



# Colorado Springs Police Department

## Standard Operating Procedure

### DL-1000-01 Primary Action Reasoning

#### Section 1000 – Patrol Functions

Effective Date: 6/15/2023

Supersedes Date: N/A

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#### **.01 Purpose**

The purpose of this directive is to outline the expectations and processes officers will use to identify and differentiate the primary basis for their actions throughout the course of any call for service.

#### **.02 Cross Reference**

[GO 100 Constitutional Policing](#)

[GO 140 Chief's Vision & Values Program](#)

#### **.03 Definitions**

*Law Enforcement Action:* The determination by an officer that the primary action response is to enforce the law in a particular situation.

*Primary Action Reasoning:* The initial step of determining the best course of action when responding to any situation as a law enforcement officer.

*Public Safety Action:* The determination by an officer that the primary action response is to ensure safety is maintained in the moment.

#### **.04 Procedure**

Primary action reasoning enables officers to identify and distinguish between responses in an adaptable and fluid manner to ensure appropriate situational responses within their lawful authority, while preserving the constitutional rights of all persons.

Primary action reasoning is separated into two types: public safety action and law enforcement action. Each response type provides officers with a set of guidelines for best practice, as well as limitations. When applied, these responses enable officers to function within the scope of their

lawful authority and subsequently, be able to articulate their rationale for reporting purposes and when providing testimony.

While it is likely that a public safety and a law enforcement reason for an action will be present at the same time, only one of these reasons can be the primary reason for the officer's action. The primary reason for a decision will either be a public safety or a law enforcement function, not both.

## **Public Safety Actions**

If the primary action reasoning is based upon public safety, it will be to/include:

- Keeping someone safe in the moment
- Functioning on reasonable belief or reasonable suspicion
- Applying emergency aid (needs only reasonable belief/suspicion)
- Determining that law enforcement assistance will be helpful

Public Safety Actions will:

- Include specific articulable reasoning
- Allow for latitude in search/seizure (e.g., vehicles may be frisked)

Officer safety, as in staying out of danger, is part of public safety. Without articulable reasons to fear for one's safety, further officer action will likely be viewed as a law enforcement action by the courts. As a general rule in regard to search and seizure, officers are afforded greater latitude when the decisions made are as a result of public safety actions.

## **Law Enforcement Actions**

If the primary action reasoning is based upon law enforcement action, it will be to:

- Enforce a violation of federal, state, or local law

If the primary action reasoning is to enforce the law, it will be utilized:

- When functioning under reasonable suspicion/probable cause and/or
- Presence of exigent circumstances (e.g., hot pursuit, immediate destruction of evidence, etc.)

As a general rule in regard to search and seizure, officers are afforded less latitude when the decisions made are as a result of law enforcement actions.