

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

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

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;

(c) AN OFFICER'S FITNESS FOR DUTY SHOULD NOT BE BROUGHT INTO QUESTION BY VIRTUE OF THE OFFICER'S INVOLVEMENT IN AN INCIDENT INVOLVING A SHOOTING OR FATAL USE OF FORCE;

(d) THE PROVISION OF POST-INCIDENT SERVICES DOES NOT PRECLUDE AN AGENCY FROM REQUESTING A FORMAL FITNESS-FOR-DUTY EVALUATION BASED UPON OBJECTIVE CONCERNS ABOUT AN OFFICER'S ABILITY TO PERFORM THE OFFICER'S DUTIES DUE TO A SUSPECTED MEDICAL

1 OR PSYCHOLOGICAL CONDITION, BUT THE SOLE FACT OF BEING INVOLVED
2 IN AN INCIDENT INVOLVING A SHOOTING OR FATAL USE OF FORCE DOES NOT
3 NECESSITATE SUCH AN EVALUATION BEFORE THE OFFICER'S RETURN TO
4 DUTY; AND

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

9 **16-2.5-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "LAW ENFORCEMENT AGENCY" MEANS:

12 (a) THE COLORADO STATE PATROL CREATED IN SECTION
13 24-33.5-201;

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

16 (c) THE DEPARTMENT OF CORRECTIONS CREATED IN SECTION
17 24-1-128.5;

18 (d) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE
19 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
20 24-1-124;

21 (e) A COUNTY SHERIFF'S OFFICE;

22 (f) A MUNICIPAL POLICE DEPARTMENT;

23 (g) A CAMPUS POLICE DEPARTMENT; OR

24 (h) A TOWN MARSHAL'S OFFICE.

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

26 (a) A PERSON CERTIFIED AND IN GOOD STANDING AS A POLICE AND
27 PUBLIC SAFETY PSYCHOLOGIST BY THE AMERICAN BOARD OF POLICE AND

1 PUBLIC SAFETY PSYCHOLOGY, OR ITS SUCCESSOR ORGANIZATION; OR
2 (b) A PERSON WHO:
3 (I) IS A LICENSED MENTAL HEALTH CLINICIAN IN GOOD STANDING
4 WITH HIS OR HER LICENSING BOARD; AND
5 (II) HAS DEMONSTRATED TO THE LAW ENFORCEMENT AGENCY'S
6 SATISFACTION THROUGH A COMBINATION OF TRAINING AND EXPERIENCE
7 THAT THE PERSON IS TRAUMA INFORMED, EXPERIENCED IN RESPONDING TO
8 ACUTE TRAUMA EVENTS, AND CULTURALLY COMPETENT IN
9 UNDERSTANDING LAW ENFORCEMENT WORK, CHALLENGES, AND
10 STRESSORS.

11 **16-2.5-403. Peace officer-involved shooting or fatal use of**
12 **force policy.** (1) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP AND
13 MAINTAIN A POLICY FOR SUPPORTING A PEACE OFFICER WHO HAS BEEN
14 INVOLVED IN A SHOOTING OR FATAL USE OF FORCE. AN INVOLVED OFFICER
15 MAY INCLUDE A PERIPHERAL OFFICER PRESENT AT THE SCENE WHO
16 REPORTS AN IMPACT OR REQUESTS SUPPORTIVE SERVICES. THE POLICY
17 MUST ADDRESS, AT A MINIMUM:

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

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

24 (c) THE PROVISION OF POST-INCIDENT SERVICES TO AN INVOLVED
25 OFFICER, AND THE ABILITY TO EXTEND POST-INCIDENT SERVICES TO AN
26 OFFICER'S FAMILY AND SIGNIFICANT OTHERS WHEN WARRANTED. THE
27 AGENCY SHALL CONSIDER INCLUDING IN THE POLICY, TO THE EXTENT

1 POSSIBLE GIVEN THE AGENCY'S SIZE AND RESOURCES:

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

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

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

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

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

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

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

27 (2) THE POLICIES REQUIRED BY THIS SECTION MUST BE COMPLETED

1 BY JANUARY 1, 2020. EACH LAW ENFORCEMENT AGENCY SHALL REVIEW
2 THE POLICY ON A BIENNIAL BASIS AND, IF NECESSARY, UPDATE THE POLICY
3 TO REFLECT CURRENT BEST PRACTICES AND AVAILABLE RESOURCES.

4 (3) IN DEVELOPING, UPDATING, AND IMPLEMENTING THE POLICIES
5 REQUIRED BY THIS SECTION, LAW ENFORCEMENT AGENCIES ARE
6 ENCOURAGED TO CONSULT WITH AND USE THE RESOURCES AVAILABLE
7 THROUGH THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, THE
8 NATIONAL SHERIFFS' ASSOCIATION, THE FRATERNAL ORDER OF POLICE,
9 THE AMERICAN BOARD OF POLICE AND PUBLIC SAFETY PSYCHOLOGY, THE
10 PEACE OFFICERS STANDARDS AND TRAINING BOARD CREATED IN SECTION
11 24-31-302, AND RESPONDERSTRONG, OR THEIR SUCCESSOR
12 ORGANIZATIONS, AND OTHER ORGANIZATIONS PROVIDING SIMILAR
13 RESOURCES AND SUPPORT.

14 **SECTION 2.** In Colorado Revised Statutes, 24-32-3501, **amend**
15 (1), (2), (3), and (6); and **add** (10.5) as follows:

16 **24-32-3501. Peace officers mental health support grant**
17 **program - created - rules - policies and procedures - fund - definition**
18 **- repeal.** (1) There is created in the department of local affairs, referred
19 to in this section as the "department", the peace officers mental health
20 support grant program to provide grants of money to ~~county sheriffs'~~
21 ~~offices and municipal police departments~~ LAW ENFORCEMENT AGENCIES
22 for the purpose of helping these agencies engage mental health
23 professionals who can: ~~provide:~~

- 24 (a) PROVIDE on-scene response services to support peace officers'
25 handling of persons with mental health disorders; ~~and~~
26 (b) PROVIDE counseling services to peace officers; AND
27 (c) ASSIST IN THE IMPLEMENTATION AND DEVELOPMENT OF THE

1 AGENCY'S POLICY FOR SUPPORTING A PEACE OFFICER INVOLVED IN A
2 SHOOTING OR FATAL USE OF FORCE PURSUANT TO SECTION 16-2.5-403.

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

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

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

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

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

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

19 (10.5) AS USED IN THIS SECTION, "LAW ENFORCEMENT AGENCY"
20 MEANS:

21 (a) THE COLORADO STATE PATROL CREATED IN SECTION
22 24-33.5-201;

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

25 (c) THE DEPARTMENT OF CORRECTIONS CREATED IN SECTION
26 24-1-128.5;

27 (d) THE DIVISION OF PARKS AND WILDLIFE WITHIN THE

1 DEPARTMENT OF NATURAL RESOURCES CREATED PURSUANT TO SECTION
2 24-1-124:

3 (e) A COUNTY SHERIFF'S OFFICE;

4 (f) A MUNICIPAL POLICE DEPARTMENT; OR

5 (g) A TOWN MARSHAL'S OFFICE.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.