Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number:	LLS 19-0294	**Date:**	January 31, 2019
Prime Sponsors:	Sen. Fields; Cooke	**Bill Status:**	Senate SVMA
	Rep. Singer	**Fiscal Analyst:**	Chris Creighton | 303-866-5834
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Bill Topic:	SUPPORT PEACE OFFICERS INVOLVED IN USE OF FORCE

Summary of Fiscal Impact:	☐ State Revenue	☐ TABOR Refund	
	☒ State Expenditure (minimal)	☒ Local Government	
	☐ State Transfer	☐ Statutory Public Entity	

This bill requires law enforcement agencies to develop and maintain a policy for supporting a peace officer that is involved in a shooting or fatal use of force. It increases state and local government costs and workload on an ongoing basis.

Appropriation Summary:	No appropriation is required.
Fiscal Note Status:	This fiscal note reflects the introduced bill.

Summary of Legislation

This bill requires state and local law enforcement agencies to develop and maintain a policy for supporting a peace officer that is involved in a shooting or fatal use of force. Law enforcement agencies are defined as the Colorado State Patrol, the Colorado Bureau of Investigation, the Department of Corrections (DOC), a county sheriff, municipal police, or town marshal office.

Use of force policy requirements. The policy must be established by January 1, 2020 and must at a minimum include:

• pre-incident preparation which includes training and education about normal and problematic post-traumatic reactions;
• protocols to ensure an involved officer's physical and psychological safety;
• post-incident services and the ability to extend post-incident services to the officer's family;
• guidelines for temporary leave or duty reassignment; and
• guidelines and procedures for an officer's return to duty.

Use of force policy optional requirements. Law enforcement agencies subject to the agency's size and available resources may include:

• at least one post-incident intervention with a qualified mental health professional;
• ongoing confidential mental health services; and
• peer support.

Use of force policy review. Use of force policies must be evaluated every other year and updated to reflect current best practices and available resources.

Peace Officers Mental Health Support Grant. Grant funding for county sheriffs and municipal police departments are currently available under the Peace Officers Mental Health Support Grant that is administered by the Department of Local Affairs (DOLA). This bill expands grant eligibility to state law enforcement agencies.

Background

The Peace Officers Mental Health Support Grant was created in 2017, and $2.0 million was appropriated to the Peace Officers Mental Health Support Fund. In 2018, grants totaling $1.4 million were awarded to 16 local law enforcement grant recipients with an average grant amount of $84,700. After accounting for administrative costs, approximately $500,000 remains in this fund.

State Expenditures

Beginning in FY 2019-20, this bill increases state agency costs and workload as discussed below.

Department of Public Safety. This bill increases workload for the Colorado Bureau of Investigation and the Colorado State Patrol within the Department of Public Safety to ensure that use of force policies are consistent with the bill's requirements. Workload is further increased to evaluate this policy every other year and to update it to be consistent with current best practices. Both agencies already have a use of force policy which is assumed to be compliant with the requirements created by this bill; therefore this impact is assumed to be minimal. If DPS applies for and is awarded funds from the Peace Officers Mental Health Support Grant, costs to administer existing use of force policies will decrease.

Department of Corrections. This bill increases workload for the DOC to update existing use of force policies and evaluate them ever other year. Because the DOC already has use of force policies, this impact is assumed to be minimal. If DOC applies for and is awarded funds from the Peace Officers Mental Health Support Grant, costs to administer existing use of force policies will decrease.

Department of Local Affairs. This bill increases Department of Local Affairs workload by a minimal amount to review additional grant application requests from state law enforcement agencies. If additional grants are awarded, expenditures will increase. It is assumed that any such awards will be made from funds currently in the Peace Officers Mental Health Support Fund and that no additional appropriations or spending authority are needed.

Local Government

Beginning in FY 2019-20, this bill increases costs and workload for county and municipal law enforcement to create or update use of force policies. Costs may be further increased to provide additional training, post incident services to the officer or the officer's family, and peer and mental health support services. If Peace Officers Mental Health Support Grant funds are awarded to state

law enforcement, grant funding available to local law enforcement agencies may decrease. These impacts will vary by law enforcement agency depending on current use of force policy compliance with the bill's requirements and the number of incidents where an officer is involved in the use of force and have not been estimated.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Corrections	Counties	Judicial	Law
Local Affairs	Municipalities	Public Safety	Sheriffs