

Executive Order	Senate Democrats	Senate Republicans	Colorado, SB 20-217
Best Practices			
		<p>National Criminal Justice Commission required to develop “best practices guidelines to ensure fair and effective policing tactics and procedures that encourage equitable justice, community trust, and law enforcement officer safety.”</p> <p>The “best practices” guidelines must include best practices for “hiring, firing, suspension and discipline” of officers and best practices for “community transparency and optimal administration of a law enforcement agency.”</p>	
Bodycams			
		<p>Requires the Director of the Bureau of Justice Assistance to provide grants to local agency for the development and administration of bodycam programs. Grants would amount to up to 50% of costs of program for large jurisdictions, and 50% of costs for units of local government with fewer than 100,000 residents.</p>	<p>All law enforcement agencies must issue bodycams by July 1, 2023. Officers must activate bodycams when “responding to a call for service or during any interaction with the public initiated by the peace officer, when enforcing the law or investigating possible violations of the law.” Exceptions for undercover work. Sanctions for non-compliance. Bodycam videos to be released to public</p>

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		<p>\$100 million per year appropriated for grants in each of FY 2021-2025. Grants must supplement, not supplant, local government funding.</p> <p>Grants would be conditional on policies that (1) are developed with community input, (2) require bodycam activation whenever an officer detains or arrests a subject, (3) require discipline for officers intentionally failing to activate a bodycam, (4) require training on bodycam use; (5) provide clear standards for privacy and data retention; and (6) make bodycam videos available to the public without compromising investigations and “with consideration given” to privacy rights of “victims and surviving family members.”</p> <p>Grants would be subject to graduated reductions up to 25%, dependent on policies requiring discipline of officers who intentionally fail to ensure that the camera is engaged when required.</p>	<p>within 21 days. Any video that would substantially interfere with or jeopardize an active or ongoing investigation may be withheld from the public; except that the video shall be released no later than forty-five days from the date of the allegation of misconduct.</p> <p>Mandates redaction for “substantial privacy concerns” such as nudity, sexual assaults, victim interviews, etc.</p> <p>Provides for discipline up to and including termination and one-year suspension of POST certificate for intentionally failing to activate a bodycam. If the incident involved the death of a civilian, revocation is permanent.</p>
Carotid Holds			

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	Banned, or lose DOJ funding.		
Chokeholds			
Credentialing bodies must forbid the use of “chokeholds — a physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation — except in those situations where the use of deadly force is allowed by law.”	Banned, or lose DOJ funding.	Banned, or lose DOJ funding.	
Civil Rights Investigations			
	Grant the DOJ subpoena power in “pattern and practice” investigations.		
Database About Law Enforcement Officers			
AG to create database containing information on terminations or de-certifications of law enforcement officers, criminal convictions of law enforcement officers for on-duty conduct, and civil judgments against law enforcement officers for improper use of force. The database shall account for instances where a law enforcement officer resigns or retires while under active investigation related to the use of force. AG to “take appropriate steps to ensure that the information in the database consists only of instances in which law enforcement officers were afforded fair process.” DOJ funding	Require states to report all uses of force to the DOJ, and begin a “federal registry of police misconduct.”	As a condition of receiving full federal funds, agencies must report to the FBI uses of force that result in death or serious bodily injury and firearm discharges in the direction of an individual, firearms discharges in the direction of officers, and officer deaths and serious bodily injuries. “Incident information, officer information, and subject information” must be reported. Non-compliance leads to a graduated reduction in federal funds, up to a maximum of 25%.	Mandates reporting to and creation of database of all use of force resulting in death or serious bodily injury, all resignations while under investigation, all data relating to stops and contacts, and all data related to the use of an unannounced entry by a peace officer. The information reported must include the perceived demographic information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the officer. Demographic

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withheld if local agency does not provide information for database. Anonymized public reporting of contents of database.		The reported information must be published; no provisions for anonymization.	information includes race, ethnicity, sex, and age.
Deadly Force			
			<p>Deadly force can only be used when “necessary to effect an arrest or prevent escape from custody when the person is using a deadly weapon or likely to imminently cause danger to life or serious bodily injury.”</p> <p>“A peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving serious bodily injury.”</p> <p>Other officers must intervene to stop unlawful use of force. Misdemeanor violation, with possibility of felony “if supported by the evidence.” Mandatory discipline and permanent decertification.</p>

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DOJ Certification / Credentialing			
DOJ grant money only payable to jurisdictions “in the process of seeking appropriate credentials from a reputable independent credentialing body certified by the Attorney General.”			
Grant Programs			
AG to propose new legislation to Congress to enhance grant programs to assist with credentialing, training and technical assistance “to adopt and implement improved use-of-force policies and procedures, including scenario-driven de-escalation techniques,” to aid with the retention of high-performing law enforcement officers and recruitment of law enforcement officers who are likely to be high-performing; to provide confidential access to mental health services for law enforcement officers; and to provide programs aimed at developing or improving relationships between law enforcement and the communities they serve.			
Hiring			
		Expands existing grant programs to allow for grants to a “law enforcement agency	

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		that has a substantially different racial and ethnic demographic makeup than the community served by the agency, to hire recruiters and enroll law enforcement officer candidates in law enforcement academies to become career law enforcement officers who have racial and ethnic demographic characteristics similar to the community;”.	
Indemnification			
			Employers required to indemnify officers for damages assessed for violations of Colorado constitution. However, if the employer decides the officer did not act upon a good faith and reasonable belief that the action was lawful, then the officer is personally liable for 5 percent of the judgment or \$25,000, whichever is less.
Lawsuits Against Police			
			Allows civil lawsuits for violation of the Colorado constitution. Prevailing plaintiff entitled to attorney fees; prevailing defendant only entitled to attorney fees if the lawsuit was frivolous.
Mental Health			

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<p>AG and Secretary of Health and Human Services to “identify and develop opportunities to train law enforcement officers with respect to encounters with individuals suffering from impaired mental health, homelessness, and addiction; to increase the capacity of social workers working directly with law enforcement agencies; and to provide guidance regarding the development and implementation of co-responder programs, which involve social workers or other mental health professionals working alongside law enforcement officers so that they arrive and address situations together.”</p>			
Military-Grade Weapons			
	<p>Restrict transfer to state and local agencies.</p>		
No-Knock Warrants			
	<p>Stop federal use of no-knock warrants, and condition DOJ grants on recipients not using no-knock warrants.</p>	<p>Agencies must report to the AG all no-knock warrants and information describing the details about the warrants and execution thereof, including reasons for the warrants, the demographics of the suspects, and the use of force associated with the warrants, but only after investigations are closed.</p>	

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		<p>Non-compliance leads to a graduated reduction in federal funds, up to a maximum of 25%.</p>	
Police Contacts			
		<p>Creates a federal criminal offense where an officer knowingly and willfully falsifies a report “in furtherance of” a deprivation of civil rights. Makes offense subject to sentencing penalty enhancement of “not fewer than four offense levels.”</p>	<p>Officers must have a legal basis for making a contact, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. The officer must report extensive information to the employer about each contact, including the perceived demographic information, the time, date, location, reason, result, and duration of the contact, and the actions taken by the officer during the contact.</p>
POST Certification			
			<p>Officers convicted of or pleading to “any inappropriate use of physical force or a crime involving the unlawful use or threatened use of physical force, or for failing to intervene to prevent inappropriate use of physical force” shall be automatically terminated and</p>

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			<p>POST will permanently revoke their certifications.</p> <p>POST allowed to decertify officers who have not completed POST-mandated training.</p>
POST Database			
			<p>POST required to create and maintain a database containing information related to untruthfulness, repeated failure to follow POST training requirements, decertification, and termination for cause.</p>
Protests			
			<p>Prohibits the use of all non-lethal projectiles in a manner that targets the head, pelvis, or back, the discharge of kinetic impact projectiles indiscriminately into a crowd, or the use of chemical agents prior to issuing an order to disperse and allowing time and space for compliance.</p>
Qualified Immunity			
	<p>Reform qualified immunity.</p>		<p>Qualified immunity not a defense to civil actions brought under the Colorado constitution.</p>
Records Retention			

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		<p>Conditions federal grants on the maintenance of a records retention system that retains disciplinary and internal investigation records and commendations for 30 years. Officers allowed to supplement records with own comments.</p> <p>Records would be available to all other law enforcement agencies, which would be obligated to search the new records databases of each prior employer of a prospective new hire and review any such records.</p>	
Sexual Acts			
		Adds as a federal crime having sex with a minor “under color of law.”	
Standards For Credentialing Bodies			
<p>“Should address certain topics in their reviews, such as policies and training regarding use-of-force and de-escalation techniques; performance management tools, such as early warning systems that help to identify officers who may require intervention; and best practices regarding community engagement.”</p>			
Statutes On Criminal Police Conduct			

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	Change federal standard from “willful” to “knowing or with reckless disregard.”		
Training			
	Require federal law enforcement to provide racial bias and implicit bias training, and condition DOJ grant money on the same training be provided at the state and local level.	<p>AG to develop training for de-escalation, alternatives to use of force, the duty to intervene when another officer “is engaged in excessive use of force,” and safely responding to individuals “experiencing a behavioral health crisis.” AG to certify public and private trainers for such purpose and may provide the training itself.</p> <p>AG to publish agency-by-agency information on percentage of officers who have completed the training and are certified as trainers.</p> <p>Grant program to fund attendance at training. Appropriation of \$50 million a year through 2025.</p>	
Use Of Force			
			A peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or

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			death to the peace officer or another person.