

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0987.01 Michael Dohr x4347

SENATE BILL 15-219

SENATE SPONSORSHIP

Cooke and Roberts,

HOUSE SPONSORSHIP

Salazar,

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

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

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://www.leg.state.co.us/billsummaries>.)

The bill requires each law enforcement agency to develop protocols for participating in a multi-agency team or involving another law enforcement agency in the investigation of a peace officer-involved shooting. The law enforcement agency shall post the protocols on its web site or make it publicly available if it does not have a web site.

The bill requires a district attorney who declines to file criminal

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 1, 2015

SENATE
Amended 2nd Reading
March 31, 2015

charges against a peace officer for a peace officer-involved shooting to make a report and publicly disclose the report explaining the basis for not charging the officer. The district attorney shall post the report on its web site or make it publicly available if it does not have a web site.

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

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

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

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

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

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

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

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

10 **SECTION 2.** In Colorado Revised Statutes, **add** 16-2.5-301 as
11 follows:

12 PART 3

13 PEACE OFFICER-INVOLVED SHOOTINGS

14 **16-2.5-301. Peace officer-involved shooting investigations -**
15 **protocol.** (1) EACH POLICE DEPARTMENT, SHERIFF'S OFFICE, AND DISTRICT
16 ATTORNEY WITHIN THE STATE SHALL DEVELOP PROTOCOLS FOR
17 PARTICIPATING IN A MULTI-AGENCY TEAM, WHICH SHALL INCLUDE AT
18 LEAST ONE OTHER POLICE DEPARTMENT OR SHERIFF'S DEPARTMENT, OR
19 THE COLORADO BUREAU OF INVESTIGATION, IN CONDUCTING ANY
20 INVESTIGATION, EVALUATION, AND REVIEW OF AN INCIDENT INVOLVING
21 THE DISCHARGE OF A FIREARM BY A PEACE OFFICER THAT RESULTED IN
22 INJURY OR DEATH. THE LAW ENFORCEMENT AGENCIES PARTICIPATING
23 NEED NOT BE FROM THE SAME JUDICIAL DISTRICT.

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

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

3 **20-1-114. Peace officer-involved shooting investigations -**
4 **disclosure.** (1) THE DISTRICT ATTORNEY SHALL, IF NO CRIMINAL CHARGES
5 ARE FILED FOLLOWING THE COMPLETION OF AN INVESTIGATION PURSUANT
6 TO SECTION 16-2.5-301, C.R.S., RELEASE A REPORT AND PUBLICLY
7 DISCLOSE THE REPORT EXPLAINING THE DISTRICT ATTORNEY'S FINDINGS,
8 INCLUDING THE BASIS FOR THE DECISION NOT TO CHARGE THE OFFICER
9 WITH ANY CRIMINAL CONDUCT. THE DISTRICT ATTORNEY SHALL POST THE
10 WRITTEN REPORT ON ITS WEB SITE OR, IF IT DOES NOT HAVE A WEB SITE,
11 MAKE IT PUBLICLY AVAILABLE UPON REQUEST.

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

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

21 **SECTION 4. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.