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# Mandatory Reporting of Cruelty to Animals and Animal Fighting

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Dear Colorado veterinarian,

On July 1, 2007, it became mandatory for Colorado veterinarians to report animal cruelty and animal fighting. The new law states that if a veterinarian suspects that he or she is treating an animal that has been subjected to cruelty or animal fighting, it must be reported to the appropriate authority. In addition, the veterinarian is protected under the law if he or she reports the incident in good faith.

The organizations shown at left came together to facilitate understanding and implementation of this new law. We have developed supporting material to assist you with the spirit and the letter of this law. Please share this information with your practice team so everyone is aware of this new requirement and how to comply.

Identifying animal abuse and even human abuse can sometimes be difficult. A number of resources are available to assist you. In this packet you'll find:

- Pertinent definitions from the cruelty statutes, and relevant sections of the new provisions for reporting contained in the veterinary practice act
- Sample protocol for the veterinary professional
- Suggestions for recording information in the patient's medical record
- Chart on patterns of non-accidental injury
- Magnet for recording and displaying contact information
- Primer on finding the contact numbers for the magnet

Additional resources are located on the CVMA Web site ([www.colovma.org](http://www.colovma.org)):

- Reporting forms, available through a link to the Colorado Department of Agriculture Web site ([colorado.gov/ag/animals](http://colorado.gov/ag/animals))
- Resources compiled by the Canadian Veterinary Medical Association on its Web site ([canadianveterinarians.net/animal.aspx](http://canadianveterinarians.net/animal.aspx)) that include recognizing animal abuse, reporting animal abuse, collecting evidence and other areas
- Links to other Web sites with supplemental information
- A presentation made by Diane Balkin (senior deputy district attorney for Denver and a public member of the State Board of Veterinary Medicine) at CVMA Convention 2007 will be added soon to the CVMA Web site. Watch for a CVMA eNews Digest that provides an update.

Please share this packet of information with your entire team – after all, it will be a group effort to recognize, report, and record suspected animal cruelty. Please contact any of the supporting partners if you have any questions or comments.

Thank you for being watchful for suspected cruelty to animals.

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## Cruelty Law and Definitions

### General

You and your entire staff should become familiar with cruelty laws:

- At a minimum, familiarize yourself with the statutory definitions of “animal,” “cruelty,” “animal fighting,” and “dangerous animal.” Within each statute there may be additional critical definitions such as “mistreatment” and the various forms of criminal intent. These can be found at [www.state.co.us](http://www.state.co.us). Cruelty to Animals may be found at § 18-9-02, Animal Fighting may be found at § 18-9-204, and the new mandatory reporting law may be found at § 12-62.121.
- Update your cruelty law files on a yearly basis.
- Know the mandatory reporting laws as well as any immunity provisions. This would also include being aware of any privilege or confidentiality exceptions.

### Statutory Definitions

Colorado Revised Statutes: §18-9-201 *Definitions*

- “Animal” means any living dumb creature
- “Mistreatment” means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering

- “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
- “Sexual act with an animal” means 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. Nothing in this subsection shall be construed to prohibit accepted animal husbandry practices.

### Cruelty to Animals

Colorado Revised Statutes: §18-9-202: *Cruelty to animals, aggravated cruelty to animals, neglect of animals.*

- (1) (a) A person commits cruelty to animals if he or she knowingly, recklessly, or with criminal negligence overdrives, 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 vehicles in a cruel or reckless manner, engages in a sexual act with an animal, 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 animal.

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

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

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

(1.6) (a) "Serious physical harm" means any of the following:

(I) Any physical harm that carries a substantial risk of death;

(II) Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming; or

(III) Any physical harm that causes acute pain of a duration that results in substantial suffering.

(1.8) A peace officer having authority to act under this section may take possession of and impound an animal that the peace officer has probable cause to believe is a victim of cruelty to animals or animal fighting and as a result is endangered if it remains with the owner or custodian. If, in the opinion of a licensed veterinarian, an animal impounded pursuant to this subsection is experiencing extreme pain or suffering, or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.

## Animal Fighting

Colorado Revised Statutes: §18-9-204.

(1) (a) No person shall cause, sponsor, arrange, hold, or encourage a fight between animals for the purpose of monetary gain or entertainment.

(b) For the purposes of this section, a person encourages a fight between animals for the purpose of monetary gain or entertainment if he or she:

(I) Is knowingly present at or wagers on such a fight;

(II) Owns, trains, transports, possesses, breeds, sells, transfers, or equips an animal with the intent that such animal will be engaged in such a fight;

(III) Knowingly allows any such fight to occur on any property owned or controlled by him;

(IV) Knowingly allows any animal used for such a fight to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by him;

(V) Knowingly uses any means of communication for the purpose of promoting such a fight; or

(VI) Knowingly possesses any animal used for such a fight or any device intended to enhance the animal's fighting ability.

(3) Nothing in this section shall prohibit normal hunting practices as approved by the division of wildlife.

(4) Nothing in this section shall be construed to prohibit the training of animals or the use of equipment in the training of animals for any purpose not prohibited by law.

## Mandatory Reporting

Colorado Revised Statutes: §12-64-121. *Reporting requirements – immunity for reporting – veterinary-patient-client privilege inapplicable.*

(1) A licensed veterinarian who, during the course of attending or treating an animal, has reasonable cause to know or suspect that the animal has been subjected to cruelty in violation of section 18-9-202, C.R.S., or subjected to animal fighting in violation of section 18-9-204, C.R.S., shall report or cause a report to be made of the animal cruelty or animal fighting to a local law enforcement agency or the bureau of animal protection.

(2) A licensed veterinarian shall not knowingly make a false report of animal cruelty or animal fighting to a local law enforcement agency or to the bureau of animal protection.

(3) A licensed veterinarian who willfully violates the provisions of subsection (1) or (2) of this section commits a class 1 petty offense, punishable as provided in section 18-1.3-503, C.R.S.

(4) A licensed veterinarian who in good faith reports a suspected incident of animal cruelty or animal fighting to the proper authorities in accordance with subsection (1) of this section shall be immune from liability in any civil or criminal action brought against the veterinarian for reporting the incident. In any civil or criminal proceeding in which the liability of a veterinarian for reporting an incident described in subsection (1) of this section is at issue, the good faith of the veterinarian shall be presumed.

(5) The veterinary-patient-client privilege described in section 24-72-204 (3) (a) (XIV), C.R.S., may not be asserted for the purpose of excluding or refusing evidence or testimony in a prosecution for an act of animal cruelty under section 18-9-202, C.R.S., or for an act of animal fighting under section 18-9-204, C.R.S.

# Sample Protocol for the Veterinary Professional

## If You Are Suspicious

1. **Dial 911** if you are concerned for the safety of yourself, your staff, or others.
2. **Do NOT compromise the timely treatment of the animal.**
3. Remember that everything you do, write, and say is likely to be disclosed to law enforcement authorities and to the accused (who may be your client). If you are called to testify under oath or to give a statement, you may be asked about anything you have documented. Be objective, honest, and thorough.
4. If possible, have another veterinarian (or witness) document their observations and assessments. They may support or contradict your findings – either way, it is beneficial and will lead to a well-documented objective conclusion.
5. Document what the client tells you when explaining the animal's condition.
  - a. Note the relationship between the client and the animal (owner, pet-sitter, neighbor, “good Samaritan,” etc.).
  - b. What is the client's behavior? Concerned? Apathetic?
  - c. Your client may admit incriminating conduct. It is essential to try to write down exactly what is said.
  - d. Note if the client's account changes.
  - e. Note if one client's account is inconsistent with another person's account.
  - f. Is the client an established client? Do you have a treatment history for the animal?
  - g. A client whose history includes consistently having new or young animals could also be an indicator.
  - h. You may be confronted with instances in which a very young child (under 10 years) is responsible for the act(s). You must intervene and report. A parent or guardian may minimize or deny the existence of a problem. If the circumstance allows, try to communicate your concerns to the child's parent or guardian.
6. Conduct a thorough examination of the animal and note its condition in the veterinary record (see Reporting in the Medical Record on page 5).
7. Report your suspicions to law enforcement or agency with jurisdiction to handle these types of crimes (see Primer for Reporting on page 8 for suggestions).
  - a. In most instances, you should report the suspected violation to your local law enforcement agency.
  - b. It is not realistic for you to expect to remain anonymous.
  - c. If you report to the Bureau of Animal Protection, you will be asked to provide your name, phone number, and a detailed description of the issue, which includes the species of the animal(s), location, owner, etc., so that authorities can follow up on the case.
  - d. You will not be expected to “investigate” the case. Peace officers (for example: police, sheriff, district attorney investigators, authorized employees of the Bureau of Animal Protection and authorized animal control officers) will conduct the investigation. They will ultimately determine whether or not cruelty or neglect charges will be filed, and, if so, which charges against which individual(s).
  - e. Officers cannot comment on a case until the investigation is completed, especially if there is a possibility of pending litigation.
  - d. For information about filing a complaint with the Bureau of Animal Protection, visit [www.colorado.gov/ag/animals](http://www.colorado.gov/ag/animals) or call the Colorado Department of Agriculture at 303.239.4161.
8. Document to whom you reported and when.
9. Additional guidance after reporting:
  - a. You should not discuss the matter with members of the media.
  - b. Upon request, you should provide copies of veterinary medical records to law enforcement officials and turn over any relevant physical evidence.
  - c. Complete a written (or tape-recorded) statement. The more thorough, at or near the time of the

event, the better able you will be to refresh your memory in the future.

- d. It is important that you know who you are talking to and who they represent. Additionally, it is advisable to refresh your memory about the case (by reviewing your records and statements) prior to any discussions with others. You have the right to speak or not to speak to anyone regarding the matter.
- e. If you are concerned about safety issues, the police or prosecuting attorney can assist with a restraining order.

- f. If you testify in court, whoever subpoenas you should be able to work with you and make it as convenient as possible. Simply tell the truth to the best of your ability.

## Related Family Violence Concerns

1. Familiarize yourself with related family violence issues and know your state statutes regarding the veterinarian's legal responsibilities regarding reporting child abuse or domestic violence. Links to supporting Web sites can be found at [www.colovma.org](http://www.colovma.org).
2. If you are able to do so, offer space at your clinic or kennel as a "safe haven" for pets.

# Reporting in the Medical Record

## Signalment

- Date and time of exam
- Animal's name, species, gender and reproductive status, age, color, identification or unusual markings, tattoos, microchip, etc.
- You might want to consider asking how long the owner has had the animal, if you don't know
- Name of owner, contact information
- Note all veterinary staff members involved with exam

## Verbal Account of Injury

- Reason for bringing in the animal and chief complaint (by client)
- Any documentation concerning what the client tells you when explaining the animal's condition including relationship, behavior, conduct concerning the animal's injury, any changes/inconsistencies of the account, age of suspected abuser (adult, child, etc.)

- Your client may admit incriminating conduct. It is essential to try to write down exactly what is said.
- Document the timeliness of seeking veterinary care

## Photography

Attach any pictures of the animal. Remember to take "before and after" pictures, and full body shots as well as close-ups. Document that all photos came from the same animal. Remember that fur and feathers may conceal injury, so you may consider shaving the animal. Be sure the photos are "in context" – take full body shots and close-ups. Video recording could be used to document an animal's gait or other behavior, if applicable.

## Physical Findings

Perform a complete physical exam noting any abnormalities or unusual findings. You can add a physical sticker to indicate the location of the injuries on the body. Note if these are new or old injuries. A wound diagram using a silhouette drawing for that species may be helpful.

Also include:

- How animal was brought in (walked in on own, limping, carried, etc.)
- Note whether the animal was in pain or was suffering
- Weight (if first time seeing the animal, ask if the animal's weight has changed)
- Body condition (be specific as to what score scale you use, or be very descriptive)
- Coat condition (note any unusual patterns, suspected parasites, or foreign material)
- Dental condition
- Behavior of animal (nervous, shy, apathetic, pain, suffering, etc.)
- Any physical evidence (embedded collar, bullet fragment, burned fur/feathers, etc.)

## Diagnostic Tests

- Document all laboratory tests performed (be sure findings and diagnosis are in the medical record)
- Additional research may be warranted if the case is unusual or peculiar, such as unique issues related to certain types of poison
- If taking radiographs, include a full body radiograph, or obtain several radiographs that cover the entire body. There may be additional injuries that aren't immediately apparent upon initial exam.
- Try to keep concern about expenses a non-issue. The money spent on exams and tests may corroborate

your findings, which may serve to be priceless in the long run. Also, if the individual responsible for the abuse is convicted, it is likely he/she will be ordered to reimburse you through a restitution order. There may be other forms of financial restitution as well.

## Euthanasia

- If the animal is euthanized, note the reasons why. A reason might be "extreme pain and suffering," or "injured past recovery."
- If the animal is dead or must be euthanized, store the body until the body can be transported for a forensic necropsy. The forensic pathologist (or possibly animal control) will tell you whether to refrigerate or freeze. Note the date, time, who, and what agency when you release the body.

DO NOT return the animal (dead or alive) to the client. Remember to call law enforcement to assist if you anticipate any type of conflict with the client or if you feel your safety or the safety of others (human or animals) is at risk.

## Releasing Evidence

### **(either physical evidence or the body)**

Understand chain of custody. Identify physical evidence by labeling the envelope or box with date, patient name, your initials, etc. Put evidence in a safe place or refrigerate if there are perishable items. If you turn the evidence over to law enforcement, note date, time, who you gave it to, and the person's agency. Remember that the body of an animal, dead or alive, is evidence.

# Patterns on Non-accidental Injury

Type of Injury	Examine for:	Diagnostic Process or Test
Head Trauma	Asymmetry from contusions or fractures Petechiae Ruptured tympanic membranes	Radiographs Inner ear exam
Abrasions or Bruising	Evidence of healing bruises or cuts (indicative of repetitive abuse) Embedded debris in skin or fur that can indicate dragging or throwing Fractured bones or ribs, including evidence of past injuries	Radiographs Note location, size and shape to connect to potential weapon
Feet Injuries	Frayed nails Torn pads Debris caught between pads and fur, or within frayed nail	Swipe feet across paper to preserve trace evidence; in deceased animals, remove nail DNA
Burns	Smell wound for accelerants, oils or chemicals	Swab the wound before and after treatment for analysis of chemical Photograph burn patterns
Starvation	Evidence of pica Gastric ulcers Occult fecal blood Melena	Bone marrow fat analysis Routine profile Examine stomach content and feces
Embedded Collar	Visible signs of trauma Foul odor from infection and necrosis	Take pictures before and after shaving Measure width and depth of wound Save the collar
Dog Fighting	Characteristic puncture wounds on face, neck and front legs Evidence of starvation and beatings Evidence of heavy chain used as collar	Test for use of steroids, analgesics, hormones or diuretics
Gunshot Wounds	Fur forced in or out at entrance and exit wounds Singed fur or coat Abrasion rings Gunshot residue on or inside the wound	Remove bullets with fingers or cotton-wrapped forceps Photograph each wound before and after cleaning Shave and note powder patterns
Ligature Injuries	Crushing injury to skin, blood vessels and tissue Surrounding tissue may be inflamed and infected	Characteristic bruising pattern Trace evidence
Knife Wounds	Length and type of blade Note tapers on one or both ends of wound	Measure external wounds Measure wound depth Swab for DNA, both human and animal

Source: Melinda Merck, DVM  
Reprinted with permission from The American Society for Prevention of Cruelty to Animals (ASPCA)

# Primer for Reporting

(AKA: Help! How do I get started?)

This process can be beneficial beyond simply reporting animal cruelty. It is about building relationships with people in a parallel field.

Establish a contact before you need them. It is easier now to find the correct contacts than when you are in the middle of a suspected cruelty situation and need advice quickly. It's good to know people involved in your local law enforcement, animal control, humane societies and others whom you may someday encounter.

## Areas on the Magnet

### In an Emergency

Never compromise the safety of individuals. If there is a feeling of risk or harm, calling 911 is the quickest method of reaching authorities.

### 1) Local Law Enforcement

- It's the fastest and the best way to contact someone
- They know the law and can assist you with understanding the law
- Contact them when you suspect abuse; remember: you only report – not investigate – the incident
- Contact them if you are concerned that you, your staff, or your clinic needs protection
- Have more than one contact if possible; anticipate the need for an after-hours or emergency contact
- Find the Blue Pages in your local phone book and look up "Police."

Here's a suggested script for requesting the correct contact:

"Hello, my name is \_\_\_\_\_ and I'm a \_\_\_\_\_ (e.g., veterinarian, veterinary technician, receptionist) at \_\_\_\_\_ clinic. There is a new law that requires us to report animal cruelty. Who should I call within your agency, or do I need a different agency? We'd also like you to be aware of our clinic. Thank you."

### 2) Local Animal Care Agency

This may be a humane society, animal control agency, or other organization that will deal directly with animal cruelty cases.

Other examples include: shelters and rescues, including horse rescue, that are available to law enforcement to house impounded animals (law enforcement may ask for some assistance as well). The brand inspector can also be a source of information regarding livestock laws.

### 3) Bureau of Animal Protection

Depending on the information gathered at the local level, state officials of the Bureau of Animal Protection may become involved upon the request of local law enforcement authorities. All cases involve local authorities as the investigators. Only law enforcement and district attorneys can file criminal cruelty and/or neglect charges against an individual.

### Additional Contacts

There may be more than one agency with jurisdiction in your area.

- District, county, and city attorney
- Animal control
- Humane society