Colorado Springs Police Department
Standard Operating Procedure

DL-1000-02 Law Enforcement Decision-Making

Section 1000 – Patrol Functions

Effective Date: 4/16/2021
Supersedes Date: N/A

.01   Purpose

The purpose of this directive is to describe the department's decision-making expectations.

.02   Cross-Reference

GO 401 Police Officer Conduct
GO 500 Use of Force
GO 104 Determining Probable Cause
P1-174 Crisis Intervention Team
P1-213 Community Response Team

.03   Definitions

High Risk/High Liability: Situations involving a high level of danger to community members/officers while also creating a high level of liability for the department (e.g., use of force, barricaded persons, hostage situations, etc.).

Safety Priorities Model (aka Safety Priorities): The adopted law enforcement decision-making process developed by the National Tactical Officers Association (NTOA) is defined as:

"The framework for making tactically sound decisions, utilizing objective criteria based on an individual's current or likely risk of suffering serious bodily injury or death and their direct ability to remove themselves from the danger. Those exposed to the greatest potential of injury with the least ability to escape the situation are placed at the top of the priorities, i.e. a hostage is at grave danger of injury and held against their will and has a little ability to control their situation. On the other end of the continuum is a suspect, who has a little threat of injury and absolute control over the situation. The safety priorities value all life and its sole intent is to assist law enforcement in making tactical decisions to assist in saving lives."

- *Hostage:* A person seized or held, by force or fear, by another person(s) who uses the hostage as a negotiating tool or appears to intend the hostage harm.
- *Innocent Bystanders:* Individual(s) who are not directly involved in a given situation but who are at risk because of an event taking place (e.g., an individual in a neighboring apartment, a passing motorist, etc.)
- *Law Enforcement:* Sworn CSPD personnel, either uninformed or non-uniformed
- *Suspect:* An individual who officers have probable cause to believe has committed a crime.

.04   Procedure

The Colorado Springs Police Department (CSPD) values the sanctity of human life. Its personnel is committed to protecting the lives of community members who they have taken an oath to protect.

On a daily basis, law enforcement officers are tasked with responding to a variety of situations. While some of these situations may be critical in nature, most are centered on providing services to the community. Preparing for the varied nature of these situations requires the implementation of sound decision-making practices.

In every situation, personnel is expected to use the Integrating Communications, Assessment, and Tactics (ICAT) decision-making process. For tactically based situations, officers will couple the ICAT decision-making process with the National Tactical Officers Association (NTOA) safety priorities decision-making model.

Sworn personnel will continuously and critically evaluate the information available to develop an approach that focuses on the safety needs of the community and department personnel.

ICAT Decision-Making Model

Effective implementation of ICAT decision-making is based upon the following factors:

- Information Collection
- Situation, Threats, & Risk Assessments
- Legal Authority & Department Policy Considerations
- Identification of Options and Contingencies
- Actions & Reassessments

Information Collection

Prior to developing and effectively implementing a plan for any call for service, officers will begin the process of collecting information related to the event. This includes but is not limited to personal observations/knowledge of/actions taken by the officer(s), the information provided by the Communications Center, and using information developed using law enforcement resources.

When life-threatening circumstances do not appear to be present, officers will attempt to develop as much information as possible about the location and those involved, prior to attempting face-to-face contact.

This can include seeking to develop the following information:

- Is there the potential for hostages? If so, how has that information been corroborated?
- Is there an active threat to the community or officers?
- What offense is being investigated?
- Does the suspect need to be arrested immediately?
- Is the suspect violent and/or armed?
- Does the suspect have access to a weapon and if so, what type?
- Has the suspect threatened the use of a weapon, on self, or officers?
- Does the suspect have a criminal history and if so, does that criminal history include acts of violence?
- Does a suspect have a history of narcotics, alcohol abuse or mental illness?
- Does the suspect have a regular habit of movement (e.g., has a set work schedule, has a consistent work location, etc.)?
- Does the location type or size create a risk to others (e.g., an apartment complex, a large home that would require a number of personnel to safely address, etc.)?
- Is the suspect known to or likely be inside the location?
- Does probable cause exist for an arrest or search warrant?
- Is there premise history at the location?
- Is there a BOLO for the location?

By developing as much information as possible prior to arrival on scene, officers can begin to strategize their response and identify tools/resources that could be beneficial.

Situation, Threats, & Risk Assessments

The primary goal of any assessment should be minimizing the safety risk to others and increasing officer safety. The recovery and preservation of evidence is a secondary goal.

Once officers are able to develop and evaluate the information available, they will assess the situation to determine the priority of the response. This includes assessing the threat and risk pertaining to the situation (e.g., persons, objects, environmental factors, etc.). Such an assessment should seek to determine the threat the suspect's actions pose to others, themselves, and property. Topics to consider as part of an assessment include personnel having access to/ awareness of other tools/resources, as well as, being properly trained to address the situation.

Legal Authority & Department Policy

When assessing an event, officers must consider their legal authority, as well as the direction provided by department-facilitated training/policy. This includes assessing the primary reason for the action (public safety or law enforcement). For circumstances where questions regarding legal authority or department policy exist, personnel will consult a supervisor.

Identification of Options & Contingencies

Personnel will use the previously mentioned steps to plan for an appropriate response and to achieve a successful outcome. The planning process should be comprehensive while proactively addressing a situation but not being overly burdensome to delay time-sensitive actions.

Possible planning outcomes and contingencies may include:

- Taking decisive action when there is a compelling public safety/safety priority reason to do so
- Postponing or delaying a response to collect additional information for a more informed decision
- Slowing non-critical processes to afford the opportunity to consider other options
- Increasing communication and following up with others (e.g., subject, victims, supervisors, etc.)

The contingency planning process should seek to identify multiple resolutions focused on safety and in a manner that is in line with department values, expectations, and training.

Actions & Reassessments

Personnel will then take the action determined to give the highest probability for successful resolution of the event. Given the fluidity of situations law enforcement officers routinely encounter, personnel should be prepared to enact contingency plans if/when the circumstances of an event change. This includes a continual reassessment of the situation using/obtaining new or emerging information.

Availability of Law Enforcement Tools, Training, and Resources

When devising a plan, sworn personnel will make decisions that include assessing the availability and viability of law enforcement-related tools, training, and resources.

This includes, but is not limited to, access to the following:

Tools

- Rifle/handgun rated shields
- Additional body armor
- Unmanned Aircraft Systems (UAS)
- Breaching tools
- Bullhorn
- Reverse 911 activation

Training/experience

- Specialized unit experience
- Formal and informal training
- Communication and active listening skills
- Availability of medical personnel
- Tactical breathing
- Contact with those involved in an event (e.g., phone call, text message, etc.) to determine their ability to get to and remain safe

Consultation with the other law enforcement resources

- Other personnel/supervisors with experience in a given area
- Crisis Intervention Team (CIT)
- Negotiators
- Representatives from the chain of command (e.g., sergeant, duty lieutenant, etc.)
- TEU/K9
- Violent Offender Fugitive Task Force
- Gang Unit
- Motor Vehicle Theft Task Force
- Metro VNI
- FBI Safe Streets/Joint Terrorism Task Force

Introduction of Non-Law Enforcement Resources

Determining when to pursue a non-law enforcement response is equally important to assessing law enforcement-related tools. In situations lacking a criminal nexus (e.g., suicidal parties who are alone at a location, medical situations that do not pose a risk to others, etc.), officers will evaluate

the introduction of non-law enforcement tools that may contribute to a safe resolution. In addition, the introduction of non-law enforcement tools may also assist in addressing the situation in a long-term scenario.

Available non-law enforcement resources in non-criminal incidents include:

- Community Response Team (CRT)
- Medical personnel
- Military personnel from an individual's chain of command
- Department of Human Services (DHS)
- Adult Protective Services (APS)

Safety Priorities Model

In tactically based responses, officers are expected to use the safety priorities model to minimize risk to hostages, innocent bystanders, officers, and suspects.

It is recommended a supervisor respond to all high-risk/high liability calls for service to oversee and/or assist in the decision-making process.

Additional Decision-Making Considerations

While a suspect's actions may force officers into a use of force situation, when time allows they should evaluate increasing:

- *Time* – Slowing the pace of physical actions (when time allows) to facilitate personnel making meaningful and deliberate decisions
- *Distance* – Creating appropriate distances to contain the situation, while still allowing for the opportunity to effectively respond to changes in circumstances (e.g., increased distance allows for more time to make decisions)
- *Numbers* – Increasing the number of personnel to adequately address the situation
- *Tools* – As mentioned above

Officers should also consider:

- *The known vs. the unknown* – Information that can be objectively validated as opposed to unknown, and/or unverified information
- *An assessment of the benefits vs. the risks* – The likely benefit of an action, compared to the potential negative risk of that action and determining who those actions benefit when compared to the safety priorities model

- *The possibilities vs. the probabilities* – Just because something is possible, does not mean it is highly probable, so it is recommended the focus should be on the actions that are probable

Risk and Liability

While there is no way to mitigate all risk and liability, sworn personnel are expected to make decisions in a good faith attempt to minimize both, for the sake of the department and its personnel.

Points to consider when making risk and liability decisions include:

- An objective reason that requires immediate law enforcement intervention (e.g., a hostage that officers believe will suffer serious bodily injury (SBI) or death without immediate law enforcement intervention, a suspect actively/threatening violent actions against the community, etc.)
- A legal expectation that the suspect is taken into custody (e.g., arresting a suspect without undue delay, etc.)
- Preserve evidence associated with an investigation, which will not be prioritized above anyone's safety
- The type of investigation occurring (e.g., non-violent felony, violent felony, violent misdemeanor, non-violent misdemeanor, etc.)
- The individual's/suspect's mindset (e.g., suicidal, homicidal, mental illness, etc.)
- An ability to develop alternative plans to apprehend a suspect (e.g., the suspect has a consistent schedule and appears to not be a threat to any member of the public)

Best Outcome Assessment

When the time is available, officers will take the time to decide on the course of action most likely to result in a positive outcome. The outcome of such an assessment is varied depending on the objective facts of the situation but includes, but is not limited to:

- Investing additional resources to resolve the situation
- Leaving the area without taking any enforcement action

Situational Debriefings

Success can be measured in a number of ways, ranging from decisions that failed to meet the minimum standard to those in which a sense of excellence was achieved. While officers are expected to make decisions that exceed the minimum standard, they should continually strive for excellence. Each event is unique and affords officers the opportunity to learn from the experience

in their pursuit of excellence. Perfection is not achievable and each event affords an opportunity to learn and grow from the experience.

One tool essential to the pursuit of excellence includes a formalized debrief involving that personnel involved in a significant event (as determined by any personnel involved), as soon as practical after the event. The focus of the debrief should not be limited to the areas of success and improvement. Instead, the debrief should serve as an opportunity to compare the decisions made against the established ICAT and safety priority models.