

Prepared remarks: Attorney General Phil Weiser to Colorado Police Chiefs Association

Thank you for the opportunity to address you today.

As you are all very aware, the last few years presented many challenges to law enforcement. As we emerge from a pandemic, we have a lot of opportunities to learn from a challenging and painful time. It merits recognition how many law enforcement officers—along with other front line workers, died during the pandemic. And we also lost other brave officers in the line of duty, including Officer Eric Talley in Boulder and Gordon Beasley in Arvada.

As we look forward, I remain committed to working with you all as we advance public safety, serve the public, engage our communities, and protect victims. There are several topics I want to visit with you about today. But most importantly, I want to continue our conversation and benefit listening to your input.

I. Lessons from the Pandemic

Let me begin by discussing a few lessons from the pandemic. In recent months, I joined a number of you—in Pueblo, in Denver, in Fort Collins, in Frisco, and in La Junta, to name a few—to talk about public safety challenges in the wake of the pandemic. And after listening to you and your colleagues, there are several consistent themes I heard.

The direct impact of the pandemic on public safety and policing is a primary concern. As I discussed after a roundtable in Pueblo, we as a society saw many distressing trends during COVID. Consider, for example, that the numbers around domestic violence, substance abuse, hate crimes, and traffic fatalities all went up.

How jails and pre-trial release were managed during COVID was a second theme that came up in our conversations. In Fort Collins, for example, law enforcement leaders worked together to ensure that the criminal justice system continued to operate as it had, with a modest expansion of some diversion programs and a decrease in crime during this time. In Summit County, the sheriff's office created a pretrial assessment function—which is housed within that office—to make thoughtful and accurate judgments about who is a risk to public safety, only releasing those who would not be likely to commit additional crimes. By contrast, as Chief Pazen has related to me and others, there are cases in Denver where someone, after committing multiple car robberies in a short timeframe, was released on a PR bond. That's not the way our system of bail is supposed to operate, and it shouldn't work that way.

We will continue to process the lessons from the pandemic, including on how some jurisdictions moved to reform how they manage their bail systems. In Colorado, this experiment is not a new development. Chief Shoemaker from Grand Junction, and his predecessors and colleagues, have long used a thoughtful and careful assessment system—along with pre-trial monitoring—to allow more people who do not pose a public safety threat to be released pre-trial without triggering a rise in crime. That model followed the very successful approach used in New Jersey, leading to a 40% reduction in pre-trial incarceration with no increase in crime.¹ At the same time, we must ensure

¹ <https://paw.princeton.edu/article/how-new-jersey-made-bail-breakthrough>.

that decisions about who to grant a personal recognizance bond to is thoughtful and made collaboratively. In Boulder County, for example, as Chief Hayes and Chief Herold can relate, DA Michael Dougherty, who we just heard from, is vigilant about overseeing assessment decisions and raising questions with the judiciary when those who present a risk to public safety are released without a bail bond despite a contrary recommendation from the DA's Office.

A third important theme from these conversations was the compelling need for retention and recruitment. Encouraging and supporting new recruits into policing is one of my Department's priorities. To that end, we developed a My Why program, profiling stories of brave and dedicated law enforcement professionals serving their communities with honor and dignity.² We need to get those stories out there to encourage others to enter this very noble and selfless profession, and to counter a narrative that all too often focuses on a small set of bad actors. We would welcome your help in developing this project and invite you to share your stories with us on the Peace Officers Standards and Training (POST) website.

To improve peace officer recruitment, we developed a new grant program to support law enforcement academy training for small and rural jurisdictions. We have awarded more than \$200,000 in grants from this program. This year, we spearheaded legislation to send millions more in funding for peace officer recruitment and retention efforts. That bill is now law, and the Department of Public Safety was provided with \$5 million to support this effort, and our department will be consulting with the Department of Public safety to distribute these funds. We need your ideas on how to best use that money and are considering recruiting campaigns, housing allowances, loan repayment, and other strategies.

A fourth theme that continues to come up is the trauma faced by law enforcement and the lack of effective support for those dealing with trauma from on-the-job experiences. Based on conversations I've had with officers and law enforcement leaders, I know that trauma does not disappear; it stays with you and haunts you if you don't deal with it. That's why we worked hard to add \$3 million to support the current grant program for mental health services for law enforcement officers. This more than doubles the program's funding to support police and sheriff mental health, which is a step in the right direction. I welcome your input so we can find solutions and break any stigma about seeking mental health support. Asking for help is a sign of strength, not a weakness, and your voices are critical to help shift this narrative and to embrace that mental health is health.

Part of shifting this narrative is training focused on supporting effective policing. Officers who are more aware of their emotional state—and others' emotional states—are better positioned to handle difficult situations. Having the presence of mind to tell an officer to sit one out ("Sergeant Johnson wants to see you.") can make the difference between an officer continuing to serve effectively or making a career-ending mistake. In-service training is an important way to build this emotional self-awareness.

To support greater emotional awareness, we are funding and partnering to bring two such trainings to Colorado. First, in anticipated partnership with the Denver Police Department, we are working

² <https://post.colorado.gov/le-resources/my-why-campaign>.

to bring the Active Bystander in Law Enforcement, or ABLE, program to Colorado and expect to have agreements with DPD and ABLE in place soon. This program will be available to all your departments, and we are driving a statewide coordinating effort that you should hear more about from POST soon. Second, we are working with Force Concepts to develop the nation's first Ethical Decision-Making Under Stress course, which will offer in-class work followed by scenario-based, stress-induced training situations to teach how to safely navigate stressful interactions. We have committed over half a million dollars to these programs, and I urge you to join them, spread the word, and help us improve them as they take shape.

II. Redesigning the Academies' Training Curriculum

Beyond in-service training, how we train entry level peace officers is critical to public safety in our state. I am committed to modernizing and improving the way we teach in our law enforcement academies. Over the last forty years, the State of Colorado has not re-evaluated the core competencies and skills necessary to be an effective peace officer nor has there been a systemic evaluation of what training methods are most effective in helping develop officers to meet the demands of our current environment. But in that time, the profession and criminal justice practices have advanced as has our understanding of how adults learn. POST Director, Bo Bourgerie, is passionate about this work and we have started this critical curriculum redesign project. Let me explain the work ahead and how you can help.

You may recall that at the joint police chiefs and sheriffs conference in January, Bo and I discussed that we hired a vendor to develop a job analysis that will identify the skills, competencies, and knowledge required to be an effective peace officer. The job analysis is complete. Now, we are taking this work on the road, engaging with law enforcement, educators, and community members for feedback on the job analysis and the work ahead. We had our first such meeting a couple of weeks ago in Montrose, which was extremely instructive. We look forward to continuing this important conversation across the state with your departments and communities. Please be in touch with Bo if you are interested in being a part of this engagement process.

With the job analysis in hand, we can talk more specifically about what it means to teach academy cadets both the hard skills—using a firearm, for example—and the so-called soft skills, like talking to a victim with empathy or making appropriate decisions in stressful situations. As we think about how to develop critical competencies, skills, and knowledge sets in academy cadets, we are going to focus on developing more hands-on, or experiential, ways of teaching information and measuring comprehension. We recognize that we are thus envisioning redesigning both *what* we teach and *how* we teach it.

To do this well we are actively developing a more detailed and standardized curriculum that all academies will use. We also will be creating statewide standards for academy instructors and will be developing curriculum to help provide instructors the training they need to successfully train academy recruits. In doing so we will work to improve the quality of the curriculum and to empower the academies to be successful. By having a standardized curriculum and support for quality instruction, we believe we can make it easier for academies to effectively train peace officers while saving them the challenge of re-inventing the wheel. To be sure, some academies

have particular needs and may want to teach additional skills relevant to their communities and constituencies. We welcome these additional efforts, provided they cover and train on the standardized competencies.

III. Addressing the Fentanyl Crisis

Over the last few years, we witnessed the third stage of our nation's opioid crisis. That crisis started in the boardroom in the mid-1990s, as Purdue Pharma and other companies pushed prescription opioid pills that found their way into American homes. The marketing campaign that pushed those pills even targeted doctors who overprescribed such pills. As a result, a generation of Americans, who received pills for simple treatments such as back pain or broken bones or aches, or those who took pills from their parents' medicine cabinet, became addicted to opioids. This is a painful chapter in our history in which millions of people lost their lives or continue to struggle with addiction – all because of corporate greed to increase profits and hide the addictive nature of their product.

The second stage of this crisis was when drug cartels, headquartered primarily in Mexico, saw an opportunity to promote heroin as an alternative to prescription pills. Our department worked for years—and continues to work—to disrupt the chain of heroin coming to the United States, as this unquestionably fueled the rise in overdose deaths. And law enforcement knows this story well, as many of those arrested and in jail are struggling with an opioid addiction. In Alamosa, for example, Sheriff Robert Jackson estimated five years ago—and continues to estimate today—that over 90% of those in the Alamosa County jail are struggling with addiction and going through withdrawal in jail.³

The third stage of this crisis, which is the deadliest, is the rising scourge of fentanyl. As you all know, this synthetic opioid, most commonly made in China and Mexico, is increasingly available and cheap to produce. And it's replacing heroin as the opioid of choice. During the last year, driven by the rising presence of fentanyl across the nation, the United States lost more Americans to drug-related deaths—mostly from opioids—than car crash and gun violence deaths combined.⁴ The increase in fentanyl-related deaths is staggering. In 2015, five people in El Paso County died from fentanyl poisoning and in 2021, 101 people in El Paso County died from fentanyl poisoning.⁵ This tragedy is playing out not just in Colorado, but across our country and requires a concerted and collaborative effort to rid out communities of this poison.

As I said earlier, we need a comprehensive response to this crisis. Yes, that response includes public health, education, and harm reduction. But no response will be truly comprehensive, or effective, unless it includes a major and well-funded role for law enforcement. In our department, we are focused intensely on the overall opioid crisis and continue to hold accountable those companies like Purdue Pharma who fueled this epidemic. Thus far, we have brought back over \$400 million to Colorado and established a set of regional collaboratives—with a law enforcement

³ <https://www.cpr.org/2018/03/29/colorados-opioid-crisis-fuels-alamosas-jail-overcrowding/>

⁴ <https://www.cdc.gov/nchs/fastats/injury.htm>

⁵ <https://www.9news.com/article/news/health/el-paso-county-fentanyl-deaths/73-448e3cb6-938e-4ccd-be63-a6f005788124#:~:text=There%20were%2047%20fentanyl%20deaths,unintentional%20deaths%20related%20to%20fentanyl.>

representative on each one—to support critical initiatives to respond to this crisis. 90% of the total funds will go toward the regional and local level. It was an important principle to me that the state does not dictate to you and your communities how to spend these funds. It will be up to you, your mayors, commissioners, councilmembers, and public health directors how these funds should be deployed in your communities to fight the opioid crisis.

I mentioned earlier that our response to the fentanyl crisis must be comprehensive and with a strong and robust role for law enforcement, particularly focused on interdicting dangerous drugs, going after high-level dealers, and taking fentanyl off the street. In pushing for a comprehensive fentanyl bill this session, my team and I worked steadily with the leadership of the Chiefs’ association and your representatives at the Capitol. I know all your priorities did not make it into the final bill that was signed into law; many of mine didn’t either. Notably, we both wanted stronger language regarding felony possession than the law ultimately provided; I therefore expect we will need to come back and work to update this law. Our collective and essential goals regarding this legislation are saving lives and creating safer communities and we will keep working hard to do just that.

Let me add a point that many of you understand clearly: the introduced version of this bill did not tackle the important issue of fentanyl possession. Many people in this room made it known that this was an unacceptable omission in the bill, allowing a loophole for drug dealers to possess as many as 60 or so pills on their person and claim that they were for their own use. I heard your concerns and agreed with your position and your advocacy worked – the sponsors went back to the drawing board and included a new provision on changing the level of possession that is a felony by an amendment to the bill. This shows the importance of your voices in this debate – it mattered, and the legislature heard you. To be sure, the final outcome is not the one you or I pushed for, but make no mistake that your voices helped to shape the debate and had an impact.

Let me mention a few other points on the fentanyl bill. Significantly, the law includes a provision enabling prosecutors to hold accountable those who distribute fentanyl and cause the death of someone who may well have thought they were purchasing a Xanax pill. I believe this provision will make a difference and will honor those victims who lost a child, a sibling, or a friend due to fentanyl poisoning. I also am proud that my office successfully fought for and achieved a new program to deliver millions of dollars to Colorado law enforcement agencies to go after high-level dealers and disrupt the fentanyl trafficking and supply chain. This investment will be critical in holding accountable those pushing dangerous drugs and supporting victims. As we work with the Department of Public Safety to roll out these funds, your help will, once again, be critical. And to start the conversation about how these funds can best be used, we sponsored a law enforcement summit with the City and County of Denver on best practices for handling such investigations.

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I recognize and have heard from many of you frustration that your voice may not be heard or even respected at the State Capitol. I, however, am always here to listen. I’ve listened as you raised your worries and concerns to policymakers. One thing that I have regularly heard from you is that funding is appreciated, but that you want a seat at the table when policy is made, and you want

your voices listened to. Please know that my door is and will always remain open to you, and I will continue to reach out to visit you in your communities.

In the lawmaking process, I want to understand your concerns and goals and be your partner wherever possible. If you find doors are closed to you at the Capitol, I want to know about that, and I will do all I can to ensure you get a seat at the table and your voices are heard. To be sure, I will not be successful in every effort to achieve our shared policy goals or even ensure that your position is heard and understood. I can commit, however, that I will always do everything in my ability to make it happen, including explaining that what might work in Denver may well not work in La Junta or Craig.

Thank you for your continued partnership, your counsel, and, above all, your service to your communities and to Colorado.