

*Colorado Legislative Council Staff Fiscal Note*

**STATE and LOCAL  
FISCAL IMPACT**

---

<b>Drafting Number:</b> LLS 15-0325	<b>Date:</b> February 6, 2015
<b>Prime Sponsor(s):</b> Sen. Guzman Rep. Kagan	<b>Bill Status:</b> Senate Judiciary
	<b>Fiscal Analyst:</b> Kerry White (303-866-3469)

---

**BILL TOPIC:** EYEWITNESS IDENTIFICATIONS POLICIES AND PROCEDURES

<b>Fiscal Impact Summary*</b>	<b>FY 2015-2016</b>	<b>FY 2016-2017</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Workload increase.	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

This bill requires all Colorado law enforcement agencies to adopt written policies and procedures regarding eyewitness identifications that meet specific criteria and to submit this information to the Peace Officers Standards and Training (POST) Board by July 1, 2016. If a law enforcement agency chooses not to adopt agency-specific policies, they are required to adopt and use model policies developed by the Attorney General's Office and the Colorado District Attorneys' Council (CDAC). Policies must be made available on the agency's website, if applicable, or made available to the public upon request, at no cost.

Subject to available resources, the POST Board is directed to create, conduct, or facilitate professional training to law enforcement personnel on methods and technical aspects of eyewitness identification policies and procedures. The bill clarifies that while the curriculum must be approved by the POST Board, the actual training may be conducted by any POST-approved training entity.

Lastly, the bill clarifies that both compliance and failure to comply with the requirements of the bill is considered relevant evidence in any case involving eyewitness identification, provided the evidence is otherwise admissible.

**State Expenditures**

This bill will increase workload for the Attorney General's Office in the Department of Law to work with the CDAC to develop model policies on eyewitness identification. The POST Board, also within the Department of Law, may be asked to review and approve training curricula for any law enforcement agencies, and may reprioritize existing grant funding for the purposes outlined in this bill. The Department of Public Safety, as a law enforcement agency, will either revise its policies or adopt the model policies. This workload can be accomplished within existing appropriations.



**Local Government Impact**

This bill creates several impacts for local governments. First, the CDAC is required to assist in developing model policies and is authorized to provide training on eyewitness identification practices. Second, the bill may increase workload and costs for local law enforcement agencies that choose to develop and adopt new agency-specific eyewitness identification policies. Workload and costs may also increase to post information electronically and furnish copies to the public upon request and to conduct any training on eyewitness identification practices. Finally, the bill establishes that compliance with the new policies may be considered as evidence. This analysis assumes that workload and cost increases are minimal.

**Technical Note**

Neither the bill nor current statute uniformly defines law enforcement agency as it applies to eyewitness identification. Multiple state agencies have peace officers on staff including the Departments of Corrections, Human Services, Law, Natural Resources, and Revenue, and institutions of higher education. The fiscal note assumes that the majority of these agencies either do not conduct eyewitness identifications or are not considered law enforcement agencies as contemplated by this bill, or that they already have, or will adopt, the policies crafted by the Attorney General's Office. For this reason, the fiscal note assumes that any additional workload will be minimal and no increases in appropriations are required for any of these agencies to develop new policies.

**Effective Date**

The bill takes effect July 1, 2015.

**State and Local Government Contacts**

Corrections  
Law  
Public Safety

Counties  
Municipalities  
Revenue

District Attorneys  
Natural Resources