



Colorado Springs Police Department

General Order

1053 Domestic Disturbances & Violence

Section 1000 – Patrol Functions

Effective Date: 11/27/2024

Supersedes Date: 3/1/2022

.01 Purpose

The purpose of this directive is to outline the department's responsibilities and appropriate responses to incidents of domestic violence.

.02 Cross Reference

[GO 104 Determining Probable Cause](#)

[GO 107 Physical Arrest](#)

[GO 122 Treatment of Victims/Witnesses & Victim Rights Notification](#)

[GO 1056 Protective Orders](#)

[GO 1807 Domestic Violence and Sexual Misconduct Victims – Department Members](#)

[DL-1006-10 Pick-up Procedures](#)

[DL-1100-01 Initial Investigations](#)

[DL-1053-01 Felony DV Investigations](#)

[DL-1053-02 Enhanced Misdemeanor DV Investigations](#)

[DL-1080-01 Notifications to Local Military Installations](#)

[DL-1840-01 Callout Criteria for the Investigations Division](#)

[VAU-01 Victim Advocacy Unit](#)

.03 Discussion

The Colorado Springs Police Department (CSPD) is committed to implementing best practice principles designed to maximize the safety of victims of domestic violence, utilizing a victim-centered, trauma-informed approach, and holding criminals accountable. This is accomplished by the guidance of statute and agency directives, officer training, and coordination with specialized units and programs, both internally and externally.

.04 Policy

In all CSPD responses to domestic violence calls, no matter how frequent, officers shall utilize every reasonable means to protect the victim and their children, in an effort to prevent further violence.

When officers determine that probable cause exists that a person has committed a crime involving domestic violence, and/or a violation of the terms of a valid protection order has been committed, they will arrest the suspect without undue delay, and charge the accused with the appropriate crime or offense (CRS §18-6-803.6 (1)), regardless of the victim's desire for an arrest. All adults arrested for offenses related to domestic violence, both felony and misdemeanors, will be booked into the Criminal Justice Center.

When juveniles are arrested for offenses related to domestic violence, officers must notify the juvenile screener for detention or release determination. If released, juvenile offenders must sign and acknowledge a mandatory protection order per CRS §19-2-707. The Juvenile Screener will complete this task and will not be the responsibility of the officer.

.05 Definitions

Domestic Violence: Per CRS §18-6-800.3: an act, or threatened act, of violence upon a person with whom the actor is, or has been, involved in an intimate relationship. Domestic violence also includes any other crime against a person, or crime against property, or any municipal ordinance violation against a person, or against property, when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the actor is, or has been, involved in an intimate relationship.

Domestic Violence Subject Matter Expert (DV SME) Program: Housed out of the Sand Creek Division and facilitated by a Civilian Criminal Investigator (CCI), a program made up of a cadre of sworn officers who have received additional domestic violence training provided by the CCI. Officers receiving the training are responsible for conducting DV home visits and follow-up investigations on misdemeanor cases (e.g., criminal mischief, menacing, etc.).

Intimate Relationship: Per CRS §18-6-800.3: a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child, regardless of whether the persons have been married or have lived together at any time. Evidence of a sexual relationship is not necessary to establish the existence of an intimate relationship.

Predominant Aggressor: The person who poses the most serious and/or ongoing threat.

Protection Order: An order issued by a County or District judge for the protection of a person, upon application by that person, or by someone legally authorized to act for that person, that

restricts, in specific ways, the actions of some other person. In Domestic Violence investigations, the provisions of the order are non-expiring until the conclusion of the judicial case, unless modified by the court.

.10 Initial Response

Officers will make all reasonable efforts to investigate all known or suspected acts of domestic violence. This includes investigating prior acts that were not previously reported to law enforcement, regardless of whether those acts are in association with the call for service being investigated. Officers will document all known and suspected acts of domestic violence.

.12 Preservation and Collection of Evidence

Officers will make reasonable efforts to collect and preserve evidence pertinent to the investigation, including but not limited to the following:

- Any dispatch recording related to the event
- Any on-scene video or audio recordings
- Any medical records of treatment of the victim or the defendant
- Any other relevant physical evidence or witness statements
- Take a photo of all victims or their driver's license and/or identification and upload it into DIMS under the appropriate case number to ensure positive identification for court procedures.

.14 Domestic Violence Evaluation Form

As part of all known or suspected domestic violence investigations, the initiating patrol officer will be responsible for ensuring completion of the department's *Domestic Violence Evaluation Form* any time their investigative efforts are documented, regardless of whether an arrest is made. This form seeks to provide additional information and historical context to domestic violence relationships that investigative personnel (e.g., DV SME CCI, DV SME, Domestic Violence/Adult Sexual Assault Unit, etc.) and prosecutors can use to enhance the investigation/prosecution.

For example:

- Investigating and identifying anyone the victim told about the incident, either before or after the police were called, may allow the District Attorney's Office (DAO) to prosecute the case even if the victim does not testify.
- Investigating whether the suspect has ever previously threatened or intimidated the victim may be used to assess the lethality of the relationship and the likelihood of future events.

- Investigating whether there were previous events may allow officers/investigators to enhance their investigation by determining if other charges should be applied or if other events must be investigated.
- Investigating and identifying children who live in the home or who were witnesses to an act may afford officers/investigators the opportunity to enhance their investigation by determining whether they, too, are potential witnesses to or victims of the incident.

.20 Determining Intimate Relationship

The responding officers will determine whether the involved persons qualify as being in or having been in an intimate relationship. While generally, an intimate relationship involves a couple, whether married or not, and/or parents of the same child, officers will seek to define the context of a relationship. The relationship must be more than that of a roommate, friend, or acquaintance, and there must be a romantic attachment identified by at least one of the involved parties.

To establish whether the victim and the suspect were involved in and aware of the intimate nature of their relationship, officers should ask the victim and the suspect to describe their relationship (e.g., “How long have you been dating or married?”, “How long have you lived with the other person?”).

When officers have difficulty determining whether two individuals are involved in an intimate relationship, they may find it helpful to consider the following:

- Sexual activity alone does not determine whether an intimate relationship exists
- How do the involved individuals classify or describe their relationship
- How do others perceive their relationship
- What information is there that the relationship includes dating and/or some level of commitment or exclusivity
- What is the frequency of interaction between the individuals
- A relationship does not have to exist for a particular length of time to be considered an intimate relationship
- There is no time limit on how much time has passed since the relationship ended for it to be considered “intimate”

.22 Determining Probable Cause

While the intimate nature of the victim and suspect's relationship adds another aspect for officers to determine/establish, the standards for determining probable cause in domestic violence cases are the same as in other criminal actions and are subject to the requirements of CRS §16-3-102.

.24 Determining Predominant Aggressor

Officers will make all reasonable efforts to determine who the predominant aggressor in an event was, noting a person cannot be both a victim and a suspect in the same criminal event.

Determining the predominant aggressor can be accomplished by:

- Acquiring dispatch tapes
- Conducting neighborhood follow-up in an attempt to identify witnesses
 - Include full contact information for witnesses in the report
- Researching premise history and criminal history records
- Evaluating the available evidence
- Opposing person victim complaints will be evaluated separately to determine whether criminality exists by a predominant aggressor

.30 Mandatory Arrest

In accordance with state law, officers have a statutory obligation to arrest offenders when probable cause of a domestic violence offense has been established. This statutory obligation is made without consideration of what the victim wants or requests in relation to the suspect being arrested.

.32 No Probable Cause for an Arrest

If, after conducting a complete and thorough investigation, officers are unable to establish probable cause for an arrest or the elements of a crime occurring, they shall document their investigative efforts in a case report. In such a situation, officers should consider the applicability of obtaining an Emergency Protection Order.

.34 Dual Arrests

While not specifically prohibited, the department discourages the arrest of both parties in response to a domestic disturbance or violence allegation for reasons that include but are not limited to, the potential for violating a person's 5th Amendment Rights of self-incrimination and arresting a victim who may have been defending themselves from the actions of another.

While continuous events should be considered one criminal episode, acts that occurred at different times or places could constitute separate criminal events. For example, a person who assaults their

partner during an incident and the partner menaces the person the next day should be considered two events. Such circumstances will be viewed as separate incidents that do not constitute a dual arrest. In such an example, two separate case reports shall be completed in which the appropriate classification of suspect and victim shall be documented in each report.

Officers who receive conflicting complaints of domestic violence will evaluate each complainant separately to determine if a crime has been committed by either person. In making such a determination, officers will consider:

- Any prior complaints of domestic violence (e.g., prior arrests in which one person was identified as the predominant aggressor)
- The relative severity of the injuries inflicted on each person
- The likelihood of future injury to each person
- The possibility that one of the persons acted in self-defense

Before making a dual-arrest, officers will contact an on-duty patrol supervisor prior to arresting either person. Such a conversation should include the supervisor ensuring a comprehensive investigation was completed and identifying other investigative avenues that could be beneficial to determine if probable cause exists and identify the predominant aggressor. If all reasonable attempts have been made to establish the predominant aggressor, and the officer remains at PC to arrest both parties for DV criminal actions, then a dual arrest situation is acceptable.

In the event of a dual arrest, a separate report for each arrest will be written and shall include a detailed explanation of the investigative efforts taken and establish the probable cause for each arrest.

.40 Mandatory Notifications

Victim Advocacy Unit

Officers will notify the Victim Advocacy Unit (VAU) anytime a domestic violence case report is initiated, whether probable cause is established or not. Those situations that require an immediate response will be conducted in accordance with [DL-1840-01 Callout Criteria for the Investigations Division](#).

Department of Human Services

Officers will notify the Department of Human Services (DHS) when a juvenile is directly present and/or in any way involved in the domestic violence event utilizing the approved reporting process.

In the best interest of a child, officers should also consider notifying DHS if a child is present in the home at the time of an incident yet not directly present (e.g., a child is upstairs when an incident takes place downstairs, etc.).

.50 Availability of Additional Resources

In situations where an officer is having difficulty determining the intimate nature of a relationship, predominant aggressor, or probable cause, officers should contact an on-duty patrol supervisor and/or DV SME. If questions persist, the patrol supervisor may contact the on-call Domestic Violence/Adult Sex Assault (DVASA) unit supervisor via the Communications Center.

Attachments

[Domestic Violence Evaluation Form](#)