



Colorado Springs Police Department

General Order

100 Constitutional Policing

Section 100 – Patrol Functions

Effective Date: 6/15/2023

Supersedes Date: N/A

.01 Purpose

The purpose of this directive is to outline the department's commitment and responsibility to upholding the constitutional rights of all persons.

.02 Cross Reference

[GO 101 First Amendment Rights](#)

[GO 121 Fair & Impartial Policing](#)

[GO 400 Employee Conduct](#)

[GO 600 Complaints and Internal Investigations](#)

[GO 1890 Chief's Vision & Values Award Program](#)

.03 Discussion

Constitutional policing, as outlined in the United States and Colorado Constitutions, is the foundation for public trust in law enforcement and regarded as a cornerstone of policing. By endorsing and incorporating constitutional policing philosophies as a core value of the Colorado Springs Police Department (CSPD), it further supports and compliments the Chief's Principles.

The CSPD constitutional policing model is designed to enable officers to make effective decisions within their realm of lawful authority. The model also allows officers to discern between public safety and law enforcement related responses. The crucial element of constitutional policing is to appropriately preserve peoples' rights afforded by the Constitution.

The constitutional policing model provides officers with the appropriate guidance, applicable to real life situations they encounter.

.04 Policy

CSPD personnel will obtain and maintain knowledge of constitutional rights and lawful authority, to include the functional limitations of both.

CSPD personnel are responsible for ensuring individuals' constitutional rights are maintained throughout the entirety of police contact.

Constitutional policing training is mandatory for sworn personnel and will be provided by supervisors regularly.

Any/all reported allegations of constitutional violations committed by CSPD personnel will be documented and investigated in accordance with established directives.

.05 Definitions

Colorado Peace Officers Standards & Training (POST): The agency that standardizes, documents, and manages the certification and training of all active peace officers and reserve peace officers working for Colorado law enforcement agencies. Website: <https://post.colorado.gov/>

Lawful Authority: Persons who have the right to exercise public power, to require obedience to their lawful commands, to command or act in the public name (e.g., police).

.10 Constitutional Amendments & Colorado Equivalent

While CSPD values the entirety of the Constitution, certain Amendments are of particular importance in the public safety and law enforcement setting:

First Amendment

The First Amendment of the U.S. Constitution and Article II, Section 10 of the Colorado Constitution, grants persons the right to free speech and exercise of those rights within the established parameters.

Fourth Amendment

The Fourth Amendment of the U.S. Constitution and Article II, Section 7, of the Colorado Constitution, protects against unreasonable search and seizure by law enforcement. This also mandates the use of warrants based upon probable cause to function within the boundaries of lawful authority.

Fifth Amendment

The Fifth Amendment of the U.S. Constitution and Article II, Section 18, of the Colorado Constitution, provides protection against self-incrimination, deprivation of life, liberty, or property, without due process of law, nor will private property be seized by the government for

public use without just compensation.

Fourteenth Amendment

The Fourteenth Amendment of the U.S. Constitution and several sections of the Colorado Constitution addresses multiple features of citizenship as well as the rights of all citizens that are granted equal protection of the laws to include civil rights, the right to privacy, and due process. Accordingly, this provides structure to how law enforcement functions and conducts the business of enforcing the amendments.

.15 Statutory Authority Position

CSPD officers will complete all requirements to obtain and maintain their certification as a police officer in accordance with the Colorado POST requirements and applicable agency directives.

CSPD officers will ensure their conduct remains confined within their statutory authority and oath to uphold the U.S. and Colorado Constitutions, state statute, city ordinance, and the department's directives.

.20 Responsibilities

General Responsibility

CSPD personnel are responsible for familiarity with and adherence to this directive and any/all additional legal requirements pertaining to constitutional rights.

Supervisory Responsibility

Supervisors are responsible for ensuring their personnel are familiar with and comply with this directive and any/all additional legal requirements pertaining to constitutional rights.

.25 Training

The primary objective of the Constitutional Training Series is to increase CSPD officers' knowledge and understanding of lawful authority while operating within the appropriate Constitutional principles. Mandatory training will be provided by supervisory personnel to all sworn personnel via the Constitutional Training Series on an annual basis or as changes to case law occur. These materials will be readily available to CSPD personnel in written format in the form of the attached criminal procedures manual.

Training records documenting the training will be submitted to the training academy's in-service unit and will be maintained in the employee's training file.

Failure to attend and/or successfully complete the Constitutional Training Series can and may result in disciplinary actions.

Attachments

[Criminal Procedures Manual](#)