

NOTE: The governor signed this measure on 5/20/2015.

An Act

SENATE BILL 15-219

BY SENATOR(S) Cooke and Roberts, Aguilar, Balmer, Baumgardner, Carroll, Crowder, Donovan, Garcia, Grantham, Guzman, Heath, Hill, Hodge, Holbert, Jahn, Johnston, Jones, Kefalas, Kerr, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Neville T., Newell, Scheffel, Scott, Sonnenberg, Steadman, Todd, Ulibarri, Woods, Cadman;
also REPRESENTATIVE(S) Salazar, Duran, Esgar, Fields, Kagan, Lawrence, McCann, Melton, Moreno, Pettersen, Priola, Singer, Vigil, Williams, Young, Hullinghorst, Becker K., Conti, Lebsock, Mitsch Bush, Rosenthal, Tate.

CONCERNING MEASURES TO PROVIDE ADDITIONAL TRANSPARENCY TO
PEACE OFFICER-INVOLVED SHOOTINGS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) Officer-involved shootings in this state are exceedingly rare, but when an incident occurs, it is in the public interest to guarantee that thorough and objective reviews are conducted;

(b) Many law enforcement agencies in Colorado either participate

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

in locally formed multi-agency critical incident teams or seek out assistance from the Colorado bureau of investigation or a neighboring law enforcement agency in these situations. This approach is both pragmatic and laudable. Utilizing outside assistance in both manpower and resources promotes a better and more complete investigation before turning the matter over to the district attorney for a decision on whether or not the shooting was justified. Further, including outside agencies in an investigation promotes and encourages a level of transparency and objectivity that provides increased credibility to the final outcome. Finally, including outside agencies eliminates any biases, whether real or perceived, which in turn strengthens public confidence in the outcomes of such investigations.

(c) Public confidence in the process is critical to the overall efficacy of the criminal justice system;

(d) Confidence in the process is as equally important to the officer involved as well as it is to any suspect or other citizen involved; and

(e) Everyone involved in an officer-involved shooting is entitled to know that the investigation and final determination related to any such incident will be made in a fair and just manner.

(2) Therefore, the general assembly determines that it is in the public interest that all law enforcement agencies develop protocols for either participating in multi-agency critical incident teams or partnering with the Colorado bureau of investigation or a neighboring law enforcement agency when there is an investigation of an officer-involved shooting.

SECTION 2. In Colorado Revised Statutes, **add** part 3 to article 2.5 of title 16 as follows:

PART 3
PEACE OFFICER-INVOLVED SHOOTINGS

16-2.5-301. Peace officer-involved shooting investigations - protocol. (1) EACH POLICE DEPARTMENT, SHERIFF'S OFFICE, AND DISTRICT ATTORNEY WITHIN THE STATE SHALL DEVELOP PROTOCOLS FOR PARTICIPATING IN A MULTI-AGENCY TEAM, WHICH SHALL INCLUDE AT LEAST

ONE OTHER POLICE DEPARTMENT OR SHERIFF'S OFFICE, OR THE COLORADO BUREAU OF INVESTIGATION, IN CONDUCTING ANY INVESTIGATION, EVALUATION, AND REVIEW OF AN INCIDENT INVOLVING THE DISCHARGE OF A FIREARM BY A PEACE OFFICER THAT RESULTED IN INJURY OR DEATH. THE LAW ENFORCEMENT AGENCIES PARTICIPATING NEED NOT BE FROM THE SAME JUDICIAL DISTRICT.

(2) EACH LAW ENFORCEMENT AGENCY SHALL POST THE PROTOCOL ON ITS WEB SITE OR, IF IT DOES NOT HAVE A WEB SITE, MAKE IT PUBLICLY AVAILABLE UPON REQUEST. THE PROTOCOLS REQUIRED BY THIS SECTION SHALL BE COMPLETED AND IMPLEMENTED BY DECEMBER 31, 2015.

SECTION 3. In Colorado Revised Statutes, **add** 20-1-114 as follows:

20-1-114. Peace officer-involved shooting investigations - disclosure. (1) THE DISTRICT ATTORNEY SHALL, IF NO CRIMINAL CHARGES ARE FILED FOLLOWING THE COMPLETION OF AN INVESTIGATION PURSUANT TO SECTION 16-2.5-301, C.R.S., RELEASE A REPORT AND PUBLICLY DISCLOSE THE REPORT EXPLAINING THE DISTRICT ATTORNEY'S FINDINGS, INCLUDING THE BASIS FOR THE DECISION NOT TO CHARGE THE OFFICER WITH ANY CRIMINAL CONDUCT. THE DISTRICT ATTORNEY SHALL POST THE WRITTEN REPORT ON ITS WEB SITE OR, IF IT DOES NOT HAVE A WEB SITE, MAKE IT PUBLICLY AVAILABLE UPON REQUEST.

(2) IF THE DISTRICT ATTORNEY REFERS THE MATTER UNDER INVESTIGATION TO THE GRAND JURY, THE DISTRICT ATTORNEY SHALL RELEASE A STATEMENT AT THE TIME THE MATTER IS REFERRED TO THE GRAND JURY DISCLOSING THE GENERAL PURPOSE OF THE GRAND JURY'S INVESTIGATION. IF NO TRUE BILL IS RETURNED, THE GRAND JURY MAY ISSUE A REPORT PURSUANT TO 16-5-205.5, C.R.S.

(3) ALL DISCLOSURES REQUIRED BY THIS SECTION REMAIN SUBJECT TO THE CRIMINAL JUSTICE RECORDS ACT.

SECTION 4. Safety clause. The general assembly hereby finds,

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

Bill L. Cadman
PRESIDENT OF
THE SENATE

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO