



# Colorado Springs Police Department

## General Order

### 1735 Participation in Law Enforcement Support Office Program

#### Section 1700 – Resource Control

Effective Date: 12/22/2022

Supersedes Date: N/A

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## .01 Purpose

The purpose of this directive is to describe the department's participation in Law Enforcement Support Office (LESO) Program.

## .02 Cross Reference

[GO 100 Constitutional Policing](#)

[GO 101 First Amendment Rights](#)

[GO 120 Treatment of the Public](#)

[GO 500 Use of Force](#)

[GO 1094 School Resource Officers](#)

[GO 1210 Assemblies & Mass Events](#)

[GO 1530 Firearm Regulations](#)

[GO 1773 CALEA Accreditation Program](#)

[DL-500-05 Long-Range Acoustical Device](#)

[DL-1000-02 Law Enforcement Decision-Making](#)

[DL-1210-02 Public Order Response Team](#)

[DL-1501-03 Acoustic Hailing Device](#)

## .03 Discussion

The department is currently enrolled in the Federal 1033 Program, which originated from the National Defense Authorization Act of Fiscal Year 1997. The Law Enforcement Support Office (LESO) under the Department of Defense (DoD) oversees the program. This program allows local law enforcement agencies to receive excess DoD property that might not otherwise be used.

Certain types of this equipment are categorized as “controlled property.” Controlled property always remains the property of and is accountable to the DoD. While the department may request controlled property, such a request does not ensure the acquisition of the controlled property, noting that all property is provided on a first-come, first-served basis to all participating law enforcement agencies in 49 states and four United States territories. When a law enforcement agency no longer wants a controlled property, it must be returned to the federal agency for proper

disposition. The department welcomes and is required to seek community input where control property could be used. For inquiries into the program, visit [CDPS 1033 Program](#).

Representatives from the CGB concerned about the department acquiring equipment on the list of controlled properties are encouraged to contact the LESO Program State Coordinator, Ms. Kellye Potocki, at [Kellye.Potocki@state.co.us](mailto:Kellye.Potocki@state.co.us).

## **.04 Policy**

The department will adhere to the program requirements to notify the community of controlled property to be requested, adhere to rules for the use of the property, report on the usage of the property, and complete annual certifications.

Controlled property purchased by the department or using any other non-LESO program funds is not covered under the requirements of the LESO program.

The addendum to the LESO program, created by Executive Order 14074, requires the department to notify the community and the CGB of any controlled items it may request as part of this program. Reporting on controlled property obtained during the program's previous versions, enacted before 1/1/2023, is not required.

## **.05 Definitions**

*Civilian Governing Body:* For the purpose of this policy, the Civilian Governing Body (CBG) is the Office of the Mayor and the Colorado Springs City Council.

*Commercial Application:* Items that have been demilitarized (with a demilitarization code of "A" or "Q", with an integrity code of 6) and may be sold to the public under the DoD sales programs.

*Controlled Property:* Types of equipment the DoD retains ownership over in perpetuity and will not be relinquished to a law enforcement agency. The controlled property includes the following items:

- Armored Vehicles, Wheeled: Any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine-Resistant Ambush Protected (MRAP) vehicle or an Armored Personal Carrier (APC).
- Breaching Apparatus: Tools designed to provide rapid entry into a building or through a secured doorway. These tools may be mechanical (e.g., battering ram connected to a vehicle, a propellant), ballistic (slugs), or explosive. For the purpose of this directive, breaching apparatus does not include dual-purpose tools (e.g., sledgehammer, bolt cutter, etc.).

- Command and Control Vehicles: Any wheeled vehicle, either purpose-built or modified, to facilitate the operational control and direction of public safety units responding to an incident (e.g., recreational vehicles that can accommodate multiple people at multiple workstations, etc.). Such vehicles provide a variety of capabilities, including but not limited to the provision for enhanced communications and other situational awareness capabilities. For the purpose of this policy, this does not include SUVs or different types of vehicles that could serve as a command-and-control center.
- Explosives and Pyrotechnics: Includes “flash bangs” and explosive breaching tools.
- Manned Aircraft, Fixed Wing: Powered aircraft with a crew aboard and that uses a fixed wing for lift, including airplanes. Any aircraft without a commercial application is prohibited.
- Manned Aircraft, Rotary Wing: Powered aircraft with a crew aboard that uses a rotary wing for lift, including helicopters. Any aircraft without a commercial application is prohibited.
- Night-Vision: An external device that allows the user to see a field of view in low-light situations.
- Riot/Crowd Control Batons: Non-expendable of greater length (more than 24 inches) than service-issue types and intended to protect its wielder during crowd control situations by providing distance from assailants. This includes all batons with advanced features such as tear gas discharge and electronic or “stun” capabilities.
- Riot/Crowd Control Shields: Shields intended to protect the wielder from projectiles, from their head to their knees, during crowd control situations, including some that afford limited ballistic protection.
- Riot Helmets: Helmets that include a visor which is designed to protect the wearer’s face and head from projectiles during acts of civil unrest.
- Specialized Firearms, Ammunition (under .50-Caliber), and Less Lethal Launchers: Weapons and corresponding ammunition for specialized operations or assignments. This includes launchers specifically designed and built to launch less-lethal projectiles. This excludes weapons such as service-issued handguns, rifles, or shotguns approved by the agency and issued to sworn personnel.
- Tactical Vehicles, Wheeled: A vehicle purpose-built to operate on and off-road in support of military operations, such as a High Mobility Multi-Purpose Wheeled Vehicle

(HMMWV), 2.5-ton truck, 5-ton truck, or a vehicle with a breaching or entry apparatus attached. This excludes commercially available vehicles not tactical in nature (e.g., pick-up trucks, SUVs, etc.).

- Unmanned Aerial Vehicles: A remotely piloted powered aircraft without a crew on board.

*Prohibited Items*: Types of equipment the DoD prohibits the issuance of unless used and annually certified as being used only in an authorized manner. When used in an authorized manner, the items are considered “controlled property.” This list includes:

- Long Range Acoustic Devices (LRAD) without Commercial Applications: A device capable of directing sound over great distances, at extreme volumes, and with more geographical precision than an ordinary speaker. Prohibited use of the LRAD includes aiming the device to disperse individuals/groups as a kinetic use of force and the alert/warning tones.
- Vehicles without Commercial Application: This includes all tracked and armored vehicles, such as an MRAP, APC, HMMWV, 2.5-ton trucks, 5-ton trucks, or SUVs. This excludes vehicles with a commercial application, including non-armored vehicles, HMMWVs, 2.5-ton trucks, 5-ton trucks, or SUVs.

*Significant Incident*: For the purpose of this directive, defined as an operation or action that involves:

- A violent encounter among civilians or between civilians and the police
- A use of force that causes death or serious bodily injury
- A demonstration or other public exercise of First Amendment Rights
- An event that draws, or could be reasonably expected to draw, a large number of attendees or participants, such as those where advanced planning is necessary

*Non-Controlled Property*: Any property not specifically identified as controlled or prohibited items (e.g., vehicle pressure washers, Conex boxes, electronics, etc.).

## **.10 Program Participation**

The department participates in the Law Enforcement Support Office (LESO) Program. Under this program, the department may request certain types of property from the program, including controlled and non-controlled property.

As a participant in this program, the department and its members will adhere to the requirements of this program, including but not limited to community notification, proper use of the property, usage reporting, and annual certifications.

## **.20 Notifications Required**

Starting on 1/1/2023 and at the beginning of each federal fiscal year (October 1<sup>st</sup>), the department will provide written or electronic notifications to the local community and the Community Governing Body (CGB) of its intent to request controlled and uncontrolled property afforded under this program. This policy serves as such a notification.

In adherence with this program, the department will strive to notify the community and will notify the CGB of any controlled property it *may* request throughout the identified year. Controlled property not included in the required notification may only be requested once an updated notice is published and is available for at least 30 days.

## **.22 Disagreements with Requests for Controlled Property**

The CGB may formally disagree with the department's request for controlled property by contacting the LESO Program State Coordinator, Ms. Kellye Potocki, at [Kellye.Potocki@state.co.us](mailto:Kellye.Potocki@state.co.us). Disagreements between the CGB and the department will be presented to the State's Attorney General, who will decide if the CGB is authorized by state law to deny the request.

## **.24 Approval Required**

Requests for controlled property will be made through the chain of command, up to and including the Deputy Chief of the Investigative and Special Operations Bureau. A request for controlled property must conform with the required approval processes.

Requests for non-controlled property will be made through the chain of command, up to and including the Commander of the Specialized Enforcement Division.

## **.26 Taking Possession of Controlled Property**

The department will not take possession of any controlled or non-controlled property as part of this program without proper authorization.

## **.30 Documenting Significant Incidents**

The use of any controlled property during a significant incident requires the department to complete and retain reports detailing the use of the property during the incident. Such a report will, at a minimum, detail the following:

- The type of controlled property used
- The quantity of the controlled property used

- Specific details of the controlled property (e.g., make, model, serial number, etc.)
- Description of the law enforcement action/operation involving the controlled property
- Identification of the officers who used or directed the use of the controlled property
- Identification or a general description of the civilians (e.g., a crowd comprised of approximately 250 people, etc.) who were the subject of the action/operation
- Result of the action/operation (e.g., arrests, citations, injuries, fatalities, use of force, property damage, etc.)

The specific format for an incident is not required and as such, the documentation may come from a variety of reporting formats, including but possibly not limited to:

- Police or incident report
- Operations plan
- After-action report
- Use of force report

Reports will be retained for three years or in accordance with the city's retention policy, whichever is greater. Reports should be made available to the community in accordance with department policy/process, with exemptions being allowed concerning the disclosure of any sensitive information.

## **.40 Use of Prohibited Items for Limited Purposes**

Prohibited items that are used and annually certified as only being used in an authorized manner may be used for limited purposes. Doing so allows the department to use and categorize the item(s) as controlled property.

### LRAD

It may only be used as a public address system for commercial purposes. Any other use is not authorized.

### Vehicles without Commercial Application

It may only be used exclusively for disaster-related emergencies (e.g., evacuations, recoveries, etc.), active shooter scenarios, hostage or other search and rescue operations, anti-terrorism preparedness, protection, prevention, response, recovery, or relief. Any other use of these vehicles is not authorized, including during operations solely focused as a counter drug operation. This prohibition does not include operations associated with other warrant types (e.g., an investigation into a violent crime that possibly has a narcotics nexus) or where the situations may change to an authorized deployment, as previously outlined.

## **.50 Requests for Regional Assets**

Requests for controlled property that will be used as part of a regional response (e.g., Regional Explosives Unit) will adhere to the following requirements:

- Provide information regarding the size of the region, including the number and size of law enforcement officers with access to the requested controlled property and the estimated population served
- Ensure any controlled property providing support in a regional sharing agreement is utilized in accordance with program requirements
- Ensure that only program participants within the regional sharing agreement utilize the controlled property
  - Agencies or personnel that are not program participants will not use or direct the use of controlled property obtained using the program
- Obtain state coordinator or state point of contact approval to temporarily conditionally loan property to another program participant within the region when the mission requires it and for bona fide law enforcement operations
  - If approved, the temporary conditional loan will be done using an acceptable equipment custody report
  - At the end of the temporary conditional loan, the item will be returned to the original agency for accountability
  - Before using/loaning controlled property, the department will ensure the requesting agency has policies associated with the property's use, has conducted proper training, and will adhere to the information collection and retention requirements

## **.52 Controlled Property Assigned to Colorado College SRO**

Colorado College is the only institution of higher learning that the department is exclusively responsible for providing law enforcement services. Any controlled property requested for exclusive use at Colorado College requires the explicit approval of the college's Board of Governors (or the institution's equivalent), which must be formally submitted to the LESO program. Silence or inaction by the board does not constitute evidence of approval. The typical 30-day review process does not apply to requests for controlled property for exclusive use at Colorado College.

Controlled property made available for exclusive use at Colorado College will be used in accordance with department policy and will not be used in a manner that:

- Restricts freedom of speech
- Is disruptive to the educational environment
- Fosters a hostile climate among students

In addition, any controlled property vehicles will be altered to remove a militaristic appearance (e.g., paint the vehicle).

## **.60 Training Required**

Before using any controlled property obtained through this program, department members assigned or authorized to use the property will become familiar with applicable department policies and be trained/certified to department standards. Using the frequency established by department policy, but no less than annually, the department will provide those assigned or authorized to use controlled property with the following:

- Policy training pertinent to the use of the controlled property
- Property standards training (e.g., appropriate use of controlled property, supervision during use of controlled property, effectiveness evaluation, auditing and accountability, transparency and notice)
- Operational and technical training to ensure a level of proficiency before being deployed in the field
- Scenario based-training that combines constitutional and community policing principles with controlled property-specific training
  - Personnel authorizing or directing the use of controlled property should have enhanced scenario training to examine, deliberate, and review circumstances in which controlled property should and should not be used

Training will be documented using the department's established procedures (e.g., training records, policy reviews, etc.). Processes not documented using an established procedure will be documented in a memo format, which will be addressed to the Commander of the Specialized Enforcement Division.

## **.70 Annual Audit of Controlled Property**

Representatives from the department's Tactical Operations Section will be responsible for conducting an annual audit of all controlled property received as a result of the department's participation in the program that is in the department's possession. Annual audits will be completed no later than September 1<sup>st</sup> of each year and will include controlled property, both acquired before and after 1/1/2023.

The audit results will be documented in memo form and on any other documents required as part of this program. The memo and corresponding paperwork will be forwarded through the chain of command, up to and including the Commander of the Specialized Enforcement Division. The Commander will be responsible for providing the documentation to the Compliance Section to be included in the appropriate department database.



The assigned representative from the department's Tactical Operations Section will be responsible for providing the audit results to the appropriate program contact.

## **.72 Evaluation of Controlled Property**

As part of the annual audit, the assigned representatives from the Tactical Operations Section will evaluate the effectiveness and necessity of the controlled property received as part of this program that are in the department's possession. Such an evaluation should consider the following:

- The property's condition
- After action reports, specifically, looking at trends on the property's use (e.g., deployment location, type of operation, etc.)
- The frequency in which the property was deployed
- Anticipated future needs
- A determination as to whether the property is still necessary to complete law enforcement functions and if it could be more useful in another area of the department

## **.74 Disposition of Controlled Property**

Controlled property determined to no longer be functional or operationally necessary to carry out law enforcement activities will be dispositioned by returning the property to the program.

## **.76 Annual Certifications**

On an annual basis, representatives from the Tactical Operations Section will certify that the department has complied with this directive. The certification must certify that prohibited items were only used in an authorized manner. Failure to comply with the program's requirements or complete such certification by 1/1/2023 and annually after that will require the department to disposition the property.

## **.80 Reporting on Uncontrolled Property**

Reporting on uncontrolled property is less stringent than controlled property, and the program typically assigns the parameters. Unlike controlled property, uncontrolled property typically becomes the exclusive property of the department after a period determined by the program.

The assigned representatives from the Tactical Operations Section will be responsible for accounting for uncontrolled property for the period required by the program.

## **.82 Disposition of Uncontrolled Property**

Uncontrolled property determined to no longer be functional or operationally necessary but is still under the reporting requirements established by the program will be dispositioned in accordance with the program's requirements.

Uncontrolled property that has become the exclusive property of the department may be dispositioned through the department's disposition process with the approval of the Commander of the Specialized Enforcement Division.