

Colorado Link Project Animal Control Officers Perspective Cruelty to Animals

Animal Control Officers are charged with protecting people from animal and animals from people. A large part of this responsibility is to investigate allegations of Animal Cruelty and Neglect. So what is Animal Cruelty and Neglect?

Colorado Revised Statute 18-9-202 Cruelty to Animals

A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overloads, overworks, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicle 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 consistent with the species, breed, and type of animal involved, or abandons an animals.

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

A person commits cruelty to animals if he or she recklessly or with criminal negligence tortures, needlessly mutilates, or needlessly kills an animal.

A person commits aggravated cruelty to animals if he or she knowingly tortures, needlessly mutilates, or needlessly kills an animal.

• Neglect of Animals

- 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
- Cases of neglect are most often acts of omission and do not give satisfaction to the person whose animals are neglected

• Cruelty to Animals

- Knowingly depriving an animal of food, water, shelter, socialization, or veterinary care or maliciously torturing, maiming, mutilating, or killing an animal.
- These acts are often intentional and are carried out for a specific purpose (control DV victim) and/or to give the perpetrator satisfaction.
- Acts of Cruelty to Animals include:
 - *Physical abuse*—Striking with hands/feet or other objects, shooting, stabbing, drowning, throwing, torturing, mutilating, burning, hanging, poisoning, sexually abusing, or needlessly killing
 - *Physical endangerment*—Placing an animal in a hazardous environment that could cause serious injury or death

- *Hoarding/Collecting*—The accumulation of large numbers of animals where the caregiver provides minimal standards of nutrition, sanitation and veterinary care; and fails to act on the deteriorating condition of the animals and/or environment
- *Abandonment*—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.
- *Sexual Act with an Animal*—An act between a person and an animal involving direct physical contact between the genitals of one and the mouth, anus, or genitals of the other. A sexual act with an animal may be proven without allegation or proof of penetration.

These types of investigations require a unique skill set that is developed through in-depth education/training and years of experience. These investigations can also require the expenditure of tremendous resources. From the time of initial contact with an animal owner until successful resolution is achieved commonly takes weeks and a case involving prosecution commonly last a year or more. This is not to mention the exacerbating financial costs involved in caring for the animals.

Beyond the cost associated with animal neglect/cruelty investigations is the danger to the Officers and the organization involved. It is not uncommon for an Animal Control Officer, especially in a rural setting, to be facing a violent individual alone with no backup available. Physical threats and lawsuits are part of the job and these individuals place themselves in harms way to protect those that cannot protect themselves.

In addition to dealing with the animal neglect and cruelty ACOs must be prepared to screen for other forms of abuse and provide appropriate referral when domestic violence, child abuse, elder abuse or other issues are identified. Understanding domestic violence, child abuse, and animal cruelty is a matter of professional competency and most ACOs strive towards a comprehensive understanding of the dynamics of interpersonal violence but much more could be done.

Colorado Department of Agriculture—Bureau of Animal Protection

The Bureau of Animal Protection (BAP) is a Department of the Colorado Department of Agriculture Animal Industry. Kate Anderson, DMV is the Program Administrator for both the BAP and the Pet Animal Care and Facilities (PACFA) Program. Scot Dutcher is the Chief of the BAP and the program's only full time employee.

The Commissioner of Agriculture through 35-42-107 CRS may appoint Agents that are vested with the authority to issue summons and complaints to enforce the provisions of Part 2 of Article 9 of Title 18 CRS.

- Title 18, Article 9, Part 2: Cruelty to Animals Sections 18-9-201 – 18-9-209
- Title 35, Article 42: Animal Protection, Sections 35-42-101 – 35-42-115
- Title 35, Article 42.5: Animal Shelters and Pounds, Section 35-42.5-101

Currently there are approximately 130 Bureau of Animal Protection Agents across Colorado.

The BAP is tasked to serve as a support mechanism to their agents and local law enforcement agencies in conducting animal cruelty and neglect investigations. This support mechanism includes:

- Facilitates the appointment of BAP Agents
- Maintains a list of active BAP Agents
- Completes referrals to the appropriate agencies for Animal Cruelty Investigations
- As requested/required assist BAP Agents with investigations
- Conducts investigations and/or assists LEO in areas without BAP Agents
- Conducts training related to Animal Cruelty Investigations
- Compiles BAP Reports
- Maintains Dangerous Animal Registry

Opportunity 1

Increase the effectiveness and efficiency of animal cruelty investigations by improving training.

Where present, BAP Agents are the primary mechanism for conducting a timely and thorough animal cruelty investigation. Regular Law Enforcement Officers (LEO) either cannot (resources or training) or do not (not a priority) conduct animal cruelty investigations. More importance is often placed on Felony level cases but Misdemeanor cases are often dismissed or not thoroughly investigated.

35-42-107 CRS (4) Agents of the bureau who have completed training as specified by the commissioner....

Training specified by the commissioner is minimal:

- 8 hours in legal authority for animal cruelty investigations
- 10 hours animal care and control skills
- 3 hours occupational safety
- 5 hours interpersonal communication skills and creative conflict resolution
- 8 hours equine husbandry including Henneke body conditions scoring
- 1 year experience in law enforcement, animal care and control or animal husbandry and;
- 30 hours of continued education and training shall be completed every 3 years

Increased training requirements for BAP Agents and increased availability of training could help to increase the effectiveness and efficiency of investigations resulting in more successful resolution thereby preventing an escalation of interpersonal violence.

Opportunity 2

More completely understand the scope and impact of animal cruelty and neglect.

Improve reporting and statistical gathering efforts.

- Facilitate more in-depth reporting by BAP Agents
- Statistical gathering project for major Animal Care and Control Agencies
- Statistical gathering project for major Law Enforcement jurisdictions
- Fund statistical analysis for animal cruelty statistics

Currently the BAP requires one designated agent per agency to submit statistics via the Bureau's website indicating the number of animal cruelty/neglect investigations, the number of animals impounded, and the number of warning/summons issued on a monthly basis. Below are the results of this statistical gathering for FY 07:

July 2007- June 2008

- Total Investigations 12,206
- Total Impounds 593
- Total Warning/Summons 5,211

See attached Report for detailed information (Investigations by Species, Impound by Species).

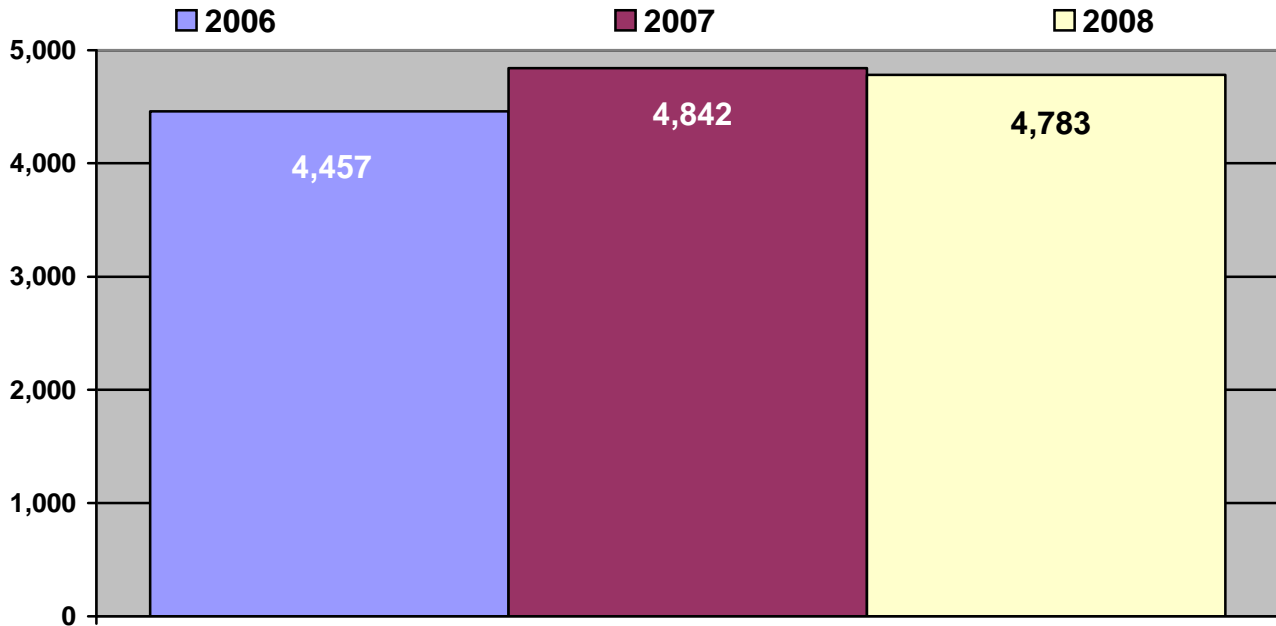
The data in the graphs below was obtained from the Humane Society of the Pikes Peak Region (HSPPR). HSPPR provides Animal Care and/or Control services to include Animal Cruelty Investigations for the following jurisdictions:

- El Paso County
- Pueblo County
- Douglas County
- City of Centennial

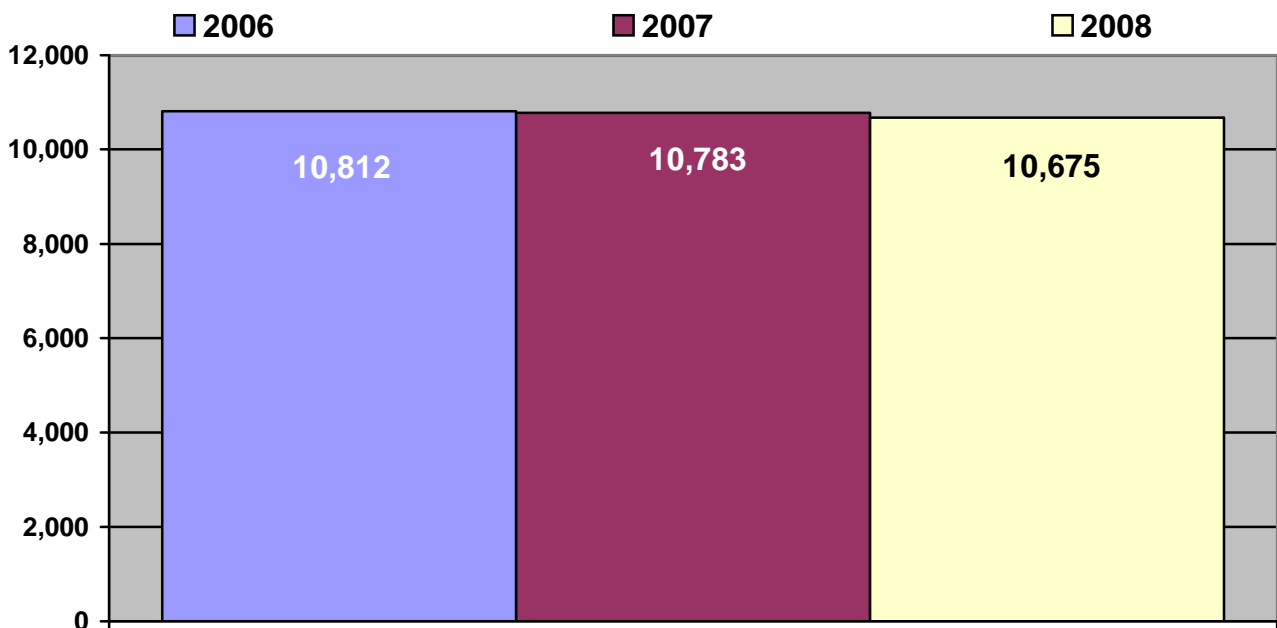
- City of Colorado Springs
- City of Pueblo
- City of Fountain
- City of Manitou Springs
- City of Monument

This area encompasses over 5,500 square miles and a population of approximately 1.4 million.

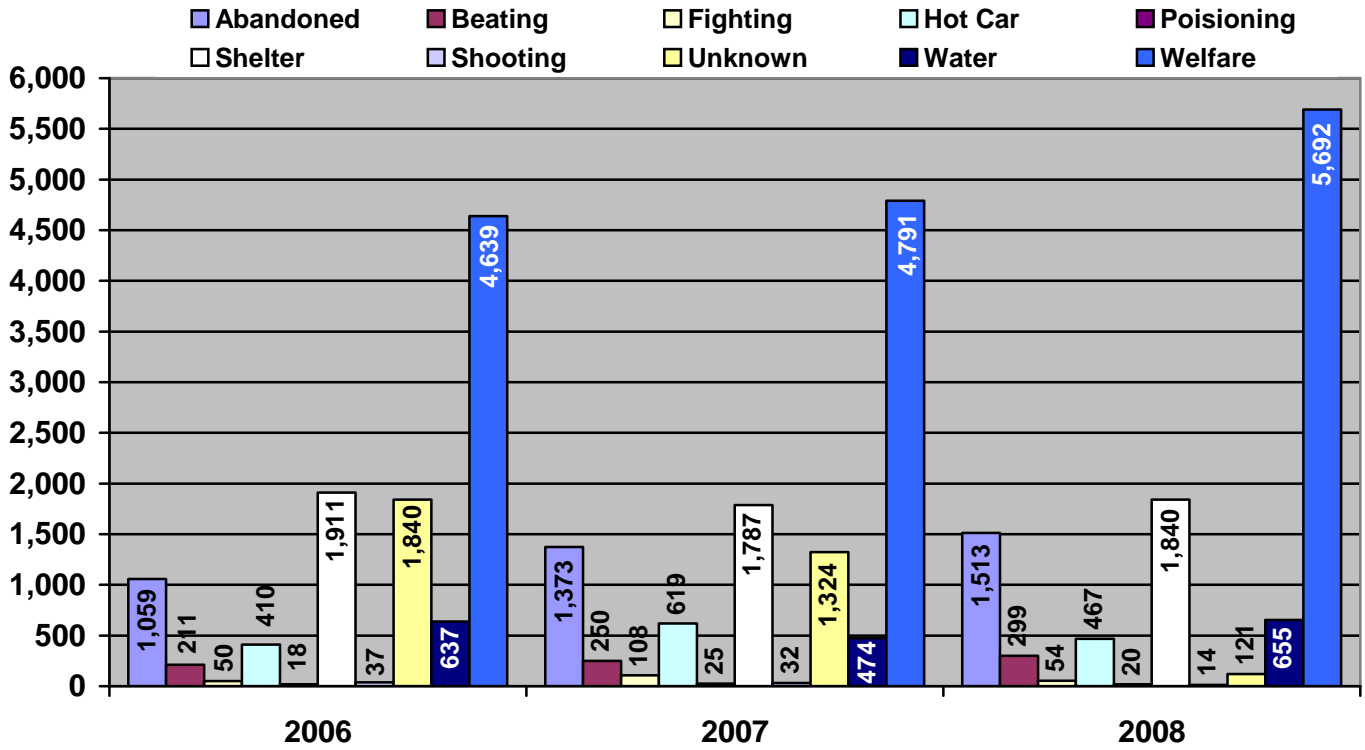
Animal Cruelty & Neglect Cases



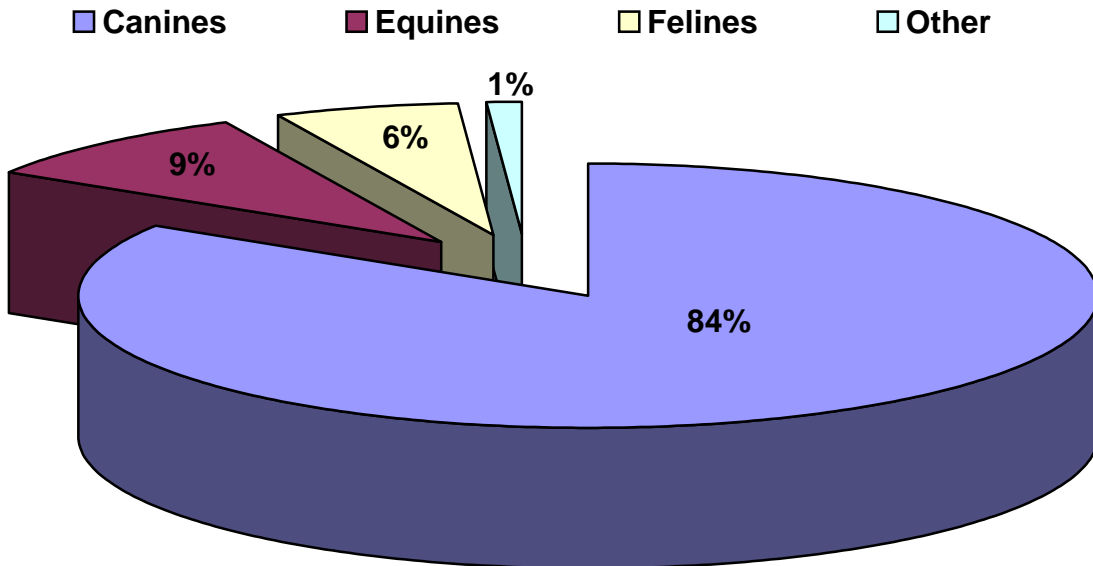
Responses to Animal Cruelty & Neglect Cases



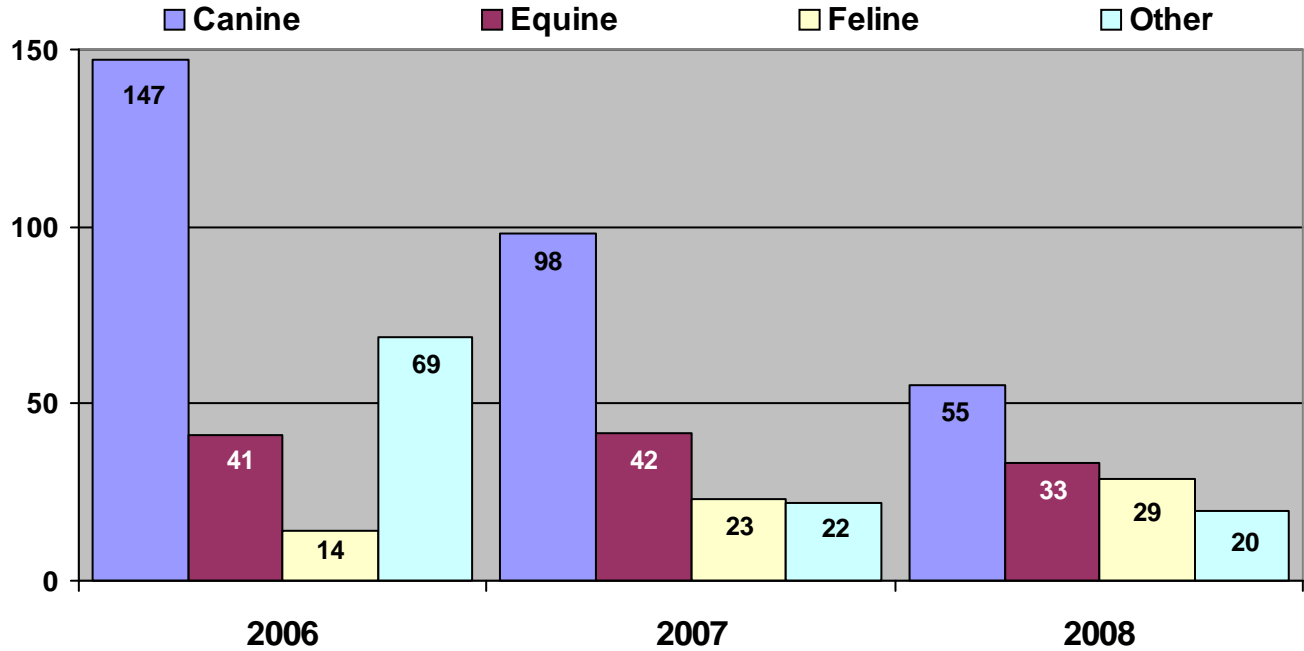
Investigations by Type



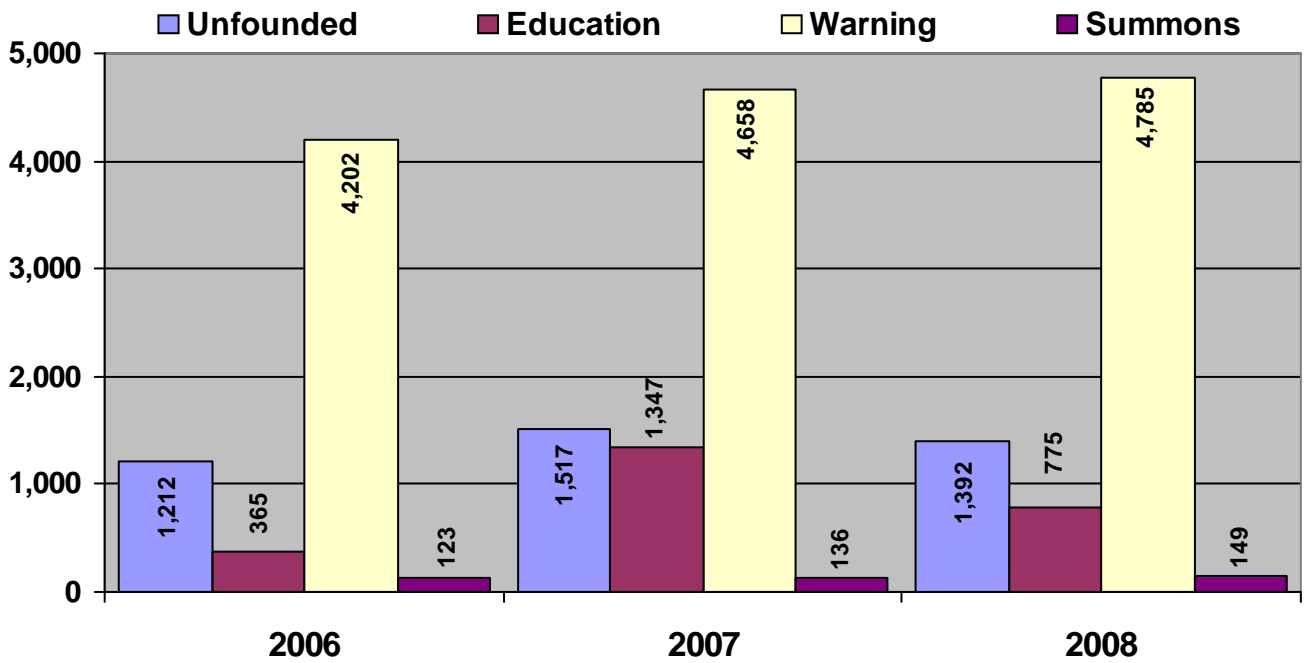
Species of Animals Involved in Reported Investigations



Number of Animals Impounded by Species



Key Results by Year

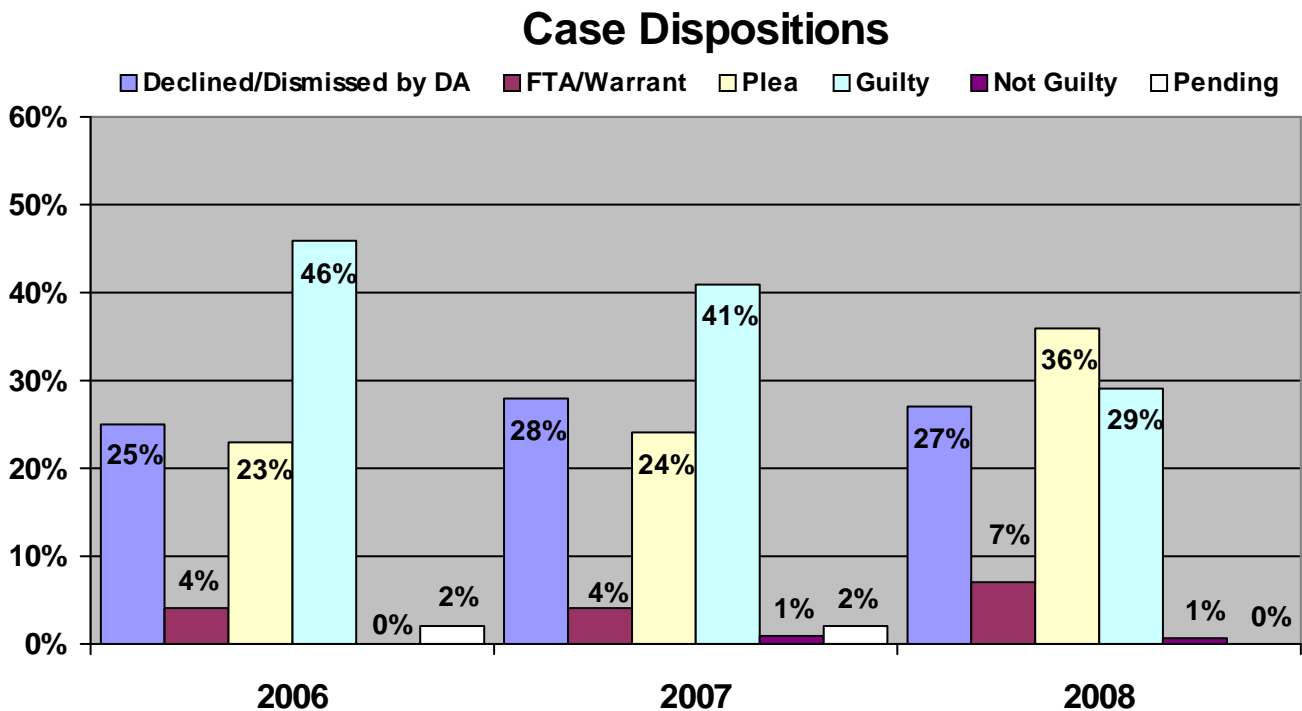


Opportunity 3

Facilitate a more robust and comprehensive system for the prosecution and sentencing of animal cruelty and neglect perpetrators.

Approximately 1% of investigations result in enforcement action (Issue Summons and Complaint or Arrest). Enforcement action is most commonly pursued as a last option or in the most heinous cases.

As previously stated Investigators often dedicate a tremendous amount of time and resources to these cases often placing themselves in danger. When prosecution becomes necessary to seek resolution those involved in the case *should* be able to realistically expect that the matter will be adequately addressed by the judicial system. However, cases are commonly dismissed, plead to a lesser charge, or not given the attention needed for successful resolution.



If a guilty plea or verdict is obtained, the sentencing rarely fits the act and seldom addresses the behavior that is often responsible. Therefore, the perpetrator often re-offends or may even escalate their behaviors. Can lack of adequate and comprehensive prosecution validate the perpetrator's behaviors and increase the revictimization rate and/or increase the intensity/frequency of interpersonal violence?

Summary

The current system to address all forms of Interpersonal Violence can be improved. I have seen first hand what can be accomplished when different disciplines work together towards a comprehensive solution to the many different facets of Interpersonal Violence.

To address the animal neglect and cruelty component of this cycle of violence we should first strive to better understand the problem by gathering and analyzing meaningful statistical data. Once the problem is more completely understood we can develop programs that address the issues and develop metrics that can measure progress towards a clear set of objectives. A training and education program that targets all individuals involved in the process will be essential to immediate as well as long term improvements. These education efforts can certainly begin at a grass roots level but to ensure long term effectiveness training programs should become part of the required training/education for Animal Control Officers, Law Enforcement Officers, Judicial Staff, Child Protection Workers, Victims Advocates, Medical Personnel, and everyone else that deals with these problems.

I hope that this information has helped you to better understand the Animal Control Officer's perspective of the perplexing problem of Animal Neglect and Cruelty.

If you have any questions, comments, or would like additional information please feel free to contact me.

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Attachments:

Department of Agriculture Bureau of Animal FY 2008 Report
Douglas County Animal Services Animal Cruelty Procedures