A BILL FOR AN ACT

CONCERNING MEASURES TO PROVIDE ADDITIONAL TRANSPARENCY TO 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
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.

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 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 16-2.5-301 as follows:

**16-2.5-301. Peace officer-involved shooting investigations - protocol.** Each law enforcement agency in the state shall develop protocols for participating in a multi-agency team within each judicial district, or involving another law enforcement agency, which may include but is not limited to the Colorado bureau of investigation, in conducting a peace officer-involved shooting investigation. 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.

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

**20-1-114. Peace officer-involved shooting investigations - disclosure.** If a district attorney declines to charge a peace officer with any criminal conduct related to a peace officer-involved shooting, the district attorney shall make 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.

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.