

**UPDATED SUMMARY
SENATE BILL 15-058**

First Regular Session - Seventieth Colorado General Assembly

This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.

The bill requires all Colorado law enforcement agencies (law enforcement) to adopt, on or before July 1, 2016, written policies and procedures (policies) relating to eyewitness identifications. The policies must include protocols related to the use of photo arrays, live lineups, and showup identification procedures; instructions for an eyewitness that clearly state that the perpetrator might not be in the lineup; instructions regarding the use of live or photo fillers in a lineup or array; instructions for eyewitnesses that advise the eyewitness that the perpetrator may or may not be in the photo array or live lineup and that the investigation will continue whether or not the eyewitness identifies an alleged perpetrator; and instructions for obtaining a statement from the eyewitness concerning the eyewitness' confidence in his or her identification. Law enforcement ~~shall submit the policies to the P.O.S.T. board on agencies that conduct eyewitness identifications shall complete and dopt the written policies and procedures on~~ or before July 1, 2016. The policies must be ~~posted on a law enforcement agency web site, if the agency has a web site, and~~ *made* available, without cost, to the public upon request. Subject to available resources, ~~the P.O.S.T. board~~ *law enforcement* shall approve professional training programs relating to eyewitness identifications, and the programs may be created, provided, or conducted by any law enforcement agency, the office of the attorney general, the Colorado district attorneys' council, or any other P.O.S.T.-approved training entity. *Policies and procedures adopted and implemented by a law enforcement agency shall be reviewed by the agency at least every five years.*

Compliance or failure to comply with written policies is considered relevant evidence in any case involving eyewitness identification.