



# Colorado Springs Police Department

## Standard Operating Procedure

### DL-1020-34 Keep the Peace Response

#### Section 1000 – Patrol Functions

Effective Date: 5/4/2023

Supersedes Date: 7/5/2021

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## .01 Purpose

The purpose of this procedure is to establish processes for responding to citizen requests for a "keep the peace" response **when a citizen has been ordered to do so by the court or other legal authority.**

## .02 Cross Reference

[GO 500 Use of Force](#)

[GO 400 Employee Conduct \(Sworn and Civilian\)](#)

[COM-134 Keep the Peace](#)

## .03 Definitions

*Keep the Peace:* A law enforcement response typically associated with, but not exclusive to domestic/civil disputes that require a law enforcement presence to execute an order or where a breach of the peace is possible. In most situations, such a request deals with the transfer of property from one participant to another.

## .04 Procedure

While a court may authorize a party to a case to retrieve property from a location by issuing a court order, the order is considered civil in nature. Being a civil process, officers are limited in their legal authority and a participant's failure to comply with the order must be addressed by the participants through the civil court process.

The department routinely receives requests for officers to respond to a location in order to "keep the peace." Staffing constraints typically prohibit the department from immediately responding to every such request and thus, the following procedures have been put in place.

## Hours of Response

The Colorado Springs Police Department (CSPD) only provides keep the peace services in those situations involving a court order. These services are only available between the hours of 0600 and 1900.

## Location of Initial Contact

After the court paperwork is reviewed by an officer, the person requesting the service will be directed to meet officers at a convenient place out of view of the location of the dispute (e.g., a nearby convenience store, church, school, etc.). Due to extended wait times, a requesting party may also choose to wait at the police substation, their home, a friend's residence, or some other more comfortable option provided they can be reached by phone when an officer is available and meet the officer at a neutral location within 20 minutes. Typically, this will be arranged when the call for services is placed with the communications center or by the CSR. The purpose of doing this is so that the officer(s) may ascertain the history of the situation and explain the limitations of police involvement prior to making contact with the other party.

## Length of Response

Staffing considerations prevent officers from standing by for an indefinite period while the disputants negotiate the disposition of property, or while large quantities of property are moved. Requesting parties will be informed that officers are only available to stand by while essential personal property is obtained, typically 20 minutes. The disposition of extensive amounts of property should be handled by the disputants through the appropriate civil process.

## Restraining Orders

### *Verbiage and Requirements*

Since January 1, 1994, restraining orders are required to contain the following verbiage (in bolded print):

***“You may not remain in or return to any of the above locations after you receive this Order. You shall be permitted to return to a shared residence one time to obtain sufficient undisputed personal effects to maintain a normal standard of living until the next hearing date ONLY if you are accompanied at all times by a law enforcement officer.”***

In addition to containing this verbiage, restraining orders authorizing a restrained party a one-time visit to a specific location will contain verbiage/form specifically authorizing the act. This allowance is accompanied by a stipulation that the action be carried out in the presence of a law

enforcement officer. This authorization by the courts does not allow law enforcement to circumvent other legal processes (e.g., verbal consent, written consent, search warrant application, etc.).

### *Document Review*

Officers responding to “keep the peace” functions will be responsible for obtaining and reviewing the restrained party’s copy of the order. In addition to generally familiarizing themselves with the order and its restrictions, officers will ensure the order contains an unsigned form/area allowing for a one-time visit in the presence of law enforcement **as well as:**

- Check Colorado Court Records for the presence of the order and ensure there are no superseding orders
- Check premise history records for the identified location to ensure law enforcement has not already carried out the authorized “keep the peace” function
- Ensure the “keep the peace” function does not violate the conditions of the order
  - Requests that violate the conditions of the order will be denied and officers will not carry out the request

## **Court Approved Visits**

Officers will attempt to carry out “keep the peace” functions in which their actions do not constitute a violation of a court order and only when the restrained party provides an unsigned form that allows for the action. After completing the “keep the peace” function, one of the involved officers will sign the restrained party’s copy in the space provided, confirming the action was completed. It will then be the restrained party’s responsibility to provide the signed form to the courts, if required or requested to do so.

Officers who believe the “keep the peace” function constitutes a violation of the order will consult with a supervisor before taking any action.

If the restrained party is unable to provide an unsigned authorization for a one-time visit or they present a form signed by another law enforcement officer, officers will not complete the “keep the peace” function. In such a situation, officers will direct the restrained party to return to the courts to obtain court authorization and after receiving permission, to re-contact the department to re-initiate the “keep the peace” process.

## **No Contact Orders**

In all cases where a no contact order has been issued, typically in conjunction with a Mandatory Protection Order (MPO), the restrained party is not entitled to a “keep the peace” unless approved

by the court. Officers will not undertake a “keep the peace” function when any order includes a no contact order without specific authorization from the courts (see *Court Approved Visits*).

## **Requests Not Involving Court Orders**

In those cases that do not involve a court order, department personnel will advise the requesting party, CSPD does not offer this service and direct them to attempt to handle the situation without the intervention of the department in the following manner:

- Attempt to retrieve their property in a manner that is less likely to aggravate a situation (e.g., involving a neutral observer, transferring property in a public/neutral location, exchanging property by involving neutral parties, etc.)
- In the event of a confrontation, leave the area and contact the department

## **Witness to a Disputed Civil Transaction**

Officers will not be dispatched to a "keep the peace" when the sole purpose is to act as a witness to a disputed civil transaction.

## **Contested Property**

“Keep the peace” functions are considered civil processes that therefore will be considered a request on behalf of the department. Officers may request a person participate in a voluntary exchange, but they will not force a participant to turn over property. In the event either party contests the exchange/ownership of property, or they refuse to relinquish the property, the exchange will not take place and the participants will be directed to seek remedies through the appropriate legal process (e.g., divorce court, civil court, etc.).

## **Prohibited Functions**

While a court order may authorize a party the opportunity to retrieve property during a “keep the peace” function, the orders are not an authorization for law enforcement to circumvent other procedural processes (e.g., consent, search warrants). This point coupled with the complexity of civil situations indicate officers will seek voluntarily compliance when performing all “keep the peace” functions.

Prior to taking any action, officers will attempt to contact the participants to a situation to inform them of the “keep the peace” function and to request their assistance in complying with the order. So as not to deprive either participant of due process, officers will not conduct an exchange of property without both participants’ knowledge and consent.

While nothing in this procedure is intended to prevent officers from using force when doing so becomes necessary, officers will avoid using force for the sole purpose of executing a court order during a “keep the peace” process. This includes but may not be limited to:

- Forcing entry into a location
- Allowing or facilitating another to force entry into a location without the other participant’s permission
- Engaging in a physical altercation to gain access to a location

## **Multiple Requests**

Staffing considerations prevent officers from attempting to facilitate a “keep the peace” function involving the same disputants more than twice within a 72-hour period.