

CHAPTER 127

GOVERNMENT - LOCAL

SENATE BILL 19-091

BY SENATOR(S) Fields and Cooke, Bridges, Court, Crowder, Fenberg, Foote, Gardner, Ginal, Hisey, Lundeen, Moreno, Priola, Rankin, Scott, Sonnenberg, Tate, Williams A., Winter, Zenzinger;
also REPRESENTATIVE(S) Singer, Arndt, Bird, Buentello, Caraveo, Cutter, Duran, Esgar, Exum, Galindo, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Liston, Lontine, Michaelson Jenet, Mullica, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Van Winkle, Wilson, Becker.

AN ACT**CONCERNING SUPPORT OF PEACE OFFICERS INVOLVED IN A USE OF FORCE INCIDENT.***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.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(1) "LAW ENFORCEMENT AGENCY" MEANS:

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

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

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

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

(e) A COUNTY SHERIFF'S OFFICE;

(f) A MUNICIPAL POLICE DEPARTMENT;

(g) A CAMPUS POLICE DEPARTMENT; OR

(h) A TOWN MARSHAL'S OFFICE.

(2) "QUALIFIED MENTAL HEALTH PROFESSIONAL" MEANS:

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

(b) A PERSON WHO:

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

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

16-2.5-403. Peace officer-involved shooting or fatal use of force policy.

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

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

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

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

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

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

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

(d) GUIDELINES FOR TEMPORARY LEAVE OR APPROPRIATE DUTY REASSIGNMENT AS AGREED UPON BY AN INVOLVED OFFICER AND THE AGENCY TO ALLOW AN INVOLVED OFFICER TO RECEIVE SERVICES AND MANAGE THE IMPACT OF THE INCIDENT ON AN INVOLVED OFFICER AND AN INVOLVED OFFICER'S FAMILY AND SIGNIFICANT OTHERS; AND

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

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

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

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

(3) IN DEVELOPING, UPDATING, AND IMPLEMENTING THE POLICIES REQUIRED BY THIS SECTION, LAW ENFORCEMENT AGENCIES ARE ENCOURAGED TO CONSULT WITH AND USE THE RESOURCES AVAILABLE THROUGH THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, THE NATIONAL SHERIFFS' ASSOCIATION, THE FRATERNAL ORDER OF POLICE, THE AMERICAN BOARD OF POLICE AND PUBLIC SAFETY PSYCHOLOGY, THE PEACE OFFICERS STANDARDS AND TRAINING BOARD CREATED IN SECTION 24-31-302, AND RESPONDERSTRONG, OR THEIR SUCCESSOR ORGANIZATIONS, AND OTHER ORGANIZATIONS PROVIDING SIMILAR RESOURCES AND

SUPPORT.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 23, 2019