

TITLE 24. GOVERNMENT
ARTICLE 31. DEPARTMENT OF LAW
PART 9. LAW ENFORCEMENT INTEGRITY

24-31-903. Division of criminal justice report

(1) Beginning July 1, 2023, the division of criminal justice in the department of public safety shall create an annual report including all of the information that is reported to the division pursuant to subsection (2) of this section, aggregated and broken down by the law enforcement agency that employs peace officers, along with the underlying data.

(2) Beginning April 1, 2022, the Colorado state patrol and each local law enforcement agency that employs peace officers shall report to the division of criminal justice the following using data-collection methods developed for this purpose by the division of criminal justice in conjunction with the Colorado bureau of investigation and local law enforcement agencies:

(a) All use of force by its peace officers that results in death or serious bodily injury or that involves the use of a weapon, including:

(I) The date, time, and location of the use of force;

(II) The perceived demographic information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data;

(III) The names of all peace officers who were at the scene, identified by whether the peace officer was involved in the use of force or not; except that the identity of other peace officers at the scene not directly involved in the use of force shall be identified by the officer's identification number issued by the P.O.S.T. board unless the peace officer is charged criminally or is a defendant to a civil suit as a result arising from the use of force;

(IV) The type of force used, the severity and nature of the injury, whether the peace officer suffered physical injury, and the severity of the peace officer's injury;

(V) Whether the peace officer was on duty at the time of the use of force;

(VI) Whether a peace officer unholstered or brandished a weapon during the incident, and, if so, the type of weapon;

(VII) Whether a peace officer discharged a weapon during the incident;

(VIII) Whether the use of force resulted in a law enforcement agency investigation and the result of the investigation;

(IX) Whether the use of force resulted in a civilian complaint and the resolution of that complaint;

(X) Whether an ambulance was called to the scene and whether a person was transported to a hospital from the scene whether in an ambulance or other transportation; and

(XI) Whether the person contacted exhibited a weapon during the interaction leading up to the injury or death, and, if so, the type of weapon and whether it was discovered before or after the use of force;

(b) All instances when a peace officer resigned while under investigation for violating department policy;

(c) All data relating to contacts and entries into a residence, including a forcible entry, conducted by its peace officers, including:

(I) The perceived demographic information of the person contacted provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available

data; except that this subsection (2)(c)(I) does not apply to a person contacted who is a witness to a crime or a survivor of a crime;

(II) Whether the contact was a traffic stop;

(II.5) Whether the contact was a showup, as defined in section 16-1-110 (1)(b);

(III) The time, date, and location of the contact;

(IV) The duration of the contact;

(V) The reason for the contact;

(VI) The suspected crime;

(VII) The result of the contact, such as:

(A) No action, warning, citation, property seizure, or arrest;

(B) If a warning or citation was issued, the warning provided or violation cited;

(C) If an arrest was made, the offense charged;

(D) If the contact was a traffic stop, the information collected, which is limited to the driver;

(E) If the contact was a showup, the information collected pursuant to section 16-1-109 (6) for the eyewitness and the subject.

(VIII) The actions taken by the peace officer during the contact, including but not limited to whether:

(A) The peace officer asked for consent to search the person, and, if so, whether consent was provided;

(B) The peace officer searched the person, a vehicle, or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any;

(C) The peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property;

(D) A peace officer unholstered or brandished a weapon during the contact, and, if so, the type of weapon; and

(E) A peace officer discharged a weapon during the contact;

(d) All instances of unannounced entry into a residence, with or without a warrant, including:

(I) The date, time, and location of the use of unannounced entry;

(II) The perceived demographic information of the subject of the unannounced entry, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the entry and other available data;

(III) Whether a peace officer unholstered or brandished a weapon during the unannounced entry, and, if so, the type of weapon; and

(IV) Whether a peace officer discharged a weapon during the unannounced entry.

(e) The number of officer-involved civilian deaths.

(3) The Colorado state patrol and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of the subject of the use of force, victim of the official misconduct, eyewitness or subject in a showup, or persons contacted, searched, or subjected to a property seizure. Notwithstanding any provision of law to the contrary, the data reported pursuant to this section is available to the public pursuant to subsection (4) of this section.

(4) The division of criminal justice shall maintain a statewide database with data collected pursuant to this section, in a searchable format, and publish the database on its website.

(5) The Colorado state patrol and any local law enforcement agency that fails to meet its reporting requirements pursuant to this section is subject to the suspension of its funding by its appropriating authority.

History

Source: L. 2020:Entire part added,(SB 20-217), ch. 110, p. 449, § 2, effective June 19.L. 2021:IP(2), IP(2)(a), (2)(a)(VI), (2)(a)(VII), (2)(a)(VIII), (2)(a)(IX), IP(2)(c), (2)(c)(I), (2)(c)(VIII)(B), (2)(c)(VIII)(D), (2)(c)(VIII)(E), (2)(d)(III), (2)(d)(IV), and (2)(e) amended and (2)(a)(X) and (2)(a)(XI) added,(HB 21-1250), ch. 458, p. 3058, § 3, effective July 6; (2)(c)(II.5) and (2)(c)(VII)(E) added and (3) amended,(HB 21-1142), ch. 312, p. 1906, § 4, effective September 7.

Research References & Practice Aids

Cross references:

For the legislative declaration in HB 21-1142, see section 1 of chapter 312, Session Laws of Colorado 2021.