

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

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BILL 3

Temporary storage location: S:\PUBLIC\LLS\2016A\Bills\Interim\Profiling - Initiated Contacts by Law Enforcement (PICLE)\16-0333.wpd

LLS NO. 16-0333.01 Michael Dohr x4347

INTERIM COMMITTEE BILL

**Profiling - Initiated Contacts by Law Enforcement (PICLE)
Interim Study Committee**

BILL TOPIC: "Racial Profiling Reporting Program"

A BILL FOR AN ACT

101 **CONCERNING CREATION OF THE RACIAL PROFILING REPORTING**
102 **PROGRAM IN THE DIVISION OF CIVIL RIGHTS.**

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://www.leg.state.co.us/billssummaries>.)

**Profiling - Initiated Contacts by Law Enforcement (PICLE)
Interim Study Committee.** The bill creates the racial profiling reporting program (program) in the division of civil rights in the department of regulatory agencies. The program will allow persons to report incidents

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

of alleged racial profiling either anonymously or by name. The program will forward the allegations to the law enforcement agency that employs the peace officer who is the subject of the allegation of racial profiling. The program will prepare an annual report for the judiciary committees and the department of public safety regarding the reports received.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-34-309 as
3 follows:

4 **24-34-309. Racial profiling reporting program - creation -**
5 **duties.** (1) THERE IS CREATED WITHIN THE DIVISION THE RACIAL
6 PROFILING REPORTING PROGRAM, REFERRED TO IN THIS SECTION AS THE
7 "PROGRAM".

8 (2) THE PROGRAM MUST:

9 (a) ESTABLISH AND MAINTAIN METHODS OF ANONYMOUS
10 REPORTING CONCERNING ALLEGED INCIDENTS OF RACIAL PROFILING
11 DURING A PEACE OFFICER-INITIATED CONTACT;

12 (b) ESTABLISH METHODS AND PROCEDURES TO ENSURE THAT THE
13 IDENTITY OF THE REPORTING PARTY REMAINS UNKNOWN TO ALL PERSONS
14 AND ENTITIES, INCLUDING LAW ENFORCEMENT OFFICERS AND EMPLOYEES
15 OPERATING THE PROGRAM;

16 (c) ESTABLISH METHODS AND PROCEDURES SO THAT INFORMATION
17 OBTAINED FROM A REPORTING PARTY WHO VOLUNTARILY DISCLOSES HIS
18 OR HER IDENTITY AND VERIFIES THAT HE OR SHE IS WILLING TO BE
19 IDENTIFIED MAY BE SHARED WITH LAW ENFORCEMENT OFFICERS AND
20 EMPLOYEES OPERATING THE PROGRAM;

21 (d) ESTABLISH METHODS AND PROCEDURES TO ENSURE THAT A
22 REPORTING PARTY'S IDENTITY THAT BECOMES KNOWN THROUGH ANY
23 MEANS OTHER THAN VOLUNTARY DISCLOSURE IS NOT FURTHER DISCLOSED;

1 (e) PROMPTLY FORWARD INFORMATION RECEIVED BY THE
2 PROGRAM TO THE LAW ENFORCEMENT AGENCY THAT EMPLOYS OR
3 EMPLOYED THE PEACE OFFICER WHO IS THE SUBJECT OF THE ALLEGATION
4 OF RACIAL PROFILING; AND

5 (f) BY JANUARY 31 OF EACH YEAR, PREPARE A REPORT FOR THE
6 JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES,
7 OR ANY SUCCESSOR COMMITTEES, AND THE DEPARTMENT OF PUBLIC
8 SAFETY REGARDING THE COMPLAINTS RECEIVED IN THE PAST YEAR.

9 **SECTION 2.** In Colorado Revised Statutes, 24-31-309, **amend**
10 (4) as follows:

11 **24-31-309. Profiling - officer identification - training.** (4)(a) A
12 peace officer certified pursuant to this part 3 shall provide, without being
13 asked, his or her business card to any person whom the peace officer has
14 detained in a traffic stop, but has not cited or arrested. The business card
15 shall include identifying information about the peace officer including,
16 but not limited to, the peace officer's name, division, precinct, and badge
17 or other identification number and a telephone number that may be used,
18 if necessary, to report any comments, positive or negative, regarding the
19 traffic stop AND THE TELEPHONE NUMBER AND WEB SITE OF THE RACIAL
20 PROFILING REPORTING PROGRAM CREATED IN SECTION 24-34-309. The
21 identity of the reporting person and the report of any such comments that
22 constitutes a complaint shall initially be kept confidential by the receiving
23 law enforcement agency, to the extent permitted by law. The receiving
24 law enforcement agency shall be permitted to obtain some identifying
25 information regarding the complaint to allow initial processing of the
26 complaint. If it becomes necessary for the further processing of the
27 complaint for the complainant to disclose his or her identity, the

1 complainant shall do so or, at the option of the receiving law enforcement
2 agency, the complaint may be dismissed. <{Do you want to include this
3 provision so that a person who is stopped knows that they have the
4 option of reporting the allegation of racial profiling to the Colorado
5 civil rights division rather than the officer's agency?}>
6 <{Do you want a safety clause or petition clause?}>