. No animal should be returned to an abusive owner;
5. Work with the rehabilitation facility to determine the fate of these abused animals. For example, do any need euthanasia, to be placed in immediate foster homes for intense care, adopted out, or to receive medical treatment? At this point, it is important to realize that most of these facilities are supported by donations and that extra financial help might be needed to support the care process. It is suggested that if at all possible sheriffs' offices create a fund for this purpose, especially if their offices receive many such abuse calls. If during the process the animals are eventually publicly auctioned off, money can be set aside to help create such a fund to reimburse rehab facilities as needed. The community should be encouraged to financially support this fund and to actively support the County Animal Cruelty Unit. If at all possible, leave the rescued animals in the permanent care of a sanctuary so no further harm continues;
6. Do not make the person filing the complaint the victim. It is the responsibility of the sheriff's department to oversee the investigation process and to thoroughly determine the facts to protect the animals in dispute. Many informers are afraid of retaliation with good reason. Be sensitive to this concern.

We want to work with each county in the state of Colorado to create a County Animal Cruelty Unit and to follow through with the prosecution of perpetrators. This is a very public matter and must be taken seriously. Members of our group will be in contact with you in the future to get your input and to offer support, insuring that this process will move forward. Your success with this difficult problem is important.

Most sincerely,

Dr. Sharon Greenleaf La Pierre
Wildlife Legacy Trust (WLT) – Boulder, CO
E-mail: lapierre@earthlink.net
<http://www.home.earthlink.net/~lapierre/>
720-320-8497

Bravo Bend Wildlife Sanctuary – Peyton, CO
<http://www.angelfire.com/co4/coyotewatch/index.html>
303-648-3467

Frank Wendland
W.O.L.F. – La Porte, CO
E-mail: wolfsash@aol.com
<http://www.wolfsanctuary.net>
970-416-9531

Kymerlie Adams
Animal Protection Institute (API)
<http://www.api4animals.org/>
E-mail: Kymerlie@api4animals.org
916-447-3085, ext. 224

Peaceful Prairie Sanctuary – Deer Trail, CO
E-mail: peacefulprairie@netecin.net
www.peacefulprairie.org
303-769-4997

Dawn Krall, Independent
E-mail: flowr.child@verizon.net

Dave Crawford, Executive Director
Rocky Mountain Animal Defense (RMAD) – Boulder, CO
<http://www.rmad.org/>
E-mail: info@rmad.org
303-449-4422
720-565-9096 (fax)

Judy Watson
Survival Outreach Sanctuary – Spring Hill, Florida
<http://www.soswildlife.org/>
E-mail: Coricat00@aol.com
352-799-2334

Enclosures:

1. This Letter of Protocol
2. Colorado Felony Cruelty Statute (18-9-202)
3. Colorado Cruelty to Animals Statutes (18-9-201)
4. General Police Powers (31-15-401)
5. People Who Can Help Animals/Contact List for Colorado

State Felony Cruelty Statute **Colorado**

18-9-202. Cruelty to animals—aggravated cruelty to animals—neglect of animals—offenses

(1)(a) **A person commits cruelty to animals if he knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon any vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge of custody of any animal, fails to provide it with proper food, drink, or protection from the weather, or abandons it.**

(b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.

(1.5) **A person commits aggravated cruelty to animals if he or she knowingly torments, tortures, or kills an animal.**

(2)(a) Except as otherwise provided in paragraph (b) of this subsection (2), cruelty to animals is a class 1 misdemeanor.

(a.5)(I)(A) In addition to the sentence imposed pursuant to this subsection (2), any person convicted of committing cruelty to animals pursuant to subsection (1) of this section or aggravated cruelty to animals pursuant to subsection (1.5) of this section, the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injures, mutilates, or kills an animal shall pay a surcharge of up to four hundred dollars to the clerk of the court in the county in which the conviction occurs or in which a deferred sentence is entered. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the fund.

(B) This subparagraph (I) is repealed, effective July 1, 2005.

(II) **In addition to the sentence imposed pursuant to subparagraph (I) of this paragraph (a.5) any person convicted of committing cruelty to animals pursuant to subsection (1) of this section or aggravated cruelty to animals pursuant to subsection (1.5) of this section, the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injures, mutilates, or kills an animal, may be ordered to complete an anger management program or any other appropriate treatment program.**

(b) (I) **A second or subsequent conviction under the provisions of paragraph (a) of this subsection (2), is a class 6 felony.** A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

(c) **Aggravated cruelty to animals is a class 6 felony; except that a second or subsequent conviction for the offense of aggravated cruelty to animals is a class 5 felony.** A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

The Colorado animal cruelty statute was revised to include felony provisions for repeated convictions for cruelty to animals, and to introduce the felony charge of aggravated cruelty to animals in June 2002. The Colorado state government's official web site listing of statutes does not yet reflect this change.

Colorado Cruelty to Animals Statutes

**COLORADO STATUTES
TITLE 18. CRIMINAL CODE
ARTICLE 9. OFFENSES AGAINST PUBLIC PEACE, ORDER, AND DECENCY
PART 2. CRUELTY TO ANIMALS**

18-9-201. Definitions

As used in sections 18-9-202 and 18-9-202.5, unless the context otherwise requires:

(1) "Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal.

(2) "Animal" means any living dumb creature.

(2.5) "Disposal" or "disposition" means adoption of an animal, return of an animal to the owner, release of an animal to a rescue group licensed pursuant to article 80 of title 35, C.R.S., release of an animal to another pet animal facility licensed pursuant to article 80 of title 35, C.R.S., or to a rehabilitator licensed by the division of wildlife or the United States fish and wildlife service, or euthanasia.

(2.7) "Euthanasia" means to produce a humane death by techniques accepted by the American veterinary medical association.

(3) "Mistreatment" means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

(4) "Neglect" means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.

18-9-201.5. Scope of part 2

(1) Nothing in this part 2 shall affect accepted animal husbandry practices utilized by any person in the care of companion or livestock animals or in the extermination of undesirable pests as defined in articles 7, 10, and 43 of title 35, C.R.S.

(2) In case of any conflict between this part 2 or section 35-43-126, C.R.S., and the wildlife statutes of the state, said wildlife statutes shall control.

(3) Nothing in this part 2 shall affect animal care otherwise authorized by law.

(4) Nothing in this part 2 shall affect facilities licensed under the provisions of the federal "Animal Welfare Act of 1970", 7 U.S.C. sec. 2131 et seq., as amended.

18-9-202. Cruelty to animals--neglect of animals--offenses--repeal

(1)(a) A person commits cruelty to animals if he knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon any vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather, or abandons it.

(b) Any person who intentionally abandons a dog or cat commits the offense of cruelty to animals.

(2)(a) Cruelty to animals is a class 1 misdemeanor.

(a.5)(I)(A) In addition to the sentence imposed pursuant to this subsection (2), any person convicted of committing cruelty to animals pursuant to subsection (1) of this section, the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injures, mutilates, or kills an animal shall pay a surcharge of up to four hundred dollars to the clerk of the court in the county in which the conviction occurs or in which a deferred sentence is entered. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the fund.

(B) This subparagraph (I) is repealed, effective July 1, 2005.

(II) In addition to the sentence imposed pursuant to subparagraph (I) of this paragraph (a.5) any person convicted of committing cruelty to animals pursuant to subsection (1) of this section, the underlying factual basis of which has been found by the court to include the knowing or intentional torture or torment of an animal that needlessly injures, mutilates, or kills an animal, may be ordered to complete an anger management treatment program or any other appropriate treatment program.

(III) The court shall order an evaluation to be conducted prior to sentencing to assist the court in determining an appropriate sentence. The person ordered to undergo an evaluation shall be required to pay the cost of the evaluation, unless the person qualifies for a public defender, then the cost will be paid by the judicial district. If the evaluation results in a recommendation of treatment and if the court so finds, the person shall be ordered to complete an anger management treatment program or any other treatment program that the court may deem appropriate.

(IV) Upon successful completion of an anger management treatment program or any other treatment program deemed appropriate by the court, the court may suspend any fine imposed, except for a five hundred dollar mandatory minimum fine which shall be imposed at the time of sentencing.

(V) In addition to any other sentence imposed upon a person for a violation of any criminal law under this title, any person convicted of a second or subsequent conviction for any crime, the underlying factual basis of which has been found by the court to include an act of cruelty to animals, shall be required to pay a mandatory minimum fine of one thousand dollars and shall be required to complete an anger management treatment program or any other appropriate treatment program.

(VI) Nothing in this paragraph (a.5) shall preclude the court from ordering treatment in any appropriate case.

(VII) This paragraph (a.5) does not apply to the treatment of pack or draft animals by negligently overdriving, overloading, or overworking them, or the treatment of livestock and other animals used in the farm or ranch production of food, fiber, or other agricultural products when such treatment is in accordance with accepted agricultural animal husbandry practices, the treatment of animals involved in activities regulated pursuant to article 60 of title 12, C.R.S., the treatment of animals involved in research if such research facility is operating under rules set forth by the state or federal government, the treatment of animals involved in rodeos, the treatment of dogs used for legal hunting activities, wildlife nuisances, or to statutes regulating activities concerning wildlife and predator control in the state, including trapping.

(b) In the case of any person incurring a second or subsequent conviction under the provisions of paragraph (a) of this subsection (2), a sentence of imprisonment within the minimum and maximum terms for a class 1 misdemeanor as provided in section 18-1-106 shall be mandatory and shall not be subject to suspension, nor shall such person be eligible for probation or parole for any part of such period. A plea of nolo contendere accepted by the court shall be considered a conviction for the purposes of this section.

(3) Nothing in this part 2 shall be construed to amend or in any manner change the authority of the wildlife commission, as established in title 33, C.R.S., or to prohibit any conduct therein authorized or permitted.

18-9-206. Unauthorized release of an animal--penalty--restitution

(1) Any person who intentionally releases any animal which is lawfully confined for scientific, research, commercial, legal sporting, or educational purposes or for public safety purposes because the animal has been determined to be dangerous to people, has an infectious disease, or is quarantined to determine whether or not it has an infectious disease without the consent of the owner or custodian of such animal commits the offense of unauthorized release of an animal.

(2) Unauthorized release of an animal is a class 2 misdemeanor.

(3) Any person who is convicted of unauthorized release of an animal shall be ordered to pay restitution for any damages resulting from such release, including the cost of restoring any animal to confinement, the cost of restoring the health of any animal which is released, the cost of any damage to real or personal property which is caused by a released animal, or any cost which results if the release causes the failure of an experiment, including the costs of repeating the experiment, replacement of any animal released, and the cost of labor and materials associated with such experiment.

18-9-207. Tampering or drugging of livestock

(1) As used in this section, unless the context otherwise requires:

(a) "Exhibition" means a show or sale of livestock at a fair or elsewhere in this state that is sponsored by or under the authority of the state or any unit of local government or any agricultural, horticultural, or livestock society, association, or corporation.

(b) "Livestock" means any domestic animal generally used for food or in the production of food, including, but not limited to, cattle, sheep, goats, poultry, swine, or llamas.

(c) "Sabotage" means intentionally tampering with an animal belonging to or owned by another person that has been registered, entered, or exhibited in any exhibition or raised for the apparent purpose of being entered in an exhibition.

(d)(I) "Tamper" means any of the following:

(A) Treatment of livestock in such a manner that food derived from the livestock would be considered adulterated under the "Colorado Food and Drug Act", part 4 of article 5 of title 25, C.R.S.;

(B) The injection, use, or administration of any drug that is prohibited by any federal, state, or local law or any drug that is used in a manner prohibited by federal law or the law of this state or any locality thereof;

(C) The injection or other internal or external administration of any product or material, whether gas, solid, or liquid, to an animal for the purposes of deception, including concealing, enhancing, or transforming the true conformation, configuration, color, breed, condition, or age of the animal or making the animal appear more sound than the animal would appear otherwise;

(D) The use or administration for cosmetic purposes of steroids, growth stimulants, or internal artificial filling, including paraffin, silicone injection, or any other substance;

(E) The use or application of any drug or feed additive affecting the central nervous system of the animal;

(F) The use or administration of diuretics for cosmetic purposes;

(G) The manipulation or removal of tissue, by surgery or otherwise, so as to change, transform, or enhance the true conformation or configuration of the animal;

(H) Subjecting the animal to inhumane conditions or procedures for the purpose of concealing, enhancing, or transforming the true conformation, configuration, condition, or age of the animal or making the animal appear more sound than the animal would appear otherwise;

(I) Attaching to the animal's hide foreign objects, including hair or hair substitutes, cloth, and fibers, for the purpose of deception, including concealing, enhancing, or transforming the true conformation, configuration, color, breed, condition, or age of the animal or making the animal appear more sound than the animal would appear otherwise;

(J) Substituting a different animal for the animal registered or entered in the exhibition without the permission of a responsible official of the exhibition.

(II) "Tamper" does not include any action taken or activity performed or administered by a licensed veterinarian or in accordance with instructions of a licensed veterinarian if the action or activity was undertaken for accepted medical purposes during the course of a valid veterinarian-client-patient relationship or any action taken as part of accepted grooming, ranching, commercial, or medical practices. "Tampering" shall not be construed to include normal ranching practices.

(2)(a) No person shall commit any act in this state that would constitute tampering with or sabotaging any livestock that has been registered, entered, or exhibited in any exhibition in this state.

(b) No person shall administer, dispense, distribute, manufacture, possess, sell, or use any drug to or for livestock unless such drug is approved by the United States food and drug administration or the United States department of agriculture; except that, if either agency has approved an application submitted for investigational use in accordance with the federal "Food, Drug, and Cosmetic Act", the drug may be used only for the approved investigational use.

(c) No person shall administer, distribute, possess, sell, or use any dangerous drug to or for livestock unless the drug is accompanied by a prescription issued by a licensed veterinarian entitled to practice in this state.

(3) Any person who violates the provisions of this section commits a class 1 misdemeanor. However, in lieu of the fine provided in section 18-1-106, the court may impose a fine of not less than one thousand dollars or more than one hundred thousand dollars.

(4) The name and photograph of any person convicted of violating the provisions of this section shall be made available for publication in newspapers of general circulation and trade journals.

**TITLE 31. GOVERNMENT--MUNICIPAL
POWERS AND FUNCTIONS OF CITIES AND TOWNS
ARTICLE 15. EXERCISE OF MUNICIPAL POWERS
PART 4. POLICE REGULATIONS**

31-15-401. General police powers

(1) In relation to the general police power, the governing bodies of municipalities have the following powers:

(a) through (h) omitted.

(i) To prohibit and punish for cruelty to animals.

(j) through (p) omitted.

(II) The governing body of the municipality may enact ordinances which provide that any establishment which engages in repeated or continuing violations of regulations adopted by the governing body shall constitute a public nuisance. In addition to the power provided for in paragraph (c) of this subsection (1) the governing body of the municipality may bring an action for an injunction against the operation of such establishment in a manner which violates such regulations.

(III) Nothing in the regulations adopted by the governing body of the municipality pursuant to this paragraph (p) shall be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

Amended in 1997, 1999.

Reviewed by AAHS in September 2001.