

## **RESOLUTION**

**RE: EXPRESSION OF OPPOSITION TO HB 24-1460, ENTITLED "CONCERNING MEASURES TO STRENGTHEN RESPONSES TO LAW ENFORCEMENT MISCONDUCT," AND COMMITMENT TO AND SUPPORT FOR WELD COUNTY SHERIFF'S OFFICE DEPUTIES**

**WHEREAS**, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

**WHEREAS**, Colorado's 12,000 professional peace officers serve with a single purpose – to protect the health and safety of all Coloradans, and

**WHEREAS**, Colorado's communities are served by highly qualified, highly trained officers, ready to respond to violent crime and emergency situations wherever and whenever they arise, and

**WHEREAS**, Colorado's public safety professionals operate in a highly regulated, policy-driven environment with well-established employment protocols and administrative and licensing requirements, and

**WHEREAS**, Colorado has one of the highest levels of public safety oversight and data collection in the country and there are extensive guardrails in place to prevent and address police misconduct, and hold bad actors accountable, and

**WHEREAS**, the Weld County Sheriff's Office (WCSO) has a strict Code of Ethics to which all of its deputies are held, a copy of which is attached hereto as Exhibit "A," and

**WHEREAS**, with only 20 days left in the Colorado General Assembly's legislative session, and without any engagement with public safety experts from any law enforcement organization in the state, the House of Representatives introduced HB 24-1460, entitled, "Concerning Measures to Strengthen Responses to Law Enforcement Misconduct," and

**WHEREAS**, HB24-1460 adds new rules targeting law enforcement officers who may or may not be "reasonably aware" of another officer's "unlawful conduct," appearing more punitive than solution-oriented, and creating a threat to the peace officers' Peace Officers Standards and Training (P.O.S.T.) certification if they fail to report "unlawful conduct," and

**WHEREAS**, HB24-1460 does not define or specify what is meant by "reasonably aware" or "unlawful conduct," thereby leaving those terms uncertain and open to second-guessing, and

**WHEREAS**, HB24-1460 then subjects all peace officers to the possibility of revocation of their P.O.S.T. certification and inclusion of their names in the P.O.S.T. "bad officer" database, which can limit, if not ruin, a peace officer's career, and

**WHEREAS**, Commissioner Buck has brought to the Board's attention HB 24-1460 and the need for the Board to speak in opposition to the bill and to express its' continuing support for the WCSO deputies, and

EXPRESSION OF OPPOSITION TO HOUSE BILL HB 24-1460, ENTITLED "CONCERNING MEASURES TO STRENGTHEN RESPONSES TO LAW ENFORCEMENT MISCONDUCT," AND COMMITMENT TO AND SUPPORT FOR WELD COUNTY SHERIFF'S OFFICE DEPUTIES  
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**WHEREAS**, in June 2020, the Board sent a letter dated June 19, 2020, a copy of which is attached hereto as Exhibit "A," offering "to indemnify Sheriff's deputies for any judgements or settlements entered against them, or liability incurred by them, for claims arising pursuant to C.R.S. Section 13-21-131(1), and will provide legal counsel at no cost to the deputies, unless the deputies are convicted of a criminal violation for the conduct from which the claims arise," and

**WHEREAS**, the Board desires to express its' opposition to HB 24-1460, but if it should pass in its' amended form, the Board establishes its' commitment to provide WCSO deputies with legal counsel, free of charge, to defend their P.O.S.T. certification from revocation because of alleged failure to report "unlawful conduct," pursuant to C.R.S. Section 18-8-802(2.5)(b)(II), and to defend against consequent inclusion in the P.O.S.T "bad actor" database, pursuant to C.R.S. Section 24-31-303(1)(r)(I).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Weld County, Colorado, that the Board opposes HB24-1460 in its amended form.

**BE IT FURTHER RESOLVED** by the Board that the potential impacts of this bill are substantial and cannot be thoughtfully considered in the few days left before the end of the legislative session – Coloradans deserve a fair and comprehensive analysis and debate regarding peace officer misconduct.

**BE IT FURTHER SOLVED** by the Board that the Weld County Commissioners strongly recommend that the Colorado General Assembly focus on the priorities and needs of the citizens of Colorado and urge them to defeat HB 24-1460.

**BE IT FURTHER RESOLVED** by the Board that if HB 24-1460 should pass in its' current form, the Board reiterates its' support for WCSO deputies and establishes its' commitment to provide them with legal counsel, free of charge, to defend their P.O.S.T. certification from revocation because of alleged failure to report "unlawful conduct," pursuant to C.R.S. Section 18-8-802(2.5)(b)(II), and to defend against consequent inclusion in the P.O.S.T "bad actor" database, pursuant to C.R.S. Section 24-31-303(1)(r)(I).

EXPRESSION OF OPPOSITION TO HOUSE BILL HB 24-1460, ENTITLED "CONCERNING  
MEASURES TO STRENGTHEN RESPONSES TO LAW ENFORCEMENT MISCONDUCT,"  
AND COMMITMENT TO AND SUPPORT FOR WELD COUNTY SHERIFF'S OFFICE DEPUTIES  
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The above and foregoing Resolution was, on motion duly made and seconded, adopted  
by the following vote on the 24th day of April, A.D., 2024.

BOARD OF COUNTY COMMISSIONERS  
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

BY: \_\_\_\_\_  
Deputy Clerk to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney

Date of signature: \_\_\_\_\_

\_\_\_\_\_  
Kevin D. Ross, Chair

\_\_\_\_\_  
Perry L. Buck, Pro-Tem

\_\_\_\_\_  
Mike Freeman

\_\_\_\_\_  
Scott K. James

\_\_\_\_\_  
Lori Saine

## **EXHIBIT "A"**

### **WELD COUNTY SHERIFF'S OFFICE CODE OF ETHICS**

My fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of criminal justice service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.



EXHIBIT "B"



OFFICE OF BOARD OF COMMISSIONERS

PHONE: 970-336-7204

FAX: 970-336-7233

1150 O STREET

P.O. BOX 758

GREELEY, COLORADO 80632

June 19, 2020

To the dedicated Weld County Sheriff's Officers and Personnel:

The Board believes you represent one of the finest Sheriff's Offices in the State of Colorado and feels fortunate to have dedicated law enforcement officers serving the residents of this county.

As many of you are aware the Colorado Legislature passed Senate Bill 20-217 at the end of the session last week, and Governor Polis signed it today. The bill was labeled as dealing with law enforcement integrity and contains many provisions that will change the nature of law enforcement in Colorado, as well as measures that create operational and liability concerns for law enforcement agencies and officers in Colorado.

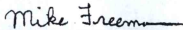
The Board of Weld County Commissioners wants each of you to know they are reviewing the new law and are in consultation with Sheriff Steve Reams, District Attorney Michael Rourke, County Attorney Bruce Barker, and key Weld County executive personnel. Together they are planning how to best deal with the changes the new law requires and to best protect the county and every Weld County Sheriff's Office employee from the liabilities the law may now create.

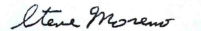
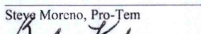
The county intends to indemnify Sheriff's deputies for any judgements or settlements entered against them, or liability incurred by them, for claims arising pursuant to C.R.S. Section 13-21-131(1) and will provide legal counsel at no cost to the deputies, unless the deputies are convicted of a criminal violation for the conduct from which the claims arise.


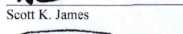
Please know the Commissioners will continue to ensure you have the resources and liability protection required by SB 20-217 to continue your job in serving Weld County without putting you or your family in financial jeopardy.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

  
Mike Freeman, Chair

  
Steve Moreno, Pro-Tem  
  
Barbara Kirkmeyer

  
Scott K. James  
  
Kevin D. Ross

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO  
UNOFFICIAL PREAMENDED VERSION CONTAINING  
L.001-L.005

LLS NO. 24-0945.02 Michael Dohr x4347

HOUSE BILL 24-1460

HOUSE SPONSORSHIP

Herod and Bacon, deGruy Kennedy

SENATE SPONSORSHIP

(None),

House Committees  
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO STRENGTHEN RESPONSES TO LAW  
102 ENFORCEMENT MISCONDUCT.

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 a law enforcement agency (agency) that receives an allegation of misconduct, criminal conduct, or other unprofessional

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

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conduct regarding a peace officer employed by the agency to investigate the allegation. If a peace officer receives an allegation of misconduct, criminal conduct, or other unprofessional conduct (misconduct) or is reasonably aware of the misconduct of another peace officer, the peace officer shall report the allegation to the subject of the allegation's employing agency. A peace officer who fails to make the report commits a class 2 misdemeanor. A person who makes an allegation has a private right of action if the allegation is not investigated.

The bill clarifies that patterns and practices investigations may also be related to deprivation of rights by a peace officer against another peace officer.

Current law requires agencies to report certain information regarding officers' misconduct to a database maintained by the P.O.S.T. board. The attorney general may audit the reports made to the database to verify reporting compliance. The bill requires the attorney general to accept reports of non-reporting to the database and requires those reports to be investigated within available resources.

Current law requires unedited video and audio recordings of incidents of alleged misconduct to be released the public upon request. The bill states that a law enforcement agency shall not charge a fee to the requestor related to releasing the recording.

Current law provides a peace officer with whistle-blower protection. The bill allows a peace officer who is subject to whistle-blower discipline a private right of action against the officer's employing agency.

The bill requires each agency to retain all reports regarding allegations of misconduct and all investigation files, notes, and reports related to those reports. The bill also requires the investigating agency to provide a copy of the investigation file to the subject of the investigation after the investigation is completed.

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

**SECTION 1.** In Colorado Revised Statutes, 18-8-802,     add  
(2.5) as follows:

**18-8-802. Duty to report use of force by peace officers - duty  
to intervene.** (2.5) (a) (I) IF A LAW ENFORCEMENT AGENCY RECEIVES AN  
ALLEGATION OF UNLAWFUL CONDUCT REGARDING A PEACE OFFICER  
EMPLOYED BY THE LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT  
AGENCY SHALL INVESTIGATE THE ALLEGATION AND SHALL COMPLY WITH

1 SECTION 24-31-908.

2 (II) If a law enforcement agency fails to investigate,  
3 colludes in failing to investigate, or destroys or alters  
4 evidence in an investigation, those actions constitute  
5 discrimination for purposes of part 3 of article 34 of title 24.

6 (b) (I) If a peace officer receives an allegation of  
7 unlawful conduct or is reasonably aware of the unlawful  
8 conduct of another peace officer, the peace officer shall report  
9 the allegation to the subject of the allegation's employing law  
10 enforcement agency.

11 (II) If a peace officer fails to report the unlawful conduct  
12 pursuant to subsection (2.5)(b)(I) of this section, the P.O.S.T.  
13 board may revoke the peace officer's certification pursuant to  
14 section 24-31-305 and the attorney general may add the peace  
15 officer to the database described in section 24-31-303 (1)(r).

16 \_\_\_\_\_  
17 **SECTION 2.** In Colorado Revised Statutes, 24-31-303, **amend**  
18 **(1)(r)(II); and add (1)(r)(I) and (1)(r)(V)** as follows:

19 **24-31-303. Duties - powers of the P.O.S.T. board - definition.**

20 (1) The P.O.S.T. board has the following duties:

21 (r) (I) Subject to available appropriations, beginning on January  
22 1, 2022, to create and maintain a database, in a searchable format to be  
23 published on its website, containing information related to a peace  
24 officer's;

25 (I) FAILURE TO COMPLY WITH SECTION 18-8-802 (2.5).

26 (II) Law enforcement agencies shall report to the P.O.S.T. board  
27 the information required in this subsection (1)(r) in a format determined

1 by the P.O.S.T. board. Failure to submit ~~such~~ THE information is subject  
2 to a fine set in rule by the P.O.S.T. board. THE ATTORNEY GENERAL MAY  
3 AUDIT THE REPORTS MADE PURSUANT TO THIS SUBSECTION (1)(r) TO  
4 VERIFY LAW ENFORCEMENT AGENCIES' COMPLIANCE WITH THIS  
5 SUBSECTION (1)(r). IN CONDUCTING THE AUDITS, THE ATTORNEY  
6 GENERAL MAY ALSO REQUEST INFORMATION FROM LAW ENFORCEMENT  
7 AGENCIES TO VERIFY COMPLIANCE WITH THIS SUBSECTION (1)(r). THE  
8 ATTORNEY GENERAL MAY ISSUE SUBPOENAS FOR ANY PURPOSE IN  
9 CONDUCTING AN AUDIT PURSUANT TO THIS SECTION. IF THE ATTORNEY  
10 GENERAL DETERMINES DURING AN AUDIT PURSUANT TO THIS SUBSECTION  
11 (1)(r)(II) THAT A PEACE OFFICER IS ELIGIBLE TO BE ADDED TO THE  
12 DATABASE, THE ATTORNEY GENERAL SHALL ADD THE PEACE OFFICER TO  
13 THE DATABASE.

14 (V) IF THE ATTORNEY GENERAL DETERMINES THAT A PEACE  
15 OFFICER WAS ADDED TO DATABASE AS A MEANS OF RETALIATION, THE  
16 ATTORNEY GENERAL SHALL REMOVE THE PEACE OFFICER FROM THE  
17 DATABASE. IF A PEACE OFFICER WAS SUBJECT TO RETALIATION IN  
18 VIOLATION OF SECTION 24-31-906, THERE IS A REBUTTABLE PRESUMPTION  
19 THAT THE PEACE OFFICER SHOULD BE REMOVED FROM THE DATABASE.

20 **SECTION 3.** In Colorado Revised Statutes, 24-31-902, **amend**  
21 **(2)(a) and (2)(b)(III)** as follows:

22 **24-31-902. Incident recordings - release - tampering - fine.**

23 (2) (a) For all incidents in which there is AN OFFICER-INVOLVED  
24 SHOOTING OR a complaint of peace officer misconduct by another peace  
25 officer, a civilian, or nonprofit organization, through notice to the law  
26 enforcement agency involved in THE OFFICER-INVOLVED SHOOTING OR the  
27 alleged misconduct, the local law enforcement agency or the Colorado

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1 state patrol shall release, upon request, all unedited video and audio  
2 recordings of the incident, including those from body-worn cameras,  
3 dash cameras, or otherwise collected through investigation, to the public  
4 within twenty-one days after the local law enforcement agency or the  
5 Colorado state patrol received the request for release of the video or  
6 audio recordings. NOTWITHSTANDING THE PROVISIONS OF SECTIONS  
7 24-72-205 AND 24-72-306, THE LAW ENFORCEMENT AGENCY SHALL NOT  
8 CHARGE A FEE TO THE REQUESTOR RELATED TO RELEASING THE UNEDITED  
9 VIDEO AND AUDIO RECORDINGS OF AN INCIDENT.

10 (b) (III) Any video that would substantially interfere with or  
11 jeopardize an active or ongoing investigation may be withheld from the  
12 public; except that the video shall be released no later than forty-five  
13 days from the date of the OFFICER-INVOLVED SHOOTING OR THE allegation  
14 of misconduct; except that in a case in which the only offenses charged  
15 are statutory traffic infractions, the release of the video may be delayed  
16 pursuant to rule 8 of the Colorado rules for traffic infractions. In all cases  
17 when release of a video is delayed in reliance on this subsection  
18 (2)(b)(III), the prosecuting attorney shall prepare a written explanation  
19 of the interference or jeopardy that justifies the delayed release,  
20 contemporaneous with the refusal to release the video. Upon release of  
21 the video, the prosecuting attorney shall release the written explanation  
22 to the public.

23 **SECTION 4.** In Colorado Revised Statutes, 24-31-906, **amend**  
24 (1) introductory portion and (3); and **add** (4) as follows:

25 **24-31-906. Retaliation against whistle-blower officers**  
26 **prohibited.** (1) A peace officer's employer or the employer's agent shall  
27 not discharge; discipline; demote; deny a promotion, transfer, or reassign



REASSIGNMENT; discriminate against; harass; SUSPEND; ENFORCE  
CORRECTIVE ACTION; REPRIMAND; ADMONISH; CREATE A BASELESS  
UNSATISFACTORY OR BELOW-STANDARD PERFORMANCE EVALUATION;  
IMPOSE A REDUCTION IN FORCE; WITHHOLD WORK; CHANGE WORK HOURS,  
PROVIDE A BASELESS NEGATIVE REFERENCE; CREATE OR TOLERATE A  
HOSTILE WORK ENVIRONMENT; or threaten a peace officer's employment  
ANY DISCIPLINE OR PENALTY because the peace officer disclosed  
information that shows;

(3) An employee or agent of a law enforcement agency that knowingly or intentionally violates subsection (1) of this section shall be disciplined appropriately by the law enforcement agency. THE PEACE OFFICER WHO WAS SUBJECT TO THE RETALIATION MAY USE THE FACT THAT THE PEACE OFFICER WAS SUBJECT TO RETALIATION IN ORDER TO APPEAL OR REMEDIATE ANY DISCHARGE; DISCIPLINE; DEMOTION; DENIAL OF A PROMOTION, TRANSFER, OR REASSIGNMENT; DISCRIMINATION AGAINST; HARASSMENT; OR IMPOSITION OF A REQUIREMENT ON AN OFFICER THAT IS NOT APPLICABLE TO SIMILARLY SITUATED OFFICERS IN THE AGENCY OR THAT IS NOT BASED ON PERFORMANCE THE PEACE OFFICER WAS SUBJECT TO.

(4) IF A LAW ENFORCEMENT AGENCY VIOLATES SUBSECTION (1) OF THIS SECTION, THE VIOLATION CONSTITUTES DISCRIMINATION FOR PURPOSES OF PART 3 OF ARTICLE 34 OF THIS TITLE 24.

**SECTION 5.** In Colorado Revised Statutes, add 24-31-907 and 24-31-908 as follows:

**24-31-907. Reports to the attorney general for noncompliance.**

(1) THE ATTORNEY GENERAL SHALL ACCEPT REPORTS OF NONCOMPLIANCE WITH SECTION 24-31-303 (1)(r) AND SHALL INVESTIGATE

1 ALL REPORTS RECEIVED WITHIN AVAILABLE RESOURCES.

2 (2) THE ATTORNEY GENERAL SHALL NOTIFY ALL LAW  
3 ENFORCEMENT AGENCIES AND PEACE OFFICERS IN THE STATE OF THE  
4 ABILITY TO MAKE A REPORT TO THE ATTORNEY GENERAL PURSUANT TO  
5 SUBSECTION (1) OF THIS SECTION ON AN ANNUAL BASIS.

6 **24-31-908. Retention of the law enforcement internal affairs**  
7 **investigations.** (1) EACH LAW ENFORCEMENT AGENCY SHALL RETAIN ALL  
8 REPORTS REGARDING ALLEGATIONS OF MISCONDUCT, CRIMINAL CONDUCT,  
9 OR OTHER UNPROFESSIONAL CONDUCT AND ALL INVESTIGATION FILES,  
10 NOTES, AND REPORTS RELATED TO THOSE REPORTS FOR AT LEAST TEN  
11 YEARS AFTER THE DATE OF THE INITIAL REPORT OR THE LENGTH OF THE  
12 PEACE OFFICER'S EMPLOYMENT, WHICHEVER IS LONGER.

13 (2) AN INVESTIGATING LAW ENFORCEMENT AGENCY SHALL  
14 PROVIDE A COPY OF THE INVESTIGATION FILE TO THE SUBJECT OF AN  
15 INVESTIGATION DESCRIBED IN SUBSECTION (1) OF THIS SECTION AFTER THE  
16 INVESTIGATION IS COMPLETE.

17 **SECTION 6. Safety clause.** The general assembly finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, or safety or for appropriations for  
20 the support and maintenance of the departments of the state and state  
21 institutions.

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