
SB20-217: Law Enforcement Integrity Act

SB20-217, concerning law enforcement accountability and signed by the Governor on June 19, includes several provisions that have implications for pool insurance coverage. A PDF of the signed act is available at https://leg.colorado.gov/sites/default/files/2020a_217_signed.pdf.

SB20-217 & CAPP

Based on the manuscript form of the CAPP policy, which is designed to meet the current and expanding needs of counties, claims that arise under the new provisions contained in SB 20-217 will be handled in the ordinary course of business, like all other claims against a member county.

Every claim has its own facts and circumstances that affect how the claim is treated. Particularly when the law is changed in a way that is intended to expand liability, there are some unknowns about how it will be interpreted. However, CAPP property coverage continues to apply to county-owned property, including body-worn cameras and dashboard cameras. CAPP's liability policy still covers a deputy's conduct, like any other county employee, unless the deputy's employer determines that they did not act in good faith or a reasonable belief in the lawfulness of their actions.

CAPP & Risk Management

Some CAPP member counties have asked about providing guidance and support to their law enforcement

officials and have proactively indicated that they "intend to indemnify" their deputies, including the costs of legal defense, unless the deputy is convicted of a criminal violation. While it is difficult to assess a deputy's good faith or reasonable belief before their conduct has occurred, under the new law, it is within the employer's discretion to make that determination.

Good risk management practice suggests that members should have conduct policies in place, train on adherence to the policies, and hold violators accountable.

What This Means for Counties

The statutory expansion of liability means it is more important than ever for county officials and employees to be aware of the laws and policies that guide their conduct and to abide by them. If you have questions about the law or the numerous training opportunities that are available to CTSI members, contact us at 303 861 0507 or visit www.ctsi.org. 