



Colorado Springs Police Department

Standard Operating Procedure

DL-600-02 Handling of False Complaints

Section 600 - Complaints and Internal Investigations

Effective Date: 2/3/2021

Supersedes Date: N/A

.01 Purpose

The purpose of this directive is to establish procedures for filing criminal charges against those who intentionally make patently false accusations against department members.

.02 Cross Reference

[GO 1620 Complaints and Internal Investigations](#)

.03 Definitions

False Complaint: A complaint made against a department member that is intentionally and factually inaccurate. This includes complaints made to harass a department member or to subject them to an administrative/criminal investigation. For the purpose of this directive, filing a false complaint may constitute a violation of CRS § 18-8-111 (3), False Reporting to Authorities.

.04 Procedure

While the department has the obligation to accept and fully investigate all complaints alleging misconduct on the part of department personnel, it is equally obligated to protect personnel against false complaints.

Pursuit of Criminal Charges

The pursuit of criminal charges against a person who has made a false complaint against a department member should be reserved for only the most serious of cases and will not be used as a method of discouraging people from coming forward with concerns or complaints about department personnel. The pursuit of criminal charges against a complainant should be the exception, rather than the rule.

A deputy chief's approval is necessary to conduct a criminal investigation of a false complaint against a department member.

Complaint Investigations

Complaints will be processed and investigated in accordance with [GO 1620 Complaints and Internal Investigations](#).

Factors for Consideration

When evaluating whether or not to request permission to initiate a criminal investigation involving false reporting by a complainant, the investigating supervisor will consider the following factors:

- Did the complainant falsely accuse the department member of a crime?
- Was the complaint made in order to avoid prosecution?
- Was the complaint an obvious fabrication involving a serious incident?
- Was the complaint made as a method of personal retribution against the department member?
- Are their possible mental health issues involving the complainant that could explain or provide context for the accusations?
- Was the complaint potentially an honest mistake of fact by the complainant (e.g., the complainant's perception was different from the facts)?
- Could the complaint be a matter of perception on the part of the complainant (e.g., the officer was "rude" to me)?
- Are there substance abuse/intoxication issues to consider concerning the complainant that could help explain or provide context for the accusations?
- What are the thoughts of the involved department member(s) regarding potential charges against the complainant?

When the objective facts of a complaint indicate it is intentionally and factually inaccurate, the investigating supervisor should consider allowing the complainant the opportunity to clarify any earlier statements to ensure a complete understanding of their previous complaint. As a part of this conversation, the investigating supervisor should afford the complainant the opportunity to "come clean" as to the accuracy of their initial accusation.

After consideration of the factors listed in this section, the investigating supervisor will decide whether to request permission to initiate a criminal investigation.

Decision to Initiate a Criminal Investigation

The process for initiating a criminal investigation for a false complaint against a CSPD department member is as follows:

1. Investigating supervisor briefs the chain of command, up to and including the division commander, on the facts of the false complaint as learned through the personnel investigation as of that date.
2. The division commander will discuss the facts with the deputy chief of their assigned bureau.
3. When appropriate, the deputy chief will brief the chief of police.
4. The deputy chief will make a final determination as to whether or not a criminal investigation will be initiated.

All such decisions by the deputy chief are fact-specific, and include consideration of a number of factors. These factors may include, but are not limited to:

- The seriousness of the false allegation
- The motivation for the false allegation
- The presence of any mitigating circumstances

Internal Affairs Section Recommendation

After initial review of a complaint, Internal Affairs Section personnel may recommend a criminal investigation be conducted (e.g., complaint unfounded by body worn camera). In this situation, the commander of the Professional Standards Division will contact the commander of the division where the involved department member is assigned. If deemed appropriate, the division commander will assign an investigating supervisor to the complaint investigation. The assigned investigating supervisor will then follow the process for initiating a criminal investigation as described above, if warranted.

Criminal Investigation and Case Reporting

After receiving the involved deputy chief's permission to conduct a criminal investigation:

- If the investigation involves a misdemeanor, the division commander will direct the investigating supervisor to initiate a case report titled *CRS § 18-8-111, False Reporting to Authorities*, and to conduct a criminal investigation. If the facts of the criminal investigation lead to the development of probable cause, the investigating supervisor will prepare a County Court Summons and arrange to serve the complainant. While there is a corresponding city ordinance, complainants will **not** be cited into Municipal Court.
- If the investigation involves a felony, the division commander will contact the commander of the Investigations Division. The Investigations Division Commander will assign a detective to initiate a case report titled *CRS § 18-8-111, False Reporting to Authorities*, and to conduct a criminal investigation. If the facts of the criminal investigation lead to the development of probable cause, a detective will prepare appropriate documents and attempt to arrest or serve a felony summons to the complainant. The investigating detective should consider consulting with the District Attorney's Office as part of the investigative process.

The case report will list the complainant as a suspect. If the deputy chief does not approve moving forward with a criminal investigation, no case report will be completed.

To avoid a conflict of interest, the department member who is the subject of the false accusation will **not** participate in the investigative process or any subsequent law enforcement action related to the investigation (e.g., citing the person).

Department Employee Notification

As the appropriate chain of command is determining whether to pursue criminal charges against a complainant, the involved department member's division commander should keep them updated about the status of the investigative process, as well as of any subsequent decision to pursue, or not pursue, criminal charges against the complainant.