A BILL FOR AN ACT

Concerning data collection related to peace officer-involved shootings of a person.

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.)

After an officer-involved shooting occurs, the peace officer's law enforcement agency shall provide the division of criminal justice (division) with demographic information on the officer and individual shot and search, citation, and arrest information related to the incident. Each law enforcement agency shall provide the information for all shootings that occurred between January 1, 2010, and June 30, 2015, by
September 1, 2015, and the information for each successive fiscal years until 2019-20 by September 1 of the following fiscal year. The division shall compile and report the data to the house and senate judiciary committees.

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) A founding principle and fundamental purpose of government as established by the founding fathers is to provide for public safety. This purpose is the linchpin element of civilized society that sets the United States apart from the majority of countries that do not believe in the rights and freedoms guaranteed to all Americans under the U.S. Constitution.

(b) Integral to this fundamental role of government is the need for the state and federal legislatures to continually and carefully examine and balance the authority granted to our thousands of peace officers across the country with these freedoms and rights in a manner that protects and serves the best interests of our communities while simultaneously respecting and protecting the rights of those accused of crimes;

(c) In light of recent national events and local concerns related to violent incidents occurring between citizens, suspects, and law enforcement officers, it is imperative that better data collection occur in these matters in order to responsibly and effectively consider and propose future legislation related to criminal procedure and law enforcement standards and policies;

(d) Across the United States, 2014 resulted in a twenty-four percent increase in the number of law enforcement officers dying in the line of duty, including sixty-two deaths resulting from felonious incidents
involving suspects. This number represents a forty-one percent increase in felonious killing of peace officers from 2012. Most disturbing is the fact that ambushes were the leading cause of officer fatalities in 2014, with fifteen officers around the country being shot and killed in ambush-style attacks.

(e) In Colorado, there are more than nineteen thousand active peace officers working for more than three hundred law enforcement agencies around the state. In 2013, more than five hundred seventy-five individuals were charged with felony-level assaults against these Colorado peace officers in the performance of their duties. In Colorado, one peace officer was killed in the line of duty in 2013, and one was killed in 2014.

(f) Of equal concern is the fact that, in 2013, there were twenty fatal shootings of suspects by Colorado peace officers. In these twenty encounters, fifteen suspects threatened officers with either a real or simulated firearms, three brandished a knife, one assaulted an officer with a car, and one reached for an officer's gun.

(g) As violence against officers increases, it is likely that increases in deaths or injuries to suspects will rise also;

(h) Currently, information related to these types of incidents in Colorado is both inconsistent and difficult to find. Gathering and analyzing data related to officer-involved shootings is the first requisite step toward seeking solutions to minimize the number of violent encounters between Colorado's law enforcement officers and those suspected of criminal activity.

(2) Accordingly, the general assembly determines that it is in the interest of public safety and responsible government that the general
assembly act to assist the state in better accessing and recoding data related to officer-involved shootings.

SECTION 2. In Colorado Revised Statutes, add 24-33.5-517 as follows:

24-33.5-517. Criminal justice data collection - definitions - repeal. (1) Any state or local law enforcement agency that employs a peace officer who is involved in an officer-involved shooting that results in a person suspected of criminal activity being shot at by the officer shall report the following information to the division:

(a) The age, gender, sexual orientation, race, and ethnicity of the suspect;

(b) The gender, race, and ethnicity of the peace officer;

(c) The officer's basis for the contact or stop that led to the officer-involved shooting;

(d) The officer's basis for the shooting;

(e) Whether the officer or any other officer responding to the scene conducted a search and, if so, whether the search was conducted pursuant to probable cause, with consent, or pursuant to any other lawful exception to the warrant requirement, and whether contraband was found and, if so, the nature of the contraband;

(f) Whether the officer or any other officer responding to the scene issued a warning or citation and, if so, the nature of the warning or the offenses cited;

(g) Whether the officer or any other officer responding to the scene arrested anyone and, if so, the crimes charged as a
RESULT OF THE ARREST; AND

(h) THE APPROXIMATE DURATION OF THE STOP OR CONTACT.

(2) (a) (I) IF A LAW ENFORCEMENT AGENCY EMPLOYED OR
employs a peace officer who is involved in an officer-involved
shooting from January 1, 2010, through June 30, 2015, it shall
report, if available, the information required by subsection (1)
of this section to the division by September 1, 2015.

(II) THE DIVISION SHALL COMPILE AND REPORT THE DATA
received pursuant to subparagraph (I) of this paragraph (a) by
January 31, 2016. THE REPORT SHALL BE PROVIDED TO THE JUDICIARY
COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY
SUCCESSOR COMMITTEES, AND SHALL BE POSTED ON THE DIVISION'S WEB
SITE.

(b)(I) IF A LAW ENFORCEMENT AGENCY EMPLOYS A PEACE OFFICER
who is involved in an officer-involved shooting during fiscal
year 2015-16, or any successive fiscal year through fiscal year
2019-20, it shall report the information required by subsection
(1) OF THIS SECTION TO THE DIVISION BY SEPTEMBER 1 OF THE FOLLOWING
FISCAL YEAR.

(II) THE DIVISION SHALL COMPILE AND REPORT THE DATA
RECEIVED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) BY
JANUARY 31 OF THE FOLLOWING YEAR. THE REPORT SHALL BE PROVIDED
TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
SENATE, OR ANY SUCCESSOR COMMITTEES, AND SHALL BE POSTED ON THE
DIVISION'S WEB SITE.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT REQUIRES
OTHERWISE, "STATE OR LOCAL LAW ENFORCEMENT AGENCY" MEANS:
(a) The Colorado state patrol created pursuant to section 24-33.5-201;
(b) The Colorado bureau of investigation created pursuant to section 24-33.5-401;
(c) A county sheriff's office;
(d) A municipal police department;
(e) The division of parks and wildlife within the department of natural resources created pursuant to section 24-1-124; or
(f) A town marshal's office.
(4) This section is repealed, effective July 1, 2021.

SECTION 3. 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.