

RESOLUTION NO. 9 (2021)

A RESOLUTION DECLARING THE CITY'S COMMITMENT TO POLICE OFFICER'S ACTING IN GOOD FAITH AND WITHIN THE BOUNDS OF THE LAW UNDER SENATE BILL 20-217

WHEREAS, the Colorado State Legislature recently passed Senate Bill 20-217, known as the Law Enforcement Integrity Act; and,

WHEREAS, before entering upon the duties of their office, the Craig Police Department Officer's take an oath that they will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that they will faithfully perform their duties; and,

WHEREAS, the Craig Police Department already follows the now mandated use of force practices adopted in Senate Bill 20-217; and,

WHEREAS, the City of Craig Mayor, Mayor Pro Tem, and City Council members are supportive and proud of these dedicated public servants who put themselves in harm's way to protect our safety 24-hours a day; and,

WHEREAS, while Senate Bill 20-217 outlines most situations where local governments can, cannot, and may indemnify its Law Enforcement Officers against liability, it leaves open to local governments most instances where local governments may indemnify its Law Enforcement Officers for their attorneys' fees, costs, and expert witness fees incurred in such suits; and,

WHEREAS, the City of Craig wishes to evidence its continued support to Law Enforcement Officers by committing to indemnify its Law Enforcement Officers not only against any liability imposed against them individually, but also for attorneys' fees, costs, and expert witness fees, by any action brought in accordance with Senate Bill 20-217 when they have acted in good faith and within the bounds of the law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF CRAIG, COLORADO:

- A. The City of Craig City Council Members resolves to assist the Craig Police Department Officer's acting within the bounds of the law and in good faith with State Statute, City Ordinances, policies and procedures.
- B. The City does not condone and will not defend Law Enforcement Officers acting without a reasonable belief in the legality of their action or in bad faith, except as required by law.

- C. The City may reimburse or pay its Law Enforcement Officers for personal liability, not otherwise covered by insurance, who have been found to act within the bounds of the law, in good faith, and within the policies and procedures of the City, brought under SB 20-217 up to \$25,000.00 in a single event, except as prohibited by SB 20-217.
- D. In providing this support, the City will not preemptively determine whether a police officer acted in good faith before such action in question has occurred.
- E. The City will conduct a documented investigation where a determination has been made that a Law Enforcement Officer has acted in good faith prior to assisting the Law Enforcement Officer in personal liability expenses up to \$25,000.00 not otherwise covered by insurance in a suit brought under SB 20-217.
- F. Nothing herein should be interpreted as waiving any immunity granted to the City or its officers under the Colorado Governmental Immunity Act (CGIA), C.R.S. § 24-10-101 *et seq.*

READ AND APPROVED THIS 27th DAY OF APRIL 2021 BY THE CITY COUNCIL FOR THE CITY OF CRAIG, COLORADO.

Jarrold Ogden, Mayor

ATTEST:

Liz White, City Clerk