

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0294.01 Megan Waples x4348

SENATE BILL 19-091

SENATE SPONSORSHIP

Fields and Cooke, Bridges, Court, Crowder, Fenberg, Foote, Gardner, Ginal, Hisey, Lundeen, Priola, Rankin, Scott, Sonnenberg, Tate, Williams A., Winter, Zenzinger

HOUSE SPONSORSHIP

Singer,

Senate Committees

State, Veterans, & Military Affairs

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING SUPPORT OF PEACE OFFICERS INVOLVED IN A USE OF**
102 **FORCE INCIDENT.**

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 requires law enforcement agencies to develop policies to support officers involved in a shooting or fatal use of force. The policies must address pre-incident training and preparation, support for the officer at the scene of the incident, post-incident support and services, guidelines for temporary leave or duty reassignment, and guidelines for return to duty. The policies must be completed by January 1, 2020. Law

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

SENATE
3rd Reading Unamended
February 7, 2019

SENATE
Amended 2nd Reading
February 6, 2019

enforcement agencies are required to review the policies on a biennial basis.

The bill allows a law enforcement agency to apply for and receive a grant from the peace officers mental health support grant program to assist in developing and implementing the agency's policies.

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

SECTION 1. In Colorado Revised Statutes, **add** part 4 to article 2.5 of title 16 as follows:

PART 4

SUPPORT FOR PEACE OFFICERS

INVOLVED IN A USE OF FORCE

16-2.5-401. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY DECLARES THAT:

(a) PEACE OFFICERS INVOLVED IN INCIDENTS INVOLVING A SHOOTING OR FATAL USE OF FORCE SHOULD HAVE ACCESS TO IMMEDIATE SUPPORT;

(b) THE EXPERIENCE OF POLICE AND PUBLIC SAFETY MENTAL HEALTH PROFESSIONALS AND SCIENTIFIC RESEARCH SHOW THAT PROVIDING TRAINING, SUPPORT SERVICES, AND REINTEGRATION STRATEGIES CAN PROMOTE POSITIVE OUTCOMES FOLLOWING SUCH INCIDENTS; AND

(c) THE POLICIES REQUIRED BY THIS PART 4 PROVIDE FOR POST-INCIDENT PSYCHOLOGICAL INTERVENTIONS THAT ARE SEPARATE AND DISTINCT FROM ANY FITNESS-FOR-DUTY ASSESSMENT OR ADMINISTRATIVE OR INVESTIGATIVE PROCEDURES THAT MAY FOLLOW.

16-2.5-402. Definitions. AS USED IN THIS PART 4, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (1) "LAW ENFORCEMENT AGENCY" MEANS:

2 (a) THE COLORADO STATE PATROL CREATED IN SECTION
3 24-33.5-201;

4 (b) THE COLORADO BUREAU OF INVESTIGATION CREATED IN
5 SECTION 24-33.5-401;

6 (c) THE DEPARTMENT OF CORRECTIONS CREATED IN SECTION
7 24-1-128.5;

8 (d) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
9 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
10 24-1-124;

11 (e) A COUNTY SHERIFF'S OFFICE;

12 (f) A MUNICIPAL POLICE DEPARTMENT;

13 (g) A CAMPUS POLICE DEPARTMENT; OR

14 (h) A TOWN MARSHAL'S OFFICE.

15 (2) "QUALIFIED MENTAL HEALTH PROFESSIONAL" MEANS:

16 (a) A PERSON CERTIFIED AND IN GOOD STANDING AS A POLICE AND
17 PUBLIC SAFETY PSYCHOLOGIST BY THE AMERICAN BOARD OF POLICE AND
18 PUBLIC SAFETY PSYCHOLOGY, OR ITS SUCCESSOR ORGANIZATION; OR

19 (b) A PERSON WHO:

20 (I) IS A LICENSED MENTAL HEALTH CLINICIAN IN GOOD STANDING
21 WITH HIS OR HER LICENSING BOARD; AND

22 (II) HAS DEMONSTRATED TO THE LAW ENFORCEMENT AGENCY'S
23 SATISFACTION THROUGH A COMBINATION OF TRAINING AND EXPERIENCE
24 THAT THE PERSON IS TRAUMA INFORMED, EXPERIENCED IN RESPONDING TO
25 ACUTE TRAUMA EVENTS, AND CULTURALLY COMPETENT IN
26 UNDERSTANDING LAW ENFORCEMENT WORK, CHALLENGES, AND
27 STRESSORS.

1 **16-2.5-403. Peace officer-involved shooting or fatal use of**

2 **force policy.** (1) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP AND
3 MAINTAIN A POLICY FOR SUPPORTING A PEACE OFFICER WHO HAS BEEN
4 INVOLVED IN A SHOOTING OR FATAL USE OF FORCE. AN INVOLVED OFFICER
5 MAY INCLUDE A PERIPHERAL OFFICER PRESENT AT THE SCENE WHO
6 REPORTS AN IMPACT OR REQUESTS SUPPORTIVE SERVICES. THE POLICY
7 MUST ADDRESS, AT A MINIMUM:

8 (a) PRE-INCIDENT PREPARATION, INCLUDING TRAINING AND
9 EDUCATION ABOUT BOTH NORMAL AND PROBLEMATIC POST-TRAUMATIC
10 REACTIONS COMMONLY ASSOCIATED WITH OFFICER-INVOLVED SHOOTINGS
11 AND CRITICAL INCIDENTS;

12 (b) PROTOCOLS TO ENSURE AN INVOLVED OFFICER'S PHYSICAL AND
13 PSYCHOLOGICAL SAFETY AT THE SCENE AND FOLLOWING THE INCIDENT;

14 (c) THE PROVISION OF POST-INCIDENT SERVICES TO AN INVOLVED
15 OFFICER, AND THE ABILITY TO EXTEND POST-INCIDENT SERVICES TO AN
16 OFFICER'S FAMILY AND SIGNIFICANT OTHERS WHEN WARRANTED. THE
17 AGENCY SHALL CONSIDER INCLUDING IN THE POLICY, TO THE EXTENT
18 POSSIBLE GIVEN THE AGENCY'S SIZE AND RESOURCES:

19 (I) AT LEAST ONE CONFIDENTIAL POST-INCIDENT INTERVENTION
20 WITH A QUALIFIED MENTAL HEALTH PROFESSIONAL IN A TIMELY MANNER
21 FOLLOWING THE INCIDENT, INCLUDING THROUGH TELEHEALTH SERVICES;

22 (II) ONGOING CONFIDENTIAL MENTAL HEALTH SERVICES FROM A
23 QUALIFIED MENTAL HEALTH PROFESSIONAL AS NEEDED, INCLUDING
24 THROUGH TELEHEALTH SERVICES; AND

25 (III) SOME FORM OF PEER SUPPORT, INCLUDING AGENCY PEER
26 SUPPORT OR ONLINE OR TELEHEALTH PEER SUPPORT;

27 (d) GUIDELINES FOR TEMPORARY LEAVE OR APPROPRIATE DUTY

1 REASSIGNMENT AS AGREED UPON BY AN INVOLVED OFFICER AND THE
2 AGENCY TO ALLOW AN INVOLVED OFFICER TO RECEIVE SERVICES AND
3 MANAGE THE IMPACT OF THE INCIDENT ON AN INVOLVED OFFICER AND AN
4 INVOLVED OFFICER'S FAMILY AND SIGNIFICANT OTHERS; AND

5 (e) GUIDELINES AND PROCEDURES FOR AN OFFICER'S RETURN TO
6 DUTY, INCLUDING ONGOING SUPPORT AND SERVICES AVAILABLE TO AN
7 INVOLVED OFFICER. THE AGENCY SHALL CONSIDER INCLUDING IN THE
8 POLICY, TO THE EXTENT POSSIBLE GIVEN THE AGENCY'S SIZE AND
9 RESOURCES:

10 (I) A REINTEGRATION PLAN THAT CONSIDERS HAVING AN OFFICER
11 RETURN TO THE SCENE OF THE INCIDENT IF NEEDED, FIRE HIS OR HER
12 WEAPON AT THE RANGE, AND PARTICIPATE IN A GRADED RE-ENTRY WITH
13 A PARTNER; AND

14 (II) ONGOING SUPPORTIVE MENTAL HEALTH SERVICES, INCLUDING
15 CONFIDENTIAL FOLLOW-UP BY A QUALIFIED MENTAL HEALTH
16 PROFESSIONAL, EITHER IN PERSON OR THROUGH TELEHEALTH SERVICES.

17 (2) THE POLICIES REQUIRED BY THIS SECTION MUST BE COMPLETED
18 BY JANUARY 1, 2020. EACH LAW ENFORCEMENT AGENCY SHALL REVIEW
19 THE POLICY ON A BIENNIAL BASIS AND, IF NECESSARY, UPDATE THE POLICY
20 TO REFLECT CURRENT BEST PRACTICES AND AVAILABLE RESOURCES.

21 (3) IN DEVELOPING, UPDATING, AND IMPLEMENTING THE POLICIES
22 REQUIRED BY THIS SECTION, LAW ENFORCEMENT AGENCIES ARE
23 ENCOURAGED TO CONSULT WITH AND USE THE RESOURCES AVAILABLE
24 THROUGH THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, THE
25 NATIONAL SHERIFFS' ASSOCIATION, THE FRATERNAL ORDER OF POLICE,
26 THE AMERICAN BOARD OF POLICE AND PUBLIC SAFETY PSYCHOLOGY, THE
27 PEACE OFFICERS STANDARDS AND TRAINING BOARD CREATED IN SECTION

1 24-31-302, AND RESPONDERSTRONG, OR THEIR SUCCESSOR
2 ORGANIZATIONS, AND OTHER ORGANIZATIONS PROVIDING SIMILAR
3 RESOURCES AND SUPPORT.

4 **SECTION 2.** In Colorado Revised Statutes, 24-32-3501, **amend**
5 (1), (2), (3), and (6); and **add** (10.5) as follows:

6 **24-32-3501. Peace officers mental health support grant**
7 **program - created - rules - policies and procedures - fund - definition**
8 **- repeal.** (1) There is created in the department of local affairs, referred
9 to in this section as the "department", the peace officers mental health
10 support grant program to provide grants of money to ~~county sheriffs'~~
11 ~~offices and municipal police departments~~ LAW ENFORCEMENT AGENCIES
12 for the purpose of helping these agencies engage mental health
13 professionals who can: ~~provide:~~

14 (a) PROVIDE on-scene response services to support peace officers'
15 handling of persons with mental health disorders; ~~and~~

16 (b) PROVIDE counseling services to peace officers; AND

17 (c) ASSIST IN THE IMPLEMENTATION AND DEVELOPMENT OF THE
18 AGENCY'S POLICY FOR SUPPORTING A PEACE OFFICER INVOLVED IN A
19 SHOOTING OR FATAL USE OF FORCE PURSUANT TO SECTION 16-2.5-403.

20 (2) Grant recipients may use the money received through the grant
21 program to hire mental health professionals ~~and provide~~ TO:

22 (a) PROVIDE on-scene response services to support peace officers'
23 handling of persons with mental health disorders; ~~and~~

24 (b) PROVIDE counseling services to peace officers; AND

25 (c) ASSIST IN THE IMPLEMENTATION AND DEVELOPMENT OF THE
26 AGENCY'S POLICY FOR SUPPORTING A PEACE OFFICER INVOLVED IN A
27 SHOOTING OR FATAL USE OF FORCE PURSUANT TO SECTION 16-2.5-403.

1 (3) ~~County sheriffs' offices and municipal police departments~~
2 LAW ENFORCEMENT AGENCIES that apply for grants from the grant
3 program are encouraged to do so, to the extent possible, in collaboration
4 with the community mental health centers in their regions.

5 (6) To receive a grant, a ~~sheriff's office or municipal police~~
6 ~~department~~ LAW ENFORCEMENT AGENCY must submit an application to the
7 department in accordance with policies and procedures developed by the
8 executive director, or his or her designee.

9 (10.5) AS USED IN THIS SECTION, "LAW ENFORCEMENT AGENCY"
10 MEANS:

11 (a) THE COLORADO STATE PATROL CREATED IN SECTION
12 24-33.5-201;

13 (b) THE COLORADO BUREAU OF INVESTIGATION CREATED IN
14 SECTION 24-33.5-401;

15 (c) THE DEPARTMENT OF CORRECTIONS CREATED IN SECTION
16 24-1-128.5;

17 (d) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
18 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
19 24-1-124;

20 (e) A COUNTY SHERIFF'S OFFICE;

21 (f) A MUNICIPAL POLICE DEPARTMENT;

22 (g) A CAMPUS POLICE DEPARTMENT; OR

23 (h) A TOWN MARSHAL'S OFFICE.

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.