

DEPARTMENT OF AGRICULTURE

Animal Health Division

BUREAU OF ANIMAL PROTECTION RULES

8 CCR 1201-18

[Editor's Notes follow the text of the rules at the end of this CCR Document]

Part 1. Definitions

- 1.1. "Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner or caretaker, the person responsible for the animal's care or custody, or any other person having possession of such an animal.
- 1.2. "Animal" means any living dumb creature.
- 1.3. "Animal Protection Act" means the article describing the scope of, agents responsible for enforcement of, and conditions that elicit animal protection in the Colorado Revised Statutes § 35-42-101, C.R.S. et seq.
- 1.4. "Assessment" means to make an on-site determination of: whether an animal is confined without an adequate supply of food and water and may be mistreated, neglected, or abandoned or whether an animal is the subject of Cruelty to Animals.
- 1.5. "Assist" means to work under the direction and authority of law enforcement.
- 1.6. "Commissioned agent" or "agent" means an agent of the Bureau of Animal Protection approved by the Colorado Agricultural Commission and appointed by the Commissioner.
 - 1.6.1. "Non-profit agent" means a commissioned agent of the Bureau of Animal Protection who is employed by a non-profit agency.
 - 1.6.2. "Municipal agent" means a commissioned agent of the Bureau of Animal Protection who is employed by a county, city, or other municipal organization.
 - 1.6.3. "Law enforcement agent" means a commissioned agent of the Bureau of Animal Protection who is employed by a law enforcement agency and whose employment relationship defines the scope of the agent's authorities.
 - 1.6.4. "Department of Agriculture agent" means an agent of the Bureau of Animal Protection who is employed by the Colorado Department of Agriculture.
- 1.7. "Commissioner" means the Colorado Commissioner of Agriculture or his designee.
- 1.8. "Companion or Domestic Animal" means domestic dogs, domestic cats, pet birds, and other non-livestock species.
- 1.9. "Criminal investigation" means a fact-finding process that follows an initial assessment and that is for the purpose of gathering evidence to support a criminal charge for cruelty to animals or neglect, mistreatment, or abandonment of an animal which fact-finding process occurs pursuant to the authority of and at the direction of law enforcement.

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- 1.10. "Cruelty to Animals" means actions against an animal, including but not limited to subjecting an animal to: knowing, reckless, or criminally negligent mistreatment or neglect; intentional abandonment; or knowing, reckless, or criminally negligent torture, needless mutilation, or needless death, as set forth in the Colorado Revised Statutes at § 18-9-201, C.R.S. et seq.
- 1.11. "Dangerous Dog" means any dog that:
- 1.11.1. Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal, or livestock; or
 - 1.11.2. Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal or livestock; or
 - 1.11.3. Is trained or used for animal fighting.
- 1.12. "Department" means the Colorado Department of Agriculture.
- 1.13. "Inspection" means a fact-finding process that follows an initial assessment, undertaken when the initial assessment yields concerns that an animal may be the subject of Cruelty to Animals or that an animal may be the subject of neglect, mistreatment, or abandonment. Inspection may include interviewing, visual observations, and taking photographs.
- 1.14. "Investigation" means a fact-finding process that follows an initial assessment for the purpose of gathering evidence to support a criminal charge for cruelty to animals or neglect, mistreatment, or abandonment of an animal or to support a civil charge for neglect, mistreatment, or abandonment of an animal.
- 1.15. "Law enforcement" means a fully P.O.S.T.-certified peace officer, within their jurisdiction. "Law enforcement" includes but is not limited to a sheriff, undersheriff, or deputy sheriff; a police officer; a town marshal or deputy town marshal; a Colorado State Trooper; or a Colorado Bureau of Investigation agent.
- 1.16. "Law enforcement agency" means any agency of the state or its political subdivisions that is responsible for enforcing the laws of this state. "Law enforcement agency" includes but is not limited to any police department, sheriff's department, and the district attorney's office.
- 1.17. "Livestock" means cattle, swine, sheep, goats, and such horses, mules, asses, and other animals used in the farm or ranch production of food, fiber, or other products defined by the Commissioner as agricultural products.
- 1.18. "Mistreat/Mistreatment" means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- 1.19. "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 species, breed, and type of animal.
- 1.20. "Site" means the location of an animal.
- 1.21. "Statistics" means each commissioned agent's number of animal assessments (by species), the number of dogs seized and impounded as a result of an agent's issuing a summons and complaint for a charge of Unlawful Ownership of a Dangerous Dog, and the number of all summonses issued on a monthly basis.

- 1.22. "Unlawful Ownership of a Dangerous Dog" means owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a dangerous dog.

Part 2. Process and Procedures

- 2.1. **Assessment.** A Commissioned Agent may conduct an assessment at a site when the Commissioned Agent learns, whether by complaint or by tip or by direct contact with Department personnel, that an animal may be confined without an adequate supply of food or water, that an animal may be the subject of mistreatment, neglect, or abandonment, or that an animal may be the subject of Cruelty to Animals.
- 2.1.1. **Inadequate supply of food and water.** A Commissioned Agent who finds an animal confined without an adequate supply of food and water may enter into the location where the animal is confined and provide it with food and water.
- 2.1.1.1. No Commissioned Agent may enter into a person's private residence.
- 2.1.1.2. A Commissioned Agent who enters into property to provide food and water to an animal confined without an adequate supply of food and water shall post notification of said entry at an entrance to or at a conspicuous place upon such area or building where such animal is confined.
- 2.1.1.3. In the case of companion animals, if such animal is not cared for by a person other than the Commissioned Agent or other peace officer or a veterinarian within 72 hours of the posting of the notification, such companion animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.
- 2.1.1.4. After consultation with the Department, and upon direction and approval from the Department, a Commissioned Agent may take charge of any companion animal presumed to have been abandoned pursuant to this section.
- 2.2. **Inspection.**
- 2.2.1. **Mistreatment, Neglect, or Abandonment: Companion Animal.** A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject of mistreatment, neglect, or abandonment, may perform the following actions without the assistance of law enforcement:
- 2.2.1.1. Interview the companion animal's owners or caretakers;
- 2.2.1.2. Interview any witnesses who may have information related to the alleged mistreatment, neglect, or abandonment;
- 2.2.1.3. Visually observe the companion animal if such visual observation can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such companion animal is confined without adequate food or water.
- 2.2.1.4. Take any photographs necessary to aid the agent with recollection of the alleged mistreatment, neglect, or abandonment.
- 2.2.1.5. Issue a summons and complaint to the owner, caretaker, or other person who has possession of the companion animal.

- 2.2.1.6. Contact the Colorado Department of Agriculture if the agent has reasonable cause to believe that the animal has been mistreated, neglected, or abandoned so that the animal's life or health is endangered, and that the person in control of the animal is unable to adequately provide for the animal and is not a fit person to own the animal.
- 2.2.2. Mistreatment, Neglect, or Abandonment: Livestock. A Commissioned Agent, whose assessment gives the Commissioned Agent reasonable grounds to believe that livestock is the subject of mistreatment, neglect, or abandonment, may perform the following actions without the assistance of law enforcement:
 - 2.2.2.1. Interview the livestock's owners or caretakers;
 - 2.2.2.2. Interview any witnesses who may have information related to the alleged mistreatment, neglect, or abandonment;
 - 2.2.2.3. Visually observe the livestock if such visual observation can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such livestock is confined without adequate food or water.
 - 2.2.2.4. Take any photographs necessary to aid the Commissioned Agent with recollection of the alleged mistreatment, neglect, or abandonment.
 - 2.2.2.5. Contact law enforcement to proceed with criminal investigation pursuant to the direction and under the authority of law enforcement.
 - 2.2.2.6. Contact the Colorado Department of Agriculture if the agent has reasonable cause to believe that the animal has been mistreated, neglected, or abandoned so that the animal's life or health is endangered, and that the person in control of the animal is unable to adequately provide for the animal and is not a fit person to own the animal.
- 2.2.3. Cruelty to Animals: Companion Animal. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject of Cruelty to Animals, may perform the following actions without the assistance of law enforcement:
 - 2.2.3.1. Interview the companion animal's owners or caretakers;
 - 2.2.3.2. Interview any witnesses who may have information related to the alleged Cruelty to Animals;
 - 2.2.3.3. Visually inspect the companion animal if such visual inspection can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such companion animal is confined without adequate food or water.
 - 2.2.3.4. Take any photographs necessary to aid the agent with recollection of the alleged Cruelty to Animals.
 - 2.2.3.5. Issue a summons and complaint to the owner, caretaker, or other person who has possession of the companion animal.

- 2.2.3.6. Contact law enforcement to proceed with criminal investigation pursuant to the direction and under the authority of law enforcement.
- 2.2.4. Cruelty to Animals: Livestock. A Commissioned Agent, whose assessment gives the Agent reasonable grounds to believe that livestock is the subject of Cruelty to Animals, may perform the following actions without the assistance of law enforcement:
 - 2.2.4.1. Interview the livestock's owners or caretakers;
 - 2.2.4.2. Interview any witnesses who may have information related to the alleged Cruelty to Animals;
 - 2.2.4.3. Visually observe the livestock if such visual observation can be achieved without entering illegally into or onto private property, or when a Commissioned Agent has entered the property to provide food or water where such livestock is confined without adequate food or water.
 - 2.2.4.4. Take any photographs necessary to aid the Commissioned Agent with recollection of the alleged Cruelty to Animals.
 - 2.2.4.5. Contact law enforcement to proceed with criminal investigation pursuant to the direction and under the authority of law enforcement.
- 2.3. Investigation.
 - 2.3.1. Mistreatment, Neglect, or Abandonment: Companion Animal. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject of mistreatment, neglect, or abandonment, may not proceed beyond the inspection outlined in Section 2.2.1, including seizing and impounding the companion animal, without direction from and under the authority of law enforcement or the Department.
 - 2.3.2. Mistreatment, Neglect, or Abandonment: Livestock. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that livestock is the subject of mistreatment, neglect, or abandonment, may not proceed beyond the inspection outlined in Section 2.2.2 without direction from and under the authority of law enforcement or the Department.
 - 2.3.3. Cruelty to Animals: Companion Animal. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that a companion animal is the subject Cruelty to Animals, may not proceed beyond the inspection outlined in Section 2.2.3, including seizing and impounding the companion animal, without direction from and under the authority of law enforcement.
 - 2.3.4. Cruelty to Animals: Livestock. A Commissioned Agent, whose assessment gives the agent reasonable grounds to believe that livestock is the subject Cruelty to Animals, may not proceed beyond the inspection outlined in Section 2.2.4 without direction from and under the authority of law enforcement.
- 2.4. Unlawful Ownership of a Dangerous Dog. A Commissioned Agent, who is acting under the authority of applicable local or county ordinances, may conduct an investigation of an allegation of unlawful ownership of a dangerous dog.

- 2.4.1. Summons and Complaint: Where reasonable grounds exist to believe that a person has committed the unlawful ownership of a dangerous dog, a Commissioned Agent may issue to the owner or caretaker of that dog a summons and complaint for an alleged violation of § 18-9-204.5, C.R.S. Unlawful Ownership of a Dangerous Dog.
- 2.4.2. Seize and Impound: Where a Commissioned Agent has issued a summons and complaint for an alleged violation of § 18-9-204.5, C.R.S. Unlawful Ownership of a Dangerous Dog, that Commissioned Agent may take the dog into custody and place it into a public animal shelter.
- 2.4.3. Warrant: Where a Commissioned Agent has issued a summons and complaint for an alleged violation of § 18-9-204.5, C.R.S. Unlawful Ownership of a Dangerous Dog, and where the owner or caretaker or other person in possession of the dog refuses to permit the agent to seize and impound the dog, the agent may contact law enforcement for assistance with obtaining and executing a search warrant to seize the dog.

Part 3. Agent Training Requirements

In addition to the applicable requirements set forth in § 35-42-107 C.R.S., each applicant must satisfy these training and experience requirements as set forth below to be eligible to receive a commission, unless the Commissioner determines that an applicant's experience and training constitute equivalent qualification for a commission.

- 3.1. 40 hours of prior training, to include:
 - 3.1.1. Legal authority for investigations, assessments, and inspections (this can include but does not require evidence collection and chain of custody);
 - 3.1.2. Animal care, behavior, and handling;
 - 3.1.3. Occupational safety;
 - 3.1.4. Crisis intervention and conflict resolution;
 - 3.1.5. Report writing;
 - 3.1.6. Professionalism and ethics;
 - 3.1.7. Animal husbandry and body condition scoring; and
 - 3.1.8. Optional training, which may include but is not limited to:
 - 3.1.8.1. Cost of Care;
 - 3.1.8.2. Evidence collection and chain of custody;
 - 3.1.8.3. Courtroom preparation; and
 - 3.1.8.4. Cross reporting.
- 3.2. Training provided by the Colorado Department of Agriculture, to include, at minimum:
 - 3.2.1. Colorado Laws including Colorado Revised Statutes Titles 18 and 35;
 - 3.2.2. Scope of authority; and

3.2.3. Bureau of Animal Protection Rule 8 CCR 1201-1218.

3.3. One year experience in regulatory or code enforcement, animal care and control, or animal cruelty Investigations.

Part 4. Continuing Education, Terms of Commissions and of Renewals, and Revocation

4.1. Continuing Education: 32 hours of continuing education and training shall be completed every 2 years.

4.1.1. Continuing education course information must be submitted to the Colorado Department of Agriculture for approval and must be submitted and approved prior to a training course being offered as continuing education.

4.1.2. No training course submitted for approval will be considered valid until it receives the Commissioner's approval. A wide variety of training falls within the scope of BAP agent authority, and will be considered by the Commissioner.

4.2. Term of Commission: Each commission shall remain valid for the period of one calendar year from the date it is issued.

4.3. Renewal of Commission: A commissioned agent who desires to continue as a commissioned agent must apply for renewal annually, providing with such application for renewal, at a minimum:

4.3.1. Employment Information: Current employer name, address, phone, category, and supervisor information;

4.3.2. Continuing Education: Evidence of completed, approved, continuing education credits, if applicable;

4.3.3. Statistics: Fully submitted statistics for the agent's previous year's activities;

4.3.4. Expired BAP Cards must be returned to CDA; and

4.3.5. Additional Requirements of Commissioner: Any additional requirements or information that the Commissioner may request must be provided.

4.3.6. Term of Renewal: Recommissioned agents will be recommissioned for one year, subject to any subsequent determination by the Commissioner to revoke an agent's commission.

4.4. Suspension or Revocation of Commission: The Commissioner may suspend or revoke a commissioned agent's commission at the Commissioner's discretion.

Part 5. Statistics and Reporting

5.1.1. At least one representative from each agency shall be designated to submit statistics to the Bureau of Animal Protection.

5.1.2. Statistics for each commissioned agent shall be compiled and reported as part of the agency statistics.

5.1.3. Statistics for any given month shall be due on the 15th day of each successive month.

5.1.4. Statistics to be reported for the month shall include:

- 5.1.4.1. Total number of BAP calls for service responded to by agency;
- 5.1.4.2. Total number of animals assessed and inspected, by species;
- 5.1.4.3. Total number of animals impounded, by species;
- 5.1.4.4. Total number of warnings issued, both verbal and written; and
- 5.1.4.5. Total number of summonses issued.

Parts 6-8. Reserved

Part 9. Statements of Basis, Specific Statutory Authority and Purpose

9.1. Adopted April 4, 2003 – Effective June 30, 2003

The Colorado State Agricultural Commission adopts these rules pursuant to Section C.R.S. 35-42-106.

The purpose of rule 1 is to inform the State Veterinarian's Office before any animal is impounded, and to protect the owner from having his animal(s) unnecessarily impounded, or to require an owner to post bond for an unnecessary impoundment.

The purpose of rule 2 is to have minimum education/experience requirements for BAP commission applicants.

The purpose of rule 3 is to provide choices in disciplinary action, other than commission revocation, for any problem that may arise regarding legal authority.

9.2. Adopted March 5, 2007 – Effective May 1, 2007

The Commissioner of Agriculture adopts these rules pursuant to § 35-42-106, C.R.S.

The purpose of rule 4 is to establish reporting requirements to aid the Bureau of Animal Protection in compiling accurate statistics to be reported to the Commissioner of Agriculture and other entities as requested. These statistics reflect work done by all agents of the Bureau as commissioned law enforcement officers as defined in § 35-42-107, C.R.S.

9.3. Adopted November 9, 2016- Effective December 30, 2016

The Commissioner of Agriculture adopts these Rules pursuant to the authorities located at § 35-42-106, C.R.S.

The purpose of these Rules is to identify and articulate the Commissioner's authority with regard to administration of the Animal Protection Act. This Rule establishes how the Commissioner's authority is to be exercised with regard to assessment, inspection, and investigation of companion animals and of livestock. This Rule further establishes the processes and procedures in place for such inspections and investigations related to potential violations of the Animal Protection Act. Additionally, this Rule sets forth the training requirements and continuing education for individuals who desire to be agents and who are currently agents of the Bureau of Animal Protection. Finally, this Rule establishes the statistics that the Commissioner requires be kept with regard to enforcement of this Animal Protection Act and the manner by which those statistics must be reported to the Commissioner.

The Rules previously adopted pursuant to the Animal Protection Act had not been revised or updated since 2007. This rule-making completely replaces those Rules with updated, more user-friendly, and expanded Rules for enforcement of the Animal Protection Act.

Editor's Notes

History

Entire rule eff. 05/01/2007.

Entire rule eff. 12/30/2016.