

AURORA POLICE DEPARTMENT

DIRECTIVE MANUAL

8.20 PROTECTION ORDERS

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Sep-01-1998
Revised:	Dec-16-2025
Associated Policy:	DM 6.09, 16.04
References:	C.R.S. § 18-6-803.5, 18-6-800.3, 13-14-104.5, 18-1-1001, 13-14-110, 13-14-101, HB25-1148
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

8.20.01 PURPOSE

The purpose of this policy is to ensure that all parties involved in Protection Order proceedings comply with the provisions of the Protection Orders. Offenses involving Protection Order violations will be handled with the same degree of care as those under [DM 06.09 - Domestic Violence](#).

8.20.02 SCOPE

This Directive applies to all members of the APD.

8.20.03 DEFINITIONS

Protection Order: A court-issued order intended to prevent contact or harmful conduct toward a protected person or animal, including physical, emotional, or psychological harm. It may impose restrictions such as no-contact provisions, geographic separation, or other safeguards. This includes any order issued under C.R.S. § 13-6-107, 14-4-101 to 14-4-105, 14-10-107, 14-10-108, 18-1-1001, 19-2-403, 19-3-316, 19-4-111, Rule 365 of the Colorado Rules of County Court Civil Procedure, or as part of a criminal municipal ordinance proceeding, that prohibits a person from contacting, harassing, threatening, injuring, intimidating, molesting, or approaching a protected individual or premises. For this section, "Protection Order" also includes any amended, modified, supplemented, or superseding order.

Ex Parte Injunction: Refers to a court order issued without prior notice to, or participation by, the opposing party. It is typically granted in urgent situations where immediate protection is needed to prevent harm.

Foreign protection order: As defined in C.R.S. § 13-14-110, foreign protection order means any protection or restraining order, injunction, or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary or final orders, other than child support or custody orders, issued by a civil or criminal court of another state, an Indian tribe, or a United States territory or commonwealth.

Mandatory Protection Order: As defined in C.R.S. § 18-1-1001(1), a mandatory protection order is an automatic court order issued against any individual charged with a criminal offense under Title 18, including domestic violence, stalking, or abuse involving children or elders. The order takes effect at the defendant's first court appearance and is temporary, only remaining valid until the criminal case is fully resolved.

Permanent Civil Protection Order: As defined by C.R.S. § 13-14-106, a permanent protection order is a court-issued order that permanently restrains a respondent from engaging in conduct that threatens the safety or well-being of a protected person. The court may issue this order upon finding that the respondent has committed acts warranting protection and is likely to continue such conduct or retaliate unless restrained. In cases involving sexual violence, the court must also find a risk of physical, emotional, or psychological harm.

The order may be issued even without the finding of imminent danger and may proceed by default if the respondent fails to appear after proper service. Any modification requested by the protected party must be re-served to the respondent. Violation of a permanent protection order may result in criminal charges or contempt of court.

Protected person: The person or persons identified in the Protection Order as the person or persons for whose benefit the Protection Order was issued.

Registry: The computerized information system maintained by the Colorado Bureau of Investigation and accessible through CCIC (Colorado Crime Information Center) or NCIC (National Crime Information Center).

Restrained person: The person identified in the order as the person prohibited from doing the specified act or acts.

Temporary Civil Protection Order: As defined in C.R.S. § 13-14-104.5(7), a temporary protection order is a court-issued order intended to provide immediate protection from threats such as assault, domestic abuse, stalking, sexual assault, or emotional abuse of at-risk individuals. The order may be granted following an ex parte hearing, without the respondent present, based on the petitioner's sworn affidavit. It remains in effect until a permanent protection order hearing is held. The court may issue the order upon finding that the respondent has committed the alleged acts and that the petitioner is at risk of further harm if not protected. The petitioner is not required to report the incident to law enforcement or participate in a criminal prosecution to obtain the order.

8.20.04 POLICY

APD is committed to the consistent enforcement of valid Protection Orders issued by the courts to protect individuals from harassment, intimidation, and violence. This policy establishes procedures for verifying, serving, and responding to violations of Protection Orders, whether issued locally or recognized from outside jurisdictions, to uphold legal mandates and safeguard protected parties.

8.20.05 DETERMINATION OF PROTECTION ORDER CONTENTS AND PARTY IDENTITY

The central registry for the recording of Protection Order information now resides with the Colorado Bureau of Investigation through the Colorado Crime Information Center (CCIC). Members may query CCIC under the name of the restrained persons and find information regarding the content and scope of Protection Orders that are in effect against that restrained person. In making the probable cause determination referred to in the sections below, members will assume that information received from the CBI central registry is accurate (CCIC).

Members should be aware that many valid Protection Orders may not appear in the CCIC registry. Those would be orders that were in effect before January 1995, or which have not yet been entered due to a time delay between the issuing court and the CCIC system. Sworn members will enforce any valid Protection Order, whether or not it appears in the CCIC central registry.

If a party states to a sworn member that a Protection Order has been obtained from a court and that the order is directed at the alleged violator of this order, the sworn member will take the following steps while investigating this incident.

1. Obtain a copy of the Protection Order and read it carefully to determine if the conduct alleged against the perpetrator is prohibited by the Protection Order.

2. Verify the validity of the Protection Order by locating the judge or magistrate’s signature.
3. On temporary Protection Orders, confirm that the Protection Order was served upon the restrained person by locating the signature of the person who served the order. If the Protection Order was not served, determine if the restrained person has received "actual notice" of the existence and substance of the order. This may be done by outside witnesses or the member's knowledge of previous domestic violence proceedings.
 - a. A protected party in possession of a permanent Protection Order needs no proof of service. Permanent Protection Orders are issued in the presence of or after the failure to appear at a hearing by the restrained person.
4. Confirm the suspect's identity. Establish whether probable cause exists to believe that a restrained person violated a Protection Order.

8.20.06 EXEMPTIONS, SPECIAL CIRCUMSTANCES AND MANDATORY VERIFICATION

Domestic Violence-related Protection Orders:

A criminal or civil protection order issued under Colorado law to protect a person from acts, threats of DV, harassment, intimidation, or contact by a restrained party.

1. Criminal DV protection orders are issued under CRS 18-1-1001 when a defendant is charged with a criminal offense with a DV sentence enhancer as defined in CRS 18-6-800.3 (1).
2. Civil DV protection orders are issued through a civil process under CRS 13-14-101, typically upon petition by a victim, and may exist independently of any criminal case.

A violation of either a criminal or a civil protection order constitutes the offense of violation of a protection order, CRS 18-6-803.5

The DV protection order is not a separate DV charge; it is a court-ordered condition automatically imposed in a case involving a DV enhancer. A violation of the protection order constitutes a new criminal offense; however, that violation does not carry a DV enhancer unless the conduct forming the violation also constitutes a new offense that meets the statutory definition of DV.

Confirming the Validity of Temporary Protection Orders:

As stated earlier in this directive, a TPO is a court order issued quickly, sometimes the same day, to prevent further abuse or harm until a full hearing can be held to decide whether the order should be made permanent. Upon verifying the validity of a TPO, members shall check *Colorado State Courts* for a possible court hearing date, as the TPO remains in effect only until the scheduled court hearing, at which point the case may be vacated if the order is not made permanent or given a specific expiration date. Information shown in NCIC/CCIC may not be up to date if the court appearance date was recent.

Protection Orders Without a Designated Protected Party (C.R.S. § 18-6-803.5 (3)(b.5):

Protection orders are issued regardless of whether an identifiable protected party exists. In cases where there is no identified protected party, the court may impose behavioral conditions on the restrained party.

In accordance with HB 25-1148, members may issue a summons instead of making an arrest only when all of the following apply:

1. The protection order does not involve DV or any VRA-listed crime; and
2. The violation is limited to:
 - a. Possession or consumption of alcohol or controlled substances prohibited by the order, or

- b. Failure to file the required affidavit or written statement with the court as required by law, or
- c. A non-DV violation and non-VRA violation of a no-contact or similar term of the order when no imminent danger or threat exists.

8.20.7 ARREST PROCEDURES FOR VIOLATIONS OF PROTECTION ORDERS

Sworn members shall take all reasonable measures to enforce Protection Orders, with special consideration given to the above-listed exceptions and special circumstances. When a responding member has probable cause to believe that a violation of a Protection Order has occurred, the member shall arrest, or facilitate the arrest of, the restrained individual, provided that such an arrest is legally permissible and practicable.

1. When an immediate custodial arrest is made for violation of a municipal non-DV-related no-contact order, the arresting member should place the restrained person in jail charged with violation of Municipal Ordinance No. 94-386. If an immediate arrest is not possible, the responding member, or their designee, will prepare an affidavit and apply to the Municipal Court for an arrest warrant alleging a violation of Municipal Ordinance 94-386.
2. If the arrestee violated a court order, and the incident involved the victim from the underlying municipal domestic violence case, the Aurora Municipal Courts are unable to proceed in the Municipal Court with that case, since APD and the City Attorney's Office have been given the direction that no DV cases can be filed into the Aurora Municipal Court after June 30, 2025. C.R.S. § 18-6-803.5 will be charged when there is a violation of "any protective order," as subsection (C) specifically includes municipal ordinance violations.
3. If a state court issued the order in question, and an immediate custodial arrest is made, the restrained person should be jailed and charged with violation of C.R.S. § 18-6-803.5. If an immediate arrest is not possible, the responding member, or their designee, will forward copies of the relevant reports to the Detective Section for appropriate follow-up. If the violation of the Protection Order involves additional charges, document each charge appropriately.
4. When a member makes a custodial arrest for violation of a Protection Order issued by a state court, the member "shall make all reasonable efforts to contact the protected party upon the arrest of the restrained person." (Per C.R.S. § 18-6-803.5). Such effort will be documented in the member's report of the incident. If a member makes an arrest based on information from another jurisdiction, the member will direct Records personnel to send a message to the issuing jurisdiction requesting that they attempt all reasonable efforts to contact the protected party.

8.20.8 FOREIGN PROTECTION ORDERS

Colorado Courts shall accord full faith and credit to a foreign protection order as if the order were an order of this state, if the order meets all of the following conditions:

1. The foreign protection order was obtained after providing the person against whom the protection order was sought reasonable notice and an opportunity to be heard sufficient to protect his or her due process rights. If the foreign protection order is an ex parte injunction or order, the person against whom it was obtained must have been given notice and an opportunity to be heard within a reasonable time after the order was issued, sufficient to protect his or her due process rights.
2. The court that issued the order had jurisdiction over the parties and over the subject matter; and
3. The order complies with C.R.S. § 13-14-106 (3). (This subsection allows the court, upon motion of either party and with mutual agreement, to continue a temporary protection order. This provision is designed

to give parties flexibility in domestic relations cases, allowing protection to remain in place without immediately converting the order to permanent status, provided both parties consent and the court finds good cause.)

Filing of the foreign protection order in the central registry or otherwise domesticating or registering the order pursuant to article 53 of this title or C.R.S. § 14-11-101 is not a prerequisite to enforcement of the foreign protection order.

A peace officer shall presume the validity of, and enforce in accordance with the provisions of this article, a foreign protection order that appears to be an authentic (such as a Judge's Signature, Date, and Jurisdiction) court order that has been provided to the peace officer by any source.

If the protected party does not have a copy of the foreign protection order on his or her person and the peace officer determines that a protection order exists through the central registry, the national crime information center, as described in 28 U.S.C. sec. 534, or through communication with appropriate authorities, the peace officer shall enforce the order.

A peace officer may rely upon the statement of any person protected by a foreign protection order that it remains in effect. A peace officer who is acting in good faith when enforcing a foreign protection order is not civilly liable or criminally liable pursuant to C.R.S. § 18-6-803.5 (5).

If the member determines that the order will not be enforceable, a supervisor shall be notified.

8.20.9 MEMBER(S') SERVICE OF PROTECTION ORDERS

Members may be called upon to serve Protection Orders upon restrained persons. Any member responding to such a call for assistance will serve a copy of the order on the person named respondent if they are present, and will write the time, date, and manner of service on the protected person's copy of the order, and will sign the statement. If the protected person has only one copy of the Protection Order, the member will read the Protection Order to the restrained person and then note on the protected person's copy the time, date, and location that such action was taken and will sign the statement. Members serving the order will have their body-worn camera activated to record the service in accordance with [DM 16.04 - Body-Worn Cameras](#).

8.20.10 VICTIM PROTECTION

A member is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children and to prevent further violence. A member may transport or obtain transportation for the alleged victim to a shelter. Upon the request of the protected person, the member may also transport the minor child of the protected person who is not an emancipated minor to the same shelter if such shelter is willing to accept the child, whether or not there is a custody order or an order for the care and control of the child, and whether or not the other parent objects. A member who transports a minor child over the objection of the other parent will not be held liable for the damages that may result from interference with the custody, care, and control of or access to a minor child in complying with this subsection. (C.R.S. § 18-6-803.5).

Upon completion of a thorough investigation, should the member determine that the Protection Order does not meet the requirements for enforcement, the member must take or cause to be taken the appropriate actions to ensure that the protected party is notified of the determination. The member must explain the reasons for the determination to the protected party.