

8.06
CRAIG POLICE DEPARTMENT
Office of Chief of Police
General Order

Date Issued: May 15, 1997
Subject: Domestic Violence
To: All Officers

Revision Date: June 2, 2009
Reference:

I. POLICY:

The Craig Police Department shall make maximum use of the strategies developed by legal and support systems for effectively dealing with domestic abuse. This can best be accomplished by cooperation with other agencies for the purpose of handling domestic abuse in a consistent manner. Domestic abuse is any act, or threatened act, of violence which is committed by an adult or emancipated minor against another adult or emancipated minor when both partners are:

A. Spouses or former spouses

B. Currently or were formerly involved in an intimate relationship, regardless of domicile, marriage or sex.

Incidents of domestic violence shall be handled as outlined in this General Order and State Law.

II. PROCEDURE:

A. Authority: Colorado Revised Statute: Duties of peace officers and prosecuting agencies - preservation of evidence.

(1) When a peace officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in section 18-6-800.3 (1), has been committed, the officer shall, without undue delay, arrest the person suspected of its commission pursuant to the provisions in subsection (2) of this section, if applicable, and charge the person with the appropriate crime or offense. Nothing in this subsection (1) shall be construed to require a peace officer to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence. Additionally, nothing in this subsection (1) shall be construed to require a peace officer to arrest either party involved in an alleged act of domestic violence when a peace officer determines there is no probable cause to believe that a crime or offense of domestic violence has been committed. The arrested person shall be removed from the scene of the arrest and shall be taken to the peace officer's station for booking, whereupon the arrested person may be held or released in accordance with the adopted bonding schedules for the jurisdiction in which the arrest is made.

(2) If a peace officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has

been committed by one or more persons, the officer shall attempt to determine the Primary Aggressor by considering the following:

- (a) Existence of offensive and defensive wounds
- (b) Prior history of violence/abuse; acts between the suspect and victim and/or suspect and other persons
- (c) Size, strength and bulk of the parties
- (d) Relative severity and extent of the injuries
- (e) Likelihood of future injury to each party
- (f) Relative fear of each party to the other
- (g) Intent of policy/law to protect victims
- (h) Other evidence

(3) (a) A peace officer is authorized to use every reasonable means to protect the alleged victim or the alleged victim's children to prevent further violence. Such peace officer may transport, or obtain transportation for, the alleged victim to shelter. Upon the request of the protected person, the peace officer 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 or an order allocating parental responsibilities with respect to the child and whether or not the other parent objects. A peace officer who transports a minor child over the objection of the other parent shall not be held liable for any damages that may result from interference with the custody, parental responsibilities, care, and control of or access to a minor child in complying with this subsection (3).

(b) For purposes of this subsection (3), "shelter" means a battered women's shelter, a friend's or family member's home, or such other safe haven as may be designated by the protected person and which is within a reasonable distance from the location at which the peace officer found the victim.

(4) (a) The arresting agency shall make reasonable efforts to collect and preserve any pertinent evidence until the time of final disposition of the matter, including, but not limited to, the following:

- (I) Any dispatch tape recording relating to the event;
- (II) Any on-scene video or audio tape recordings;
- (III) Any medical records of treatment of the alleged victim or the defendant; and

(IV) Any other relevant physical evidence or witness statements.

(b) However, in the absence of bad faith, any failure to collect or preserve any evidence listed in paragraph (a) of this subsection (4) shall not be grounds to dismiss the matter.

(4.5) When a peace officer responds to a call or is otherwise responding to a report about an alleged offense involving domestic violence, as defined in section 18-6-800.3 (1), or other domestic dispute, the officer shall include in his or her written or oral report concerning such incident whether children may have seen or heard the alleged offense; except that, in the absence of bad faith, the failure of a peace officer to note that a child may have seen or heard the alleged offense shall not be grounds to dismiss the matter.

(5) A peace officer shall not be held civilly or criminally liable for acting pursuant to this section if the peace officer acts in good faith and without malice.

B. When the suspect is not at the scene upon officer's arrival.

1. If no arrest is made at the scene because the suspect was gone on the officers' arrival, the officer shall have the dispatcher notify the on call ACSS member and have them respond to the scene, if requested by the victim. (The ACSS team member may not respond to the scene if the suspect has not been arrested, and will not stay at the scene unless an officer stays. However, the ACSS team member will meet with the client at a secure scene i.e. the Public Safety Center, ACSS office, or by telephone.)

2. If the responding officers are able to articulate any exigent circumstances, all efforts should be made to immediately locate and arrest the suspect. If an arrest is made the above described procedure should be followed. Exigent circumstances, as necessary for this section, are factors such as past violent behavior of the suspect, drug or alcohol abuse and any likelihood that the suspect will repeat his/her behavior if not taken into custody.

3. As a general rule, if an arrest is made within a reasonable time of the actual incident (as a rule of thumb that will be within 4 hours) of a suspect who has left the immediate scene, the above-described reporting process shall still be followed.

4. If no exigent circumstances can be articulated by the arresting officer, the officer shall document all of the information available. The officer should then complete an application for an Arrest Warrant on the subject.

C. Notification of Advocates Crisis Support Services:

1. In all cases of reported domestic violence, the Advocates Crisis Support Services organization shall be notified. If requested by the victim the on-call advocate will respond to the scene, if secure, or by another means appropriately agreed upon by CPD law enforcement and ACSS.

2. The responding officer shall give the victim The Rights of Victims of Crimes pamphlet with the case number on the pamphlet.

3. It is strongly recommended that officers also notify D.S.S. and the SRO's, or other appropriate agency when children are involved or present during the domestic disturbance.

D. Required Forms

1. The Domestic Violence Supplemental Form will be completed on all domestic violence calls requiring a report. If strangulation has occurred the Strangulation Form will also be completed. Officers are encouraged to use the Child Supplemental Form when children are present but are not required to do so.

Approved By:



Walter K. Vanatta
Chief of Police