

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

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6.1.20

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LLS NO. 20-1150.01 Michael Dohr x4347

HOUSE BILL

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

(None),

BILL TOPIC: "Law Enforcement Integrity And Accountability Act"

DEADLINES: File by: 3/19/2020

A BILL FOR AN ACT

101 CONCERNING MEASURES TO IMPROVE PUBLIC CONFIDENCE IN THE
102 INTEGRITY OF LAW ENFORCEMENT, AND, IN CONNECTION
103 THEREWITH, CREATING A SPECIAL INVESTIGATIONS UNIT IN THE
104 ATTORNEY GENERAL'S OFFICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a special investigations unit in the attorney general's office. The unit investigates the actions or inaction of a peace officer who may have contributed to a person's death or serious bodily

injury, either through their own conduct or failure to intervene, and receives complaints of allegations that a peace officer violated Colorado or federal law. The attorney general shall appoint the director of the unit, and the director may hire investigators as needed. The unit may use investigators from the Colorado bureau of investigation to assist in the investigation; except that an investigator from the Colorado bureau of investigation who previously worked for the law enforcement agency where the officer under investigation works shall not assist in the investigation.

When it appears that a peace officer's actions or inaction may have contributed to a person's death or serious bodily injury or when there are allegations that a peace officer violated Colorado or federal law, a peace officer at the scene of the incident shall notify the unit. After the unit has been notified, the peace officers at the scene may continue with their investigation and shall secure the scene. Once the unit arrives on scene, the unit assumes control of the investigation. Law enforcement agencies must also notify the unit of the same conduct when they discover it during an investigation of an officer or receive a complaint of the conduct. The director shall produce a report of all investigations, and, based on that report, the attorney general can indict a peace officer who is subject to the investigation. If the report determines that the use of physical force violates the applicable criminal legal standard, the peace officer's employing agency shall immediately suspend the peace officer without pay until the conclusion of any further proceedings involving such incident. If any peace officer is convicted of or pleads guilty or nolo contendere to any inappropriate use of physical force or a crime involving the unlawful use or threatened use of physical force, the peace officer's employing agency shall immediately terminate the peace officer's employment and the P.O.S.T. board shall permanently revoke the peace officer's certification. The P.O.S.T. board shall not, under any circumstances, reinstate the peace officer's certification or grant new certification to the peace officer.

The bill requires all law enforcement agencies to issue body-worn cameras to its officers and requires all recordings of an incident be released to the public within 7 days after the incident. If during the unit's investigation the unit determines that a peace officer knowingly failed to activate or tampered with a camera, the director's report must include a recommendation for professional discipline. If during the unit's investigation the unit determines that a peace officer knowingly failed to activate or tampered with a camera pursuant to agency policy, the unit shall impose a fine of no more than \$10,000 on the agency per incident.

The bill requires the director to submit an annual report to the attorney general, which is posted on the attorney general's website. The report must include:

- The number of investigations started in the year, including

the number of investigations also conducted by law enforcement agencies;

- The basis for each investigation started in the year;
- For each investigation, the nature of the injury and demographic information regarding the injured party or parties and involved officers;
- The departments that employed the officers subject to investigations in the year;
- The number of investigations concluded in the year; and
- The number of charges brought against peace officers in the year, the officers' employing department, and a description of the charges.

The bill requires the division of criminal justice in the department of public safety to create an annual report including the information that is reported to the attorney general, aggregated and broken down by state or local agency that employs peace officers, along with the underlying data. Each state and local agency that employs peace officers shall report to the attorney general:

- All uses of force by its officers;
- All instances when an officer resigned while under investigation for violating department policy;
- All data relating to stops conducted by its peace officers;
and
- All data related to the use of an unannounced entry by a peace officer.

The division of criminal justice shall maintain a statewide database with data collected pursuant to this section, in a searchable format, and publish the database on its website. Any state and local law enforcement agency that fails to meet its reporting requirements under this section is subject to their funding being suspended by its appropriating authority.

The bill allows a person who has a constitutional right secured by the bill of rights of the Colorado constitution that is infringed upon by a peace officer or law enforcement agency to bring a civil action for the violation. A plaintiff who prevails in the lawsuit is entitled to reasonable attorney fees, and a defendant in an individual suit is entitled to reasonable attorney fees for defending any frivolous claims. Qualified immunity and a defendant's good faith but erroneous belief in the lawfulness of his or her conduct are not defenses to the civil action. The bill requires a public entity to indemnify its public employees in a claim.

The bill specifies the requirements for executing a warrant including requiring the officer executing the warrant to announce his or her presence prior to executing the warrant. A law enforcement officer shall not enter a premises unannounced in order to effect an arrest or pursue a suspect unless:

- It is necessary to prevent serious bodily injury or a person

- is in imminent grave danger; or
● The head of the peace officer's employing agency personally authorizes the unannounced entry.

The bill requires a summons to be issued for:

- All traffic offenses, petty offenses, and any comparable municipal offenses for which monetary conditions of release, unless the location of the person is unknown and the issuance of an arrest warrant is necessary in order to subject the person to the jurisdiction of the court; and
- Misdemeanor offenses and municipal offenses for which there is a comparable state misdemeanor charge with specific exceptions.

For felony offenses, unless there is a statutory provision mandating arrest, the bill allows law enforcement officers to delay the arrest of any person pending a filing decision by the district attorney. If the district attorney has determined that a felony charge will be filed, the district attorney may request that the court issue a summons or may request that a warrant be issued for the person's arrest. For class 4, 5, and 6 felony offenses and level 3 and 4 drug felony offenses, the bill creates a presumption in favor of a summons instead of an arrest or arrest warrant with certain exceptions.

The bill allows a peace officer or detention facility guard to use deadly physical force only when necessary to effect an arrest or prevent escape from custody when the person is using a deadly weapon or likely to imminently cause danger to life or serious bodily injury. The bill repeals a peace officer's authority to use a chokehold.

The bill requires the P.O.S.T. board to create and maintain a database containing information related to

- A peace officer's untruthfulness;
- A peace officer's repeated failure to follow P.O.S.T. board training requirements;
- Officer's who are decertified; and
- Officer's who are terminated for cause.

The bill allows the P.O.S.T. board to revoke peace officer certification for a peace officer who has completed required peace officer training.

The bill requires a peace officer to have an objective justification for making a stop. After making a stop a peace officer shall report to its employing agency:

- The date, time, and location of the stop;
- Demographic information for the person subject to the stop;
- Whether the officer used force during stop; and
- Whether a firearm was found on the person subject to the stop.

The bill requires the division of criminal justice in the department of public safety to conduct, in coordination with the P.O.S.T. board, a post-investigation evaluation of all officer-involved deaths to determine and propose improvements and alterations to training of law enforcement officers to guide future officer behavior.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 9 to article
3 31 of title 24 as follows:

4 PART 9

5 SPECIAL INVESTIGATIONS UNIT

6 **24-31-901. Definitions.** AS USED IN THIS SECTION, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "DEMOGRAPHIC INFORMATION" MEANS RACE, NATIONAL
9 ORIGIN, SEX, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY
10 STATUS, MENTAL HEALTH STATUS, HOUSING STATUS , AND VETERAN
11 STATUS.

12 (2) "PEACE OFFICER" MEANS A PERSON INCLUDED IN THE
13 PROVISIONS OF ARTICLE 2.5 OF TITLE 16.

14 (3) "UNIT" MEANS THE SPECIAL INVESTIGATIONS UNIT CREATED IN
15 SECTION 24-31-902 (1).

16 (4) "SERIOUS BODILY INJURY" HAS THE SAME MEANING AS IN
17 SECTION 18-1-901 (3)(p).

18 <{*Do you want to define law enforcement agency?*}>

19 **24-31-902. Special investigations unit - created - director -**
20 **duties - reports.** (1) THERE IS CREATED WITHIN THE DEPARTMENT OF
21 LAW AND UNDER THE CONTROL OF THE OFFICE OF THE ATTORNEY GENERAL
22 THE SPECIAL INVESTIGATIONS UNIT, REFERRED TO IN THIS PART 9 AS THE
23 "UNIT". THE UNIT SHALL INVESTIGATE THE ACTIONS OR INACTION OF A

1 PEACE OFFICER THAT MAY HAVE CONTRIBUTED TO A PERSON'S DEATH OR
2 SERIOUS BODILY INJURY AND SHALL RECEIVE COMPLAINTS OF
3 ALLEGATIONS THAT A PEACE OFFICER VIOLATED COLORADO OR FEDERAL
4 LAW.

5 (2) THE ATTORNEY GENERAL SHALL APPOINT THE DIRECTOR OF
6 THE UNIT. A PERSON WHO WAS A PEACE OFFICER PRIOR TO BECOMING THE
7 DIRECTOR OF THE UNIT SHALL NOT BE APPOINTED DIRECTOR OF THE UNIT.
8 THE ATTORNEY GENERAL WHO APPOINTED THE DIRECTOR MAY ONLY
9 REMOVE THE DIRECTOR FOR CAUSE.

10 (3) THE DIRECTOR MAY HIRE INVESTIGATORS AS NEEDED TO STAFF
11 THE UNIT.

12 (4) (a) THE UNIT SHALL INVESTIGATE EACH REPORT RECEIVED
13 PURSUANT TO SECTION 24-31-903 THAT INVOLVES A DEATH OR SERIOUS
14 BODILY INJURY. EACH INVESTIGATION MUST BE COMPLETED WITHIN SIXTY
15 DAYS FROM THE DATE THE INVESTIGATION BEGAN.

16 (b) TO THE EXTENT DEEMED NECESSARY BY THE DIRECTOR, THE
17 UNIT MAY USE INVESTIGATORS FROM THE COLORADO BUREAU OF
18 INVESTIGATION TO ASSIST IN THE INVESTIGATIONS; EXCEPT THAT AN
19 INVESTIGATOR FROM THE COLORADO BUREAU OF INVESTIGATION WHO
20 PREVIOUSLY WORKED FOR THE LAW ENFORCEMENT AGENCY WHERE THE
21 PEACE OFFICER UNDER INVESTIGATION WORKS SHALL NOT ASSIST IN THE
22 INVESTIGATION.

23 (c) A LAW ENFORCEMENT AGENCY AND ITS EMPLOYEES SHALL
24 FULLY COOPERATE WITH AN INVESTIGATION BY THE UNIT.

25 (d) (I) WITHIN NINETY DAYS FROM THE DATE OF THE INCIDENT,
26 THE DIRECTOR SHALL ISSUE A REPORT FOR EVERY INVESTIGATION
27 CONDUCTED BY THE UNIT OUTLINING THE FACTS AND CIRCUMSTANCES

1 DETERMINED BY THE INVESTIGATION, THE NATURE OF THE INJURY,
2 DEMOGRAPHIC INFORMATION REGARDING THE INJURED PARTY OR PARTIES
3 AND THE INVOLVED OFFICER OR OFFICERS, THE APPLICABLE CRIMINAL
4 LEGAL STANDARD, AND AN OPINION AS TO WHETHER THE PEACE OFFICER
5 UNDER INVESTIGATION, WHETHER FOR THE OFFICER'S AFFIRMATIVE
6 CONDUCT OR FOR FAILING TO INTERVENE, SHOULD BE INDICTED.

7 (II) THE DIRECTOR SHALL SUBMIT EACH REPORT TO THE ATTORNEY
8 GENERAL UPON COMPLETION OF THE INVESTIGATION.

9 (III) THE ATTORNEY GENERAL SHALL MAKE THE REPORT PUBLIC
10 IMMEDIATELY UPON FINISHING REVIEW OF THE REPORT.

11 (IV) IF THE REPORT DETERMINES THAT THE USE OF PHYSICAL
12 FORCE VIOLATES THE APPLICABLE CRIMINAL LEGAL STANDARD, THE PEACE
13 OFFICER'S EMPLOYEE AGENCY SHALL IMMEDIATELY SUSPEND THE PEACE
14 OFFICER WITHOUT PAY UNTIL THE CONCLUSION OF ANY FURTHER
15 PROCEEDINGS INVOLVING SUCH INCIDENT.

16 (e) IF THE ATTORNEY GENERAL, OR IN CASE OF A CONFLICT OF
17 INTEREST FOR THE ATTORNEY GENERAL, AN INDEPENDENT PARTY
18 DESIGNATED BY THE ATTORNEY GENERAL, DETERMINES, BASED ON THE
19 DIRECTOR'S REPORT, THAT A PEACE OFFICER COMMITTED A CRIME, THE
20 ATTORNEY GENERAL SHALL INDICT THE PEACE OFFICER AND SHALL
21 APPOINT A SPECIAL PROSECUTOR TO PROSECUTE THE CASE.
22 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
23 ATTORNEY GENERAL HAS JURISDICTION TO PROSECUTE A CASE
24 INVESTIGATED BY THE UNIT.

25 (f) NOTWITHSTANDING ANY PROVISION OF ARTICLE 72 OF THIS
26 TITLE 24 TO THE CONTRARY, IF, AFTER THE REPORT IS MADE PUBLIC, THE
27 ATTORNEY GENERAL DOES NOT INDICT THE PEACE OFFICER SUBJECT TO

1 THE INVESTIGATION, ALL DOCUMENTATION COLLECTED DURING THE
2 INVESTIGATION, INCLUDING WITNESS STATEMENTS, INTERVIEW
3 RECORDINGS, AND POLICE REPORTS, IS OPEN TO PUBLIC INSPECTION EVEN
4 IF OTHER CONCURRENT INVESTIGATIONS ARE STILL IN PROGRESS.

5 (g) NOTWITHSTANDING ANY PROVISION OF LAW, IF ANY PEACE
6 OFFICER IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO
7 ANY INAPPROPRIATE USE OF PHYSICAL FORCE, OR A CRIME INVOLVING THE
8 UNLAWFUL USE OR THREATENED USE OF PHYSICAL FORCE, THE PEACE
9 OFFICER'S EMPLOYING AGENCY SHALL IMMEDIATELY TERMINATE SUCH
10 PEACE OFFICER'S EMPLOYMENT AND THE P.O.S.T. BOARD SHALL
11 PERMANENTLY REVOKE THE PEACE OFFICER'S CERTIFICATION. THE
12 P.O.S.T. BOARD SHALL NOT, UNDER ANY CIRCUMSTANCES, REINSTATE THE
13 PEACE OFFICER'S CERTIFICATION OR GRANT NEW CERTIFICATION TO THE
14 PEACE OFFICER. THE P.O.S.T. BOARD SHALL RECORD EACH PEACE
15 OFFICER'S DECERTIFIED IN THE DATABASE CREATED PURSUANT TO SECTION
16 24-31-303 (1)(r).

17 **24-31-903. Mandatory reporting to the special investigations**
18 **unit.** (1) (a) A PEACE OFFICER AT THE SCENE OF AN INCIDENT SHALL
19 NOTIFY THE UNIT WHEN IT APPEARS THAT A PEACE OFFICER'S ACTIONS OR
20 INACTION MAY HAVE CONTRIBUTED TO A PERSON'S DEATH OR SERIOUS
21 BODILY INJURY OR WHEN THERE ARE ALLEGATIONS THAT A PEACE OFFICER
22 VIOLATED COLORADO OR FEDERAL LAW. ONLY ONE PEACE OFFICER AT THE
23 SCENE NEEDS TO NOTIFY THE UNIT PURSUANT TO THIS SECTION.

24 (b) AFTER THE UNIT HAS BEEN NOTIFIED, THE PEACE OFFICERS AT
25 THE SCENE MAY CONTINUE THEIR INVESTIGATION AND SHALL SECURE THE
26 SCENE. ONCE THE UNIT ARRIVES ON SCENE, THE UNIT ASSUMES CONTROL
27 OF THE INVESTIGATION AND MAY ASK THE PEACE OFFICERS ON SCENE FOR

1 ASSISTANCE WITH SECURITY OR OTHER MATTERS.

2 (2) WHEN A LAW ENFORCEMENT AGENCY IS INVESTIGATING A
3 PEACE OFFICER'S CONDUCT, IT SHALL NOTIFY THE UNIT WHEN IT APPEARS
4 THAT A PEACE OFFICER'S ACTIONS OR INACTION MAY HAVE CONTRIBUTED
5 TO A PERSON'S DEATH OR SERIOUS BODILY INJURY OR WHEN THERE ARE
6 ALLEGATIONS THAT A PEACE OFFICER VIOLATED COLORADO OR FEDERAL
7 LAW.

8 (3) WHEN A LAW ENFORCEMENT AGENCY RECEIVES A COMPLAINT
9 THAT A PEACE OFFICER'S ACTIONS OR INACTION MAY HAVE CONTRIBUTED
10 TO A PERSON'S DEATH OR SERIOUS BODILY INJURY OR WHEN THERE ARE
11 ALLEGATIONS THAT A PEACE OFFICER VIOLATED COLORADO OR FEDERAL
12 LAW, IT SHALL NOTIFY THE UNIT.

13 (4) THE PROVISIONS OF THIS SECTION APPLY TO PEACE OFFICER
14 CONDUCT BOTH ON AND OFF-DUTY.

15 **24-31-904. Incident recordings - release - tampering.** (1)(a) By
16 JANUARY 1, 2021, ALL LAW ENFORCEMENT AGENCIES IN THE STATE SHALL
17 PROVIDE BODY WORN CAMERAS FOR EACH MEMBER OF THE LAW
18 ENFORCEMENT AGENCY WHO INTERACT WITH MEMBERS OF THE PUBLIC.
19 LAW ENFORCEMENT AGENCIES MAY SEEK FUNDING PURSUANT TO SECTION
20 24-33.5-519.

21 (b) ANY DEPARTMENT THAT IS UNABLE TO COMPLY WITH THE
22 PROVISIONS OF SUBSECTION (1)(a) OF THIS SECTION MAY APPLY TO THE
23 ATTORNEY GENERAL FOR A ONE YEAR WAIVER TO COMPLY WITH
24 SUBSECTION (1)(a) OF THIS SECTION. THE ATTORNEY GENERAL SHALL NOT
25 GRANT A WAIVER IF THE DEPARTMENT HAS NOT COMPLIED WITH ANY
26 PROVISION OF HB 20-_____.

27 (2) ALL VIDEO AND AUDIO RECORDINGS OF THE INCIDENT,

1 INCLUDING THOSE FROM BODY CAMERAS, DASH CAMERAS, OR OTHERWISE
2 COLLECTED THROUGH INVESTIGATION, MUST BE RELEASED TO THE PUBLIC
3 WITHIN SEVEN DAYS AFTER THE INCIDENT.

4 (3) IF A UNIT INVESTIGATION DETERMINES THAT A PEACE OFFICER
5 _____ FAILED TO ACTIVATE OR TAMPERED WITH BODY OR DASH CAMERA
6 FOOTAGE, THE DIRECTOR SHALL RECOMMEND PROFESSIONAL DISCIPLINE
7 IN THE REPORT CREATED PURSUANT TO SECTION 24-31-902 (4)(d), AND
8 THE DIRECTOR SHALL PROVIDE A COPY OF THE REPORT TO THE PEACE
9 OFFICER'S EMPLOYER, WHICH SHALL INCLUDE THE REPORT IN THE PEACE
10 OFFICER'S PERMANENT PERSONNEL FILE.

11 (4) IF A UNIT INVESTIGATION DETERMINES THAT A PEACE OFFICER
12 _____ FAILED TO ACTIVATE OR TAMPERED WITH BODY OR DASH CAMERA
13 FOOTAGE IN ACCORDANCE WITH A LAW ENFORCEMENT AGENCY'S POLICY
14 OR PRACTICE, THE DIRECTOR SHALL IMPOSE A FINE ON THE PEACE
15 OFFICER'S EMPLOYER NOT TO EXCEED TEN THOUSAND DOLLARS FOR EACH
16 SUCH VIOLATION.

17 **24-31-905. Annual report.** (1) THE DIRECTOR SHALL SUBMIT AN
18 ANNUAL REPORT TO THE ATTORNEY GENERAL BEGINNING JULY 1, 2021,
19 AND EACH JULY 1 THEREAFTER. THE REPORT MUST INCLUDE:

20 (a) THE NUMBER OF INVESTIGATIONS STARTED IN THE YEAR,
21 INCLUDING THE NUMBER OF INVESTIGATIONS ALSO CONDUCTED BY LAW
22 ENFORCEMENT AGENCIES;

23 (b) THE BASIS FOR EACH INVESTIGATION STARTED IN THE YEAR;

24 (c) THE DEPARTMENTS THAT EMPLOYED THE PEACE OFFICERS
25 SUBJECT TO INVESTIGATIONS IN THE YEAR;

26 (d) FOR EACH INVESTIGATION, THE NATURE OF THE INJURIES AND
27 DEMOGRAPHIC INFORMATION FOR BOTH THE INJURED PARTY OR PARTIES

1 AND INVOLVED OFFICERS;

2 (e) THE NUMBER OF INVESTIGATIONS CONCLUDED IN THE YEAR;

3 AND

4 (f) THE NUMBER OF CHARGES BROUGHT AGAINST PEACE OFFICERS
5 IN THE YEAR, THE PEACE OFFICERS' EMPLOYING DEPARTMENT, AND A
6 DESCRIPTION OF THE CHARGES.

7 (2) THE ATTORNEY GENERAL SHALL POST THE REPORT ON ITS
8 WEBSITE.

9 **24-31-906. Division of criminal justice report. (1) BEGINNING**
10 **JULY 1, 2021, THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF**
11 **PUBLIC SAFETY SHALL CREATE AN ANNUAL REPORT INCLUDING ALL OF THE**
12 **INFORMATION THAT IS REPORTED TO THE ATTORNEY GENERAL,**
13 **AGGREGATED AND BROKEN DOWN BY STATE OR LOCAL LAW ENFORCEMENT**
14 **AGENCY THAT EMPLOYS PEACE OFFICERS, ALONG WITH THE UNDERLYING**
15 **DATA.**

16 (2) EACH STATE AND LOCAL LAW ENFORCEMENT AGENCY THAT
17 EMPLOYS PEACE OFFICERS SHALL REPORT TO THE ATTORNEY GENERAL;

18 (a) ALL USES OF FORCE BY ITS OFFICERS THAT RESULT IN DEATH OR
19 SERIOUS BODILY INJURY, INCLUDING:

20 (I) THE DATE, TIME, AND LOCATION OF THE USE OF FORCE;

21 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT
22 BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER;

23 (III) THE NAMES OF ALL PEACE OFFICER WHO WERE AT THE SCENE
24 IDENTIFIED BY WHETHER THE OFFICER WAS INVOLVED IN THE USE OF
25 FORCE OR NOT;

26 (IV) THE TYPE OF FORCE USED, THE SEVERITY AND NATURE OF THE
27 INJURY, WHETHER THE OFFICER SUFFERED PHYSICAL INJURY AND THE

1 SEVERITY OF THE INJURY;

2 (V) WHETHER THE OFFICER WAS ON-DUTY AT THE TIME OF THE USE
3 OF FORCE;

4 (VI) WHETHER THE USE OF FORCE RESULTED IN A LAW
5 ENFORCEMENT AGENCY INVESTIGATION AND THE RESULT OF
6 INVESTIGATION; AND

7 (VII) WHETHER THE USE OF FORCE RESULTED IN A CITIZEN
8 COMPLAINT AND THE RESOLUTION OF THAT COMPLAINT.

9 (b) ALL INSTANCES WHEN AN OFFICER RESIGNED WHILE UNDER
10 INVESTIGATION FOR VIOLATING DEPARTMENT POLICY;

11 (c) ALL DATA RELATING TO STOPS CONDUCTED BY ITS PEACE
12 OFFICERS, INCLUDING:

13 (I) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE PERSON
14 STOPPED BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE
15 OFFICER MAKING THE STOP;

16 (II) WHETHER THE STOP WAS A TRAFFIC STOP;

17 (III) THE TIME, DATE, AND LOCATION OF THE STOP;

18 (IV) THE DURATION OF THE STOP;

19 (V) THE REASON FOR THE STOP;

20 (VI) THE SUSPECTED CRIME;

21 (VII) (A) THE RESULT OF THE STOP; SUCH AS, NO ACTION,
22 WARNING, CITATION, PROPERTY SEIZURE, OR ARREST; IF A WARNING OR
23 CITATION WAS ISSUED, THE WARNING PROVIDED OR VIOLATION CITED; IF
24 AN ARREST WAS MADE, THE OFFENSE CHARGED; IF THE STOP IS A TRAFFIC
25 STOP THE INFORMATION COLLECTION IS LIMITED TO THE DRIVER;

26 (B) IF THE STOP IS A MOTOR VEHICLE STOP; THE ACTIONS TAKEN BY
27 THE PEACE OFFICER DURING THE STOP, INCLUDING, BUT NOT LIMITED TO,

1 THE FOLLOWING: WHETHER THE PEACE OFFICER ASKED FOR CONSENT TO
2 SEARCH THE PERSON, AND, IF SO, WHETHER CONSENT WAS PROVIDED;
3 WHETHER THE PEACE OFFICER SEARCHED THE PERSON OR ANY PROPERTY,
4 AND, IF SO, THE BASIS FOR THE SEARCH AND THE TYPE OF CONTRABAND OR
5 EVIDENCE DISCOVERED, IF ANY; AND WHETHER THE PEACE OFFICER SEIZED
6 ANY PROPERTY AND, IF SO, THE TYPE OF PROPERTY THAT WAS SEIZED AND
7 THE BASIS FOR SEIZING THE PROPERTY.

8 (d) ALL INSTANCES OF UNANNOUNCED ENTRY AS DESCRIBED IN
9 SECTION 16-3-313 INCLUDING:

10 (I) THE DATE, TIME, AND LOCATION OF THE USE OF UNANNOUNCED
11 ENTRY; AND

12 (II) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT
13 BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER AND
14 THE NAME OF THE OFFICER;

15 (3) STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL NOT
16 REPORT THE NAME, ADDRESS, SOCIAL SECURITY NUMBER, OR OTHER
17 UNIQUE PERSONAL IDENTIFYING INFORMATION OF THE SUBJECT OF THE USE
18 OF FORCE, VICTIM OF THE OFFICIAL MISCONDUCT, OR PERSONS STOPPED,
19 SEARCHED, OR SUBJECTED TO A PROPERTY SEIZURE. NOTWITHSTANDING
20 ANY PROVISION OF LAW TO THE CONTRARY, THE DATA REPORTED
21 PURSUANT TO THIS SECTION IS AVAILABLE TO THE PUBLIC.

22 (4) THE DIVISION OF CRIMINAL JUSTICE SHALL MAINTAIN A
23 STATEWIDE DATABASE WITH DATA COLLECTED PURSUANT TO THIS
24 SECTION, IN A SEARCHABLE FORMAT, AND PUBLISH THE DATABASE ON ITS
25 WEBSITE.

26 (5) ANY STATE AND LOCAL LAW ENFORCEMENT AGENCY THAT
27 FAILS TO MEET ITS REPORTING REQUIREMENTS UNDER THIS SECTION IS

1 SUBJECT TO THEIR FUNDING BEING SUSPENDED BY ITS APPROPRIATING
2 AUTHORITY.

3 **SECTION 2.** In Colorado Revised Statutes, add 13-21-131 as
4 follows:

5 **13-21-131. Civil action for deprivation of rights - definition.**

6 (1) A PEACE OFFICER EMPLOYED BY A POLITICAL SUBDIVISION OF THE
7 STATE WHO OR A POLITICAL SUBDIVISION OF THE STATE THAT, UNDER
8 COLOR OF LAW, SUBJECTS OR CAUSES TO BE SUBJECTED ANY OTHER
9 PERSON TO THE DEPRIVATION OF ANY INDIVIDUAL RIGHTS THAT CREATE
10 BINDING OBLIGATIONS ON GOVERNMENT ACTORS SECURED BY THE BILL OF
11 RIGHTS, ARTICLE II OF THE COLORADO CONSTITUTION IS LIABLE TO THE
12 INJURED PARTY FOR LEGAL OR EQUITABLE RELIEF OR ANY OTHER
13 APPROPRIATE RELIEF.

14 (2)(a) STATUTORY IMMUNITIES AND STATUTORY LIMITATIONS ON
15 LIABILITY, DAMAGES, OR ATTORNEY FEES DO NOT APPLY TO CLAIMS
16 BROUGHT PURSUANT TO THIS SECTION.

17 (b) NEITHER QUALIFIED IMMUNITY, NOR A DEFENDANT'S GOOD
18 FAITH BUT ERRONEOUS BELIEF IN THE LAWFULNESS OF HIS OR HER
19 CONDUCT, IS A DEFENSE TO LIABILITY PURSUANT TO THIS SECTION.

20 (3) IN ANY ACTION BROUGHT UNDER THIS SECTION, A COURT SHALL
21 AWARD REASONABLE ATTORNEYS' FEES AND COSTS TO A PREVAILING
22 PLAINTIFF. IN ACTIONS FOR INJUNCTIVE RELIEF, A COURT SHALL DEEM A
23 PLAINTIFF TO HAVE PREVAILED IF THE PLAINTIFF'S SUIT WAS A
24 SUBSTANTIAL FACTOR OR SIGNIFICANT CATALYST IN OBTAINING THE
25 RESULTS SOUGHT BY THE LITIGATION. WHEN A JUDGMENT IS ENTERED IN
26 FAVOR OF A DEFENDANT, THE COURT MAY AWARD REASONABLE COSTS
27 AND ATTORNEY'S FEES TO THE DEFENDANT FOR DEFENDING ANY CLAIMS

1 THE COURT FINDS FRIVOLOUS.

2 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A
3 POLITICAL SUBDIVISION OF THE STATE SHALL INDEMNIFY ITS PEACE
4 OFFICER FOR ANY LIABILITY INCURRED BY THE EMPLOYEE AND FOR ANY
5 JUDGMENT OR SETTLEMENT ENTERED AGAINST THE EMPLOYEE FOR CLAIMS
6 ARISING UNDER THIS SECTION; EXCEPT THAT THE PEACE OFFICER IS
7 PERSONALLY LIABLE AND SHALL NOT BE INDEMNIFIED BY A PUBLIC ENTITY,
8 INSURANCE CARRIER, OR OTHERWISE FOR FIVE PERCENT OR ONE HUNDRED
9 THOUSAND DOLLARS OF THE JUDGMENT, OR SETTLEMENT WHICHEVER IS
10 LESS. THE POLITICAL SUBDIVISION OF THE STATE SHALL APPROPRIATE THE
11 FIRST TWO HUNDRED THOUSAND DOLLARS OF THE INDEMNIFICATION FROM
12 THE POLITICAL SUBDIVISION'S PUBLIC SAFETY BUDGET, UNLESS THE PUBLIC
13 SAFETY BUDGET IS LESS THAN TWO HUNDRED THOUSAND DOLLARS, IN
14 WHICH CASE AT LEAST TWENTY FIVE PERCENT OF THE PUBLIC SAFETY
15 BUDGET SHALL BE USED TO INDEMNIFY.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 16-2.5-153 as
17 follows:

18 **16-2.5-153. Attorney general special investigations unit**
19 **director - investigator.** (1) THE DIRECTOR OF THE ATTORNEY GENERAL
20 SPECIAL INVESTIGATIONS UNIT IS A PEACE OFFICER WHOSE AUTHORITY
21 SHALL INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF
22 COLORADO AND WHO MAY BE CERTIFIED BY THE P.O.S.T. BOARD.

23 (2) AN ATTORNEY GENERAL CRIMINAL SPECIAL INVESTIGATIONS
24 UNIT INVESTIGATOR IS A PEACE OFFICER WHOSE AUTHORITY SHALL
25 INCLUDE THE ENFORCEMENT OF ALL LAWS OF THE STATE OF COLORADO
26 AND WHO SHALL BE CERTIFIED BY THE P.O.S.T. BOARD.

27 **SECTION 4.** In Colorado Revised Statutes, **add** 16-3-312 and

1 16-3-313 as follows:

2 **16-3-312. Execution of a warrant.** (1) A SEARCH WARRANT MAY
3 BE EXECUTED ONLY WITHIN THE PERIOD AND AT THE TIMES AUTHORIZED
4 BY THE WARRANT AND ONLY BY A PEACE OFFICER. A PEACE OFFICER
5 CHARGED WITH ITS EXECUTION MAY BE ACCOMPANIED BY OTHER
6 PERSONS THAT ARE REASONABLY NECESSARY FOR THE SUCCESSFUL
7 EXECUTION OF THE WARRANT WITH ALL PRACTICABLE SAFETY.

8 (2) THE EXECUTING OFFICER SHALL, BEFORE ENTERING THE
9 PREMISES, GIVE APPROPRIATE NOTICE OF THE IDENTITY, AUTHORITY AND
10 PURPOSE OF THE OFFICER TO THE PERSON TO BE SEARCHED, OR TO THE
11 PERSON IN APPARENT CONTROL OF THE PREMISES TO BE SEARCHED.

12 (3) BEFORE UNDERTAKING ANY SEARCH OR SEIZURE PURSUANT TO
13 THE WARRANT, THE EXECUTING OFFICER SHALL READ AND GIVE A COPY
14 OF THE WARRANT TO THE PERSON TO BE SEARCHED, OR TO THE PERSON IN
15 APPARENT CONTROL OF THE PREMISES TO BE SEARCHED. IF THE PREMISES
16 ARE UNOCCUPIED OR THERE IS NO ONE IN APPARENT CONTROL, THE
17 OFFICER SHALL LEAVE A COPY OF THE WARRANT SUITABLY AFFIXED TO
18 THE PREMISES.

19 **16-3-313. Limitations on dynamic entry.** (1) A LAW
20 ENFORCEMENT OFFICER SHALL NOT ENTER A PREMISES UNANNOUNCED IN
21 ORDER TO EFFECT AN ARREST OR PURSUE A SUSPECT UNLESS:

22 (a) IT IS NECESSARY TO PREVENT SERIOUS BODILY INJURY OR A
23 PERSON IS IN IMMINENT GRAVE DANGER; OR

24 (b) THE HEAD OF THE PEACE OFFICER'S EMPLOYING AGENCY
25 PERSONALLY AUTHORIZES THE UNANNOUNCED ENTRY.

26 <{LE- This is from SB 20-161.}> **SECTION 5. In Colorado**
27 **Revised Statutes, repeal and reenact, with amendments, 16-5-206 as**

1 follows:

2 **16-5-206. Summons in lieu of warrant or arrest - mandatory**
3 **summons - exceptions - presumptions.** (1) A SUMMONS MUST BE ISSUED
4 FOR ALL TRAFFIC OFFENSES, PETTY OFFENSES, AND ANY COMPARABLE
5 MUNICIPAL OFFENSES FOR WHICH MONETARY CONDITIONS OF RELEASE ARE
6 PROHIBITED PURSUANT TO SECTION 16-4-113 (2), UNLESS THE LOCATION
7 OF THE PERSON IS UNKNOWN AND THE ISSUANCE OF AN ARREST WARRANT
8 IS NECESSARY IN ORDER TO SUBJECT THE PERSON TO THE JURISDICTION OF
9 THE COURT.

10 (2) A SUMMONS MUST BE ISSUED FOR MISDEMEANOR OFFENSES
11 AND MUNICIPAL OFFENSES FOR WHICH THERE IS A COMPARABLE STATE
12 MISDEMEANOR CHARGE UNLESS:

13 (a) ARREST IS MANDATORY PURSUANT TO THE MANDATES OF
14 ANOTHER STATUTORY PROVISION; OR

15 (b) THE OFFENSE IS A CRIME DEFINED IN SECTION 24-4.1-302 (1);
16 OR

17 (c) THE FACTS AND CIRCUMSTANCES INDICATE A SUBSTANTIAL
18 RISK THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION IF NOT
19 ARRESTED; OR

20 (d) THE FACTS AND CIRCUMSTANCES INDICATE AN IMMINENT AND
21 SUBSTANTIAL RISK THAT A VICTIM, WITNESS, OR ANY PERSON OTHER THAN
22 THE PERSON MAY BE HARMED IF THE PERSON IS NOT ARRESTED; OR

23 (e) THERE IS PROBABLE CAUSE THAT THE PERSON COMMITTED AN
24 OFFENSE PURSUANT TO SECTION 42-4-1301; OR

25 (f) THERE IS PROBABLE CAUSE THAT THE PERSON USED OR
26 POSSESSED A DEADLY WEAPON AS DEFINED IN SECTION 18-1-901 (3)(E)
27 DURING THE COMMISSION OF THE OFFENSE; OR

1 (g) THE LOCATION OF THE PERSON IS UNKNOWN AND THE ISSUANCE
2 OF AN ARREST WARRANT IS NECESSARY TO SUBJECT THE PERSON TO THE
3 JURISDICTION OF THE COURT.

4 (3) FOR FELONY OFFENSES, UNLESS THERE IS A STATUTORY
5 PROVISION MANDATING ARREST, LAW ENFORCEMENT OFFICERS MAY
6 DELAY THE ARREST OF ANY PERSON PENDING A FILING DECISION BY THE
7 DISTRICT ATTORNEY. IF THE DISTRICT ATTORNEY HAS DETERMINED THAT
8 A FELONY CHARGE WILL BE FILED, THE DISTRICT ATTORNEY MAY REQUEST
9 THAT THE COURT ISSUE A SUMMONS OR MAY REQUEST THAT A WARRANT
10 BE ISSUED FOR THE PERSON'S ARREST.

11 (4) UNLESS THERE IS A STATUTORY PROVISION MANDATING
12 ARREST, LAW ENFORCEMENT AGENCIES AND OFFICERS MAY ISSUE A
13 SUMMONS FOR A FELONY OFFENSE PURSUANT TO LOCAL POLICY
14 DEVELOPED WITH THE CONSENT OF THE DISTRICT ATTORNEY.

15 (5) FOR CLASS 4, 5, AND 6 FELONY OFFENSES AND LEVEL 3 AND 4
16 DRUG FELONY OFFENSES, THERE IS A PREFERENCE AND A PRESUMPTION IN
17 FAVOR OF A SUMMONS INSTEAD OF AN ARREST OR ARREST WARRANT
18 UNLESS:

19 (a) ARREST IS MANDATORY PURSUANT TO THE MANDATES OF ANY
20 STATUTORY PROVISION; OR

21 (b) THE OFFENSE IS ENUMERATED AS A CRIME IN SECTION
22 24-4.1-302 (1); OR

23 (c) THE FACTS AND CIRCUMSTANCES INDICATE A SUBSTANTIAL
24 RISK THAT THE PERSON WILL ATTEMPT TO FLEE PROSECUTION IF THE
25 PERSON IS NOT ARRESTED; OR

26 (d) THE FACTS AND CIRCUMSTANCES INDICATE AN IMMINENT AND
27 SUBSTANTIAL RISK THAT A VICTIM, WITNESS, OR ANY PERSON OTHER THAN

1 THE DEFENDANT MAY BE HARMED IF THE PERSON IS NOT ARRESTED; OR
2 (e) THERE IS PROBABLE CAUSE THAT THE PERSON COMMITTED AN
3 OFFENSE PURSUANT TO SECTION 42-4-1301; OR
4 (f) THERE IS PROBABLE CAUSE THAT THE PERSON USED OR
5 POSSESSED A DEADLY WEAPON AS DEFINED IN SECTION 18-1-901 (3)(E)
6 DURING THE COMMISSION OF THE OFFENSE; OR
7 (g) THE LOCATION OF THE PERSON IS UNKNOWN AND THE ISSUANCE
8 OF AN ARREST WARRANT IS NECESSARY IN ORDER TO SUBJECT THE PERSON
9 TO THE JURISDICTION OF THE COURT.
10 (6) THE PROVISIONS OF THIS SECTION APPLY TO BOTH JUVENILE
11 AND ADULT PERSONS.

12 **SECTION 6.** In Colorado Revised Statutes, 18-1-707, **amend** (1)
13 introductory portion, (2), and (8); and **repeal** (2.5) and (3) as follows:

14 **18-1-707. Use of physical force in making an arrest or in**
15 **preventing an escape - definitions.** (1) Except as provided in
16 ~~subsections (2) and (2.5)~~ SUBSECTION (2) of this section, a peace officer
17 is justified in using reasonable and appropriate physical force upon
18 another person when and to the extent that he reasonably believes it
19 necessary:

20 (2) A peace officer is justified in using deadly physical force upon
21 another person for a purpose specified in subsection (1) of this section
22 only when he reasonably believes that it is necessary

23 ~~(a)~~ to defend himself or a third person from what he reasonably
24 believes to be the use or imminent use of deadly physical force. ~~or~~

25 (b) To effect an arrest, or to prevent the escape from custody, of
26 a person whom he reasonably believes:

27 ~~(f) Has committed or attempted to commit a felony involving the~~

1 ~~use or threatened use of a deadly weapon; or~~

2 (II) ~~Is attempting to escape by the use, NOT SIMPLY THE~~
3 ~~POSSESSION, of a deadly weapon; or~~

4 (III) ~~Otherwise indicates, except through a motor vehicle~~
5 ~~violation, that he OR SHE IMMINENTLY is likely to endanger human life or~~
6 ~~to inflict serious bodily injury to another unless apprehended without~~
7 ~~delay.~~

8 (2.5) (a) ~~A peace officer is justified in using a chokehold upon~~
9 ~~another person for the purposes specified in subsection (1) of this section~~
10 ~~only when he or she reasonably believes that it is necessary:~~

11 (I) ~~To defend himself or herself or a third person from what he or~~
12 ~~she reasonably believes to be the use or imminent use of deadly physical~~
13 ~~force or infliction of bodily injury; or~~

14 (II) ~~To effect an arrest, or to prevent the escape from custody, of~~
15 ~~a person whom he or she reasonably believes:~~

16 (A) ~~Has committed or attempted to commit a felony involving or~~
17 ~~threatening the use of a deadly weapon; or~~

18 (B) ~~Is attempting to escape by the use of physical force; or~~

19 (C) ~~Indicates, except through a motor vehicle, that he or she is~~
20 ~~likely to endanger human life or to inflict serious bodily injury to another~~
21 ~~unless he or she is apprehended without delay.~~

22 (b) ~~For the purposes of this subsection (2.5), "chokehold" means~~
23 ~~a method by which a person holds another person by putting his or her~~
24 ~~arm around the other person's neck with sufficient pressure to make~~
25 ~~breathing difficult or impossible and includes, but is not limited to, any~~
26 ~~pressure to the throat or windpipe, which may prevent or hinder breathing~~
27 ~~or reduce intake of air.~~

1 (3) ~~Nothing in subsection (2)(b) or subsection (2.5) of this section~~
2 ~~shall be deemed to constitute justification for reckless or criminally~~
3 ~~negligent conduct by a peace officer amounting to an offense against or~~
4 ~~with respect to innocent persons whom he is not seeking to arrest or retain~~
5 ~~in custody.~~

6 (8) A guard or peace officer employed in a detention facility is
7 justified:

8 (a) In using deadly physical force when he reasonably believes it
9 necessary to prevent the escape of a prisoner convicted of, charged with,
10 or held for a felony or confined under the maximum security rules of any
11 detention facility as such facility is defined in subsection (9) of this
12 section IS NECESSARY TO PREVENT IMMINENTLY LIKELY ENDANGERMENT
13 OF HUMAN LIFE OR INFLECTION OF SERIOUS BODILY INJURY TO ANOTHER;

14 (b) In using reasonable and appropriate physical force, but not
15 deadly physical force, in all other circumstances when and to the extent
16 that he reasonably believes it necessary to prevent what he reasonably
17 believes to be the escape of a prisoner from a detention facility.

18 **SECTION 7. In Colorado Revised Statutes, 24-31-303, amend**
19 (1)(p) and (1)(q); and add (1)(r) as follows:

20 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
21 P.O.S.T. board has the following duties:

22 (p) To develop a community outreach program that informs the
23 public of the role and duties of the P.O.S.T. board; and

24 (q) To develop a recruitment program that creates a diversified
25 applicant pool for appointments to the P.O.S.T. board and the subject
26 matter expertise committees; AND

27 (r) TO CREATE AND MAINTAIN A DATABASE CONTAINING

1 INFORMATION RELATED TO:

2 (I) A PEACE OFFICER'S UNTRUTHFULNESS;

3 (II) A PEACE OFFICER'S REPEATED FAILURE TO FOLLOW P.O.S.T.

4 BOARD TRAINING REQUIREMENTS;

5 (III) EACH PEACE OFFICER WHO IS DECERTIFIED BY THE P.O.S.T.

6 BOARD; AND

7 (IV) EACH PEACE OFFICER WHO IS TERMINATED FOR CAUSE.

8 **SECTION 8.** In Colorado Revised Statutes, **add 24-31-111 as**
9 **follows:**

10 **24-31-111. Public integrity - patterns and practices.** IT SHALL
11 BE UNLAWFUL FOR ANY GOVERNMENTAL AUTHORITY, OR ANY AGENT
12 THEREOF, OR ANY PERSON ACTING ON BEHALF OF A GOVERNMENTAL
13 AUTHORITY, TO ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY LAW
14 ENFORCEMENT OFFICERS OR BY OFFICIALS OR EMPLOYEES OF ANY
15 GOVERNMENTAL AGENCY THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES,
16 OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS
17 OF THE UNITED STATES OR THE STATE OF COLORADO. WHENEVER THE
18 ATTORNEY GENERAL HAS REASONABLE CAUSE TO BELIEVE THAT A
19 VIOLATION OF THIS SECTION HAS OCCURRED, THE ATTORNEY GENERAL,
20 FOR OR IN THE NAME OF THE STATE OF COLORADO, MAY IN A CIVIL ACTION
21 OBTAIN APPROPRIATE EQUITABLE AND DECLARATORY RELIEF TO
22 ELIMINATE THE PATTERN OR PRACTICE.

23 **SECTION 9.** In Colorado Revised Statutes, 24-31-305, **add (2.7)**
24 **as follows:**

25 **24-31-305. Certification - issuance - renewal - revocation -**
26 **rules - definition.** (2.7) THE P.O.S.T. BOARD MAY REVOKE THE
27 CERTIFICATION OF A PEACE OFFICER WHO FAILS TO SATISFACTORILY

1 COMPLETE PEACE OFFICER TRAINING REQUIRED BY THE P.O.S.T. BOARD.

2 **SECTION 10. In Colorado Revised Statutes, 24-31-309, amend**

3 **(4)(a); and add (3.5) as follows:**

4 **24-31-309. Profiling - officer identification - training. (3.5) A**

5 PEACE OFFICER MUST HAVE AN OBJECTIVE JUSTIFICATION FOR MAKING A

6 STOP. AFTER MAKING A STOP A PEACE OFFICER SHALL REPORT TO ITS

7 EMPLOYING AGENCY:

8 (a) THE DATE, TIME, AND LOCATION OF THE STOP;

9 (b) THE PERCEIVED DEMOGRAPHIC INFORMATION OF THE SUBJECT

10 BASED ON THE OBSERVATION AND PERCEPTION OF THE PEACE OFFICER;

11 (c) WHETHER THE OFFICER USED FORCE DURING STOP; AND

12 (d) WHETHER A FIREARM WAS FOUND ON THE PERSON SUBJECT TO

13 THE STOP.

14 (4) (a) A peace officer certified pursuant to this part 3 shall

15 provide, without being asked, his or her business card to any person

16 whom the peace officer has detained in a traffic stop, but has not cited or

17 arrested. The business card shall include identifying information about the

18 peace officer including, but not limited to, the peace officer's name,

19 division, precinct, and badge or other identification number and a

20 telephone number that may be used, if necessary, to report any comments,

21 positive or negative, regarding the traffic stop, AND INFORMATION ABOUT

22 HOW TO FILE A COMPLAIN RELATED TO THE STOP. The identity of the

23 reporting person and the report of any such comments that constitutes a

24 complaint shall initially be kept confidential by the receiving law

25 enforcement agency, to the extent permitted by law. The receiving law

26 enforcement agency shall be permitted to obtain some identifying

27 information regarding the complaint to allow initial processing of the

1 complaint. If it becomes necessary for the further processing of the
2 complaint for the complainant to disclose his or her identity, the
3 complainant shall do so or, at the option of the receiving law enforcement
4 agency, the complaint may be dismissed.

5 **SECTION 11.** In Colorado Revised Statutes, 24-33.5-503,
6 **amend (1)(z) and (1)(aa); and add (1)(bb) as follows:**

7 **24-33.5-503. Duties of division.** (1) The division has the
8 following duties:

9 (z) To provide training on the Colorado risk assessment scale and
10 the administrative release guideline instrument as required by section
11 17-22.5-404 (2)(c), C.R.S.; and

12 (aa) To receive the information reported to the division by law
13 enforcement agencies pursuant to section 22-32-146, C.R.S., and by
14 district attorneys pursuant to section 20-1-113, C.R.S., and provide the
15 information, as submitted to the division, to any member of the public
16 upon request, in a manner that does not include any identifying
17 information regarding any student. If the division provides the
18 information to a member of the public upon request pursuant to this
19 paragraph (aa), the division may charge a fee to the person, which fee
20 shall not exceed the direct and indirect costs incurred by the division in
21 providing the information; AND

22 (bb) TO CONDUCT, IN COORDINATION WITH THE P.O.S.T. BOARD,
23 A POST-INVESTIGATION EVALUATION OF ALL OFFICER-INVOLVED DEATHS
24 TO DETERMINE AND PROPOSE IMPROVEMENTS AND ALTERATIONS TO
25 TRAINING OF LAW ENFORCEMENT OFFICERS TO GUIDE FUTURE OFFICER
26 BEHAVIOR.

27 **SECTION 12. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.