

House Bill 21-1250

Whistleblower Protections & Requirements

All law enforcement agencies across Colorado know what it means when a person refers to “SB 20-217,” “the law enforcement integrity act,” and “HB 21-1250,” the 2021 legislation that amended certain provisions of SB 20-217 and enacted further measures concerning law enforcement accountability.

However, you may not know that—buried beneath the provisions in HB 21-1250 relating to body-worn cameras and use of force—there is a new statute that addresses retaliation against whistleblower peace officers.

Colorado Revised Statute § 24-31-906 (entitled “Retaliation against whistleblower officers prohibited” and set forth on pages 11-12 of [HB 21-1250](#)) prohibits a peace officer’s employer and the employer’s agent from discharging, disciplining, denying a promotion, transferring, reassigning, discriminating against, harassing, or threatening a peace officer’s employment because the peace officer disclosed information that shows:

- A danger to public health or safety; or
- A violation of law or policy committed by another peace officer.

All of this seems like common sense and not noteworthy, so why are we writing about it? The answer is this: While the new statute’s protections are already in place — they took effect July 6, 2021 — the statute **additionally requires** all law enforcement agencies, by January 1, 2022, to provide training available to employees, a workplace posting that is posted in a readily accessible area and in a readable format, or both regarding this new statute. Also, all employees hired after January 1, 2022 must receive training on this statute during orientation.

The statute goes on to state that an employee or agent of a law enforcement agency that knowingly or intentionally violates its prohibitions “shall be disciplined appropriately by the law enforcement agency.” The statute is otherwise silent on remedies for a violation, so it is uncertain whether an employer could also face civil liability under this provision. But, irrespective of this uncertainty, an employer could face liability under existing federal law to the extent public employees have certain whistleblower protections under the First Amendment.

Thus, your law enforcement agency will want to ensure that it provides training and/or a workplace posting of this new law by the January 1, 2022 deadline, and training thereafter for new hires.

As of the date of this writing, CIRSA is not aware of any template poster promulgated by the state of Colorado regarding this new statute.

If your agency is preparing its own training materials or poster and would like CIRSA assistance, please reach out to CIRSA General Counsel Sam Light at saml@cirsa.org.

The above article was prepared by Jenna Roth, Esq. of the law firm of Michow Cox & McAskin, LLP.