


# Fort Collins Police Services

## Policy Manual

 <b>FORT COLLINS POLICE</b>	<b>POLICY</b>	<b>320</b>
	<b>TITLE</b>	Domestic Violence

### 320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent, and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. This policy specifically addresses the commitment of this Agency to take enforcement action when appropriate, to provide assistance to victims, and to guide officers in the investigation of domestic violence. The commitment is shown specifically in the use of a research-based lethality assessment tool, the Danger Assessment for Law Enforcement (DA-LE) and the creation of the Domestic Violence High Risk Team (DVHRT). The ultimate goal of Fort Collins Police Services is to eliminate domestic violence related homicide by utilizing the DA-LE and the DVHRT model.

### 320.2 POLICY

The Agency's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. Officers shall utilize the Danger Assessment for Law Enforcement (DA-LE) as outlined in this policy.

### 320.3 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Assess the need for medical attention and call for medical assistance if needed.
  1. If the victim reports that they were strangled, recommend the victim be taken to a local hospital that offers the services of a Forensic Nurse Examiner (FNE) to be treated and have their injuries documented. Officers should photograph injuries as well.
  2. If the victim refuses to go to the hospital, an ambulance should be called to evaluate injuries at the scene.
  3. Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (b) Interview all parties separately (victim, offender, children and witnesses) using appropriate interviewing techniques. Officers should utilize third party language translation services when needed to avoid having family members, friends or acquaintances translate.
  1. Officers should list the full name and date of birth (and school if appropriate) of each child who was present in the household at the time of the offense. Younger children should be interviewed utilizing the Child Advocacy Center (CAC).
    - (a) Officers should evaluate for appropriate Child Abuse charges when a child has witnessed an act of domestic violence.
- (c) Collect and record relevant evidence.

<b>POLICY</b>	<b>320</b>
<b>TITLE</b>	Domestic Violence

- (d) Give the victim(s) the case report number and a victim's rights brochure.
- (e) Victims of domestic violence shall be offered victims services through the Domestic Abuse Response Team (DART). DART should be notified of the victim's name and phone number even if they don't respond to the scene.
- (f) Officers should complete the Danger Assessment for Law Enforcement with the Victim.
  - 1. Officers should follow the guidelines in Section 320.4 in completing and documenting the DA-LE.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (i) Officers will take appropriate enforcement action when there is probable cause to believe an offense has occurred.

#### **320.31 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that the suspect will remain in custody until there is a bond hearing. The victim should be notified by victim services, utilizing the Victim Information Notification Everyday (VINE) system, if the suspect posts bond.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.
- (d) Ensure that the DA-LE has been administered to the victim and that the appropriate report supplement tab has been completed to document the answers.

#### **320.3.2 IF NO ARREST IS MADE**

If no arrest is made because the officer is unable to determine whether a crime of domestic violence occurred pursuant to CRS § 18-6-803.6(1), the officer should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. The victim should be offered the Appropriate resource referrals (e.g. counselors, friends, relatives, domestic violence shelters, victim services unit).
- (b) Document the resolution in a report.
- (c) Ensure that the DA-LE has been administered to the victim and that the appropriate report supplement tab has been completed to document the answers.

#### **320.4 Guidelines for use of the Danger Assessment for Law Enforcement (DA-LE)**

The Danger Assessment for Law Enforcement (DA-LE) is a research-based risk assessment instrument that measures risk of lethal or near-lethal assault between intimate partners.

<b>POLICY</b>	<b>320</b>
<b>TITLE</b>	Domestic Violence

(a) The DA-LE shall be administered only when the call for service involves an intimate relationship as defined in CRS § 18-6-800.3 regardless of whether criminal charges are sought against a suspect. Intimate Relationship means 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. The DA-LE shall not be administered when the call for service is between individuals who are not in an intimate relationship such as child and parent/guardian, or roommates etc. Intimate relationships extend to same-sex couples and couples who don't presently live together, or have never lived together, so long as their relationship meets the definition listed above.

- (a) Higher scores on the DA-LE correspond with greater risk. A case is considered high risk when 7 or more questions on the DA-LE are answered affirmatively.
- (b) .
- (c) The outcome of the DA-LE is not a replacement for professional judgement. Officers must use their professional judgement and the totality of the circumstances, including but not limited to the severity of the assault, previous DV calls between the parties, and / or level of fear or harm expressed by the victim.
- (d) When officers believe a victim is at elevated risk of a lethal or near-lethal assault, even when the DA-LE indicates a low score or the victim has declined to complete the DA-LE, officers can override the outcome of the DA-LE by checking the further review box and documenting their justification on the DA-LE form.
- (e) All complete, incomplete, or declined DA-LE's are supplements to the original report. Once the DA-LE is completed officers will send the form via email to a predetermined group who needs the information in a timely manner. Once scanned in, the DA-LE form will be submitted to the tray in the records division. The result of the DA-LE should be noted in both the arrest affidavit (if applicable) and in the police report. The Domestic Violence High Risk Team will review all DA-LE's completed by FCPS.

#### 320.4.1 DA-LE High-Risk Intervention Protocol

When a victim scores high-risk on the DA-LE or when the officer overrides the score, they shall complete the following protocol.

- (a) The officer informs the victim that their situation is extremely dangerous.
- (b) The officer informs the victim that their situation is extremely dangerous.
- (c) The officer tells the victim that help is available through Crossroads Safehouse's Domestic Abuse Response Team (DART).
- (d) The officer informs the victim that law enforcement, prosecutors and domestic violence services work together in a coordinated fashion to protect them.
- (e) The officer facilitates the connection of the victim with DART and will explain to the victim that a DART advocate may contact the victim by phone or respond in person
- (f) The officer contacts dispatch and requests that a DART advocate is paged
- (g) The officer will provide the victim with a victims' rights brochure
- (h) The officer should ensure they obtain a correct, working phone number from the victim.

#### 320.5 Recommended Domestic Violence Case Follow up

<b>POLICY</b>	<b>320</b>
<b>TITLE</b>	Domestic Violence

Even after an arrest is made there are still important investigative steps that can be completed. If any assistance is needed with follow-up the case can be referred to the CID Hotline for assistance.

- (a) 911 Recording – should be obtained and logged into Foray as evidence.
- (b) Progressive Injury Photos – if the victim observes new or changing injuries those should be photographed if possible.
- (c) Pre-text phone call – should be considered if appropriate.
- (d) Child Advocacy Center interviews should be completed as appropriate based on the age of the child and if they are a witness. Please consult the DVHRT team for assistance.
- (e) Follow up interviews with disclosure witnesses that were not completed.

### **320.6 VICTIM ASSISTANCE**

Domestic Violence is cyclical in nature and involves a pattern of coercive and controlling behavior by an intimate partner to gain power and control. The traumatic impacts of domestic violence on victims are often profound. Officers should:

- (a) Utilize trauma informed skills during the interaction with a domestic violence victim(s).
- (b) Demonstrate a working knowledge of the domestic violence cycle of abuse.
- (c) Provide the victim with a victims' rights brochure complete with case number, officer's name and status of the case.
- (d) Offer victim assistance support through DART and explain the resources available to victims including criminal justice advocacy and financial support.
- (e) Identify if the victim has a safe location to stay and facilitate transportation for the victim and children when necessary.
- (f) If the victim declines contact with a DART advocate, notify Victim Services via email so a referral can be made to DART for follow up assistance at a later time.
- (g) Comply with all Victim Rights Amendments notifications as defined in CRS § 24-4.1-301.

### **320.7 LEGAL MANDATES AND RELEVANT LAWS**

Colorado law provides for law enforcement to consider and do a variety of actions when domestic violence is involved in an investigation or response for assistance.

#### **320.8.1 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

- (a) Domestic Violence is the act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic Violence includes any crime against a person or against property, when used as a method of coercion, control, punishment, intimidation, or revenge. If an officer has probable cause to believe an offender has committed an offense of domestic violence, an arrest shall be made (CRS § 18-6-803.6).
- (b) If an officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately using the predominant aggressor criteria (18.6.803.6) to determine if a crime has been committed by one or more persons. The

<b>POLICY</b>	<b>320</b>
<b>TITLE</b>	Domestic Violence

officer may be aided in determining the predominant aggressor and whether or not there is probable cause by using standard investigative techniques, common sense, and taking into consideration the following factors:

1. Any prior complaints of domestic violence.
2. The relative severity of the injuries inflicted on each person.
3. The likelihood of future injury to each person.
4. The possibility that one of the persons acted in self-defense.
5. When both parties sustain injuries, officers should use the investigation to attempt to ascertain whether one set of injuries was inflicted in a lawful act of self-defense or use of force as defined in CRS 18-1-703 through 18-1-706.

- (c) Unless impractical, if probable cause exists to believe an offender has violated a court order and that such offender had notice of the court order, an arrest shall be made (CRS § 18-6-803.5). If circumstances make arrest impractical, the officer shall seek a warrant of arrest for the offender (CRS § 18-6-803.5).
- (d) If a restrained person is arrested for violating or attempting to violate any provision of a court order, the arresting officer shall make all reasonable efforts to contact the protected party to notify him/her of such arrest (CRS § 18-6-803.5).

#### **320.8.2 REPORTS AND RECORDS**

- (a) The Records Manager will maintain records on the number of domestic violence-related calls reported to the Agency and forward such records to the state as required (CRS § 18-6-803.9).
- (b) In the event that an individual is arrested by the Agency for violating a court order, the Records Manager shall forward the issuing court a copy of the arrest report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The Records Manager shall also ensure that a copy of the same information is provided to the protected party.
- (c) The Agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting agency, without order of the court (CRS § 18-6-803.5).
- (d) If a restrained person is on bond in connection with a violation or attempted violation of a protection order in this or any other state and is subsequently arrested by the Agency for violating or attempting to violate a protection order, the Records Manager shall notify the prosecuting attorney so that a motion may be filed with the court that has issued the prior bond for the revocation of the bond and for the issuance of a warrant, if appropriate (CRS § 18-6-803.5).

#### **320.9 FOREIGN COURT ORDERS**

Officers shall presume the validity of and enforce in accordance with the provisions of this policy, a foreign court order that appears to be an authentic court order that has been provided by any source. If the protected party does not have a copy of the foreign protected order on his or her person and the peace officer determines that a protection order exists through the central

<b>POLICY</b>	<b>320</b>
<b>TITLE</b>	Domestic Violence

registry, the National Crime Information Center, or communication with appropriate authorities, the officer shall enforce the order. An officer may rely on the statement of any person protected by a foreign protection order that it remains in effect. An officer who is acting in good faith when enforcing a foreign protection order shall not be civilly or criminally liable pursuant to section CRS § 18-6-803.3(5)

### **320.10 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available and where appropriate and practicable (CRS § 13-14-104(4)):

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.