

**TOWN OF ERIE
RESOLUTION NO. 20-__**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
ERIE DELEGATING CERTAIN DECISIONS RELATED TO POLICE
OFFICER INDEMNIFICATION TO THE POLICE CHIEF**

WHEREAS, pursuant to recent changes to state law by Senate Bill 20-217, portions of which are codified at C.R.S. § 13-21-131, the Town must indemnify its police officers for any civil liability the officers incur unless the police officer's employer determines that the officer acted in bad faith or if the officer is convicted of a criminal violation for the conduct from which the claim arises;

WHEREAS, the Board of Trustees recognizes that the Town's Police Chief is uniquely qualified to review a police officer's actions to determine whether the actions were taken in good faith and based upon a reasonable belief that the actions were lawful; and

WHEREAS, accordingly, with the notable exceptions contained herein, the Board of Trustees wishes to delegate to the Police Chief the duty and responsibility to determine whether an officer should be indemnified by the Town.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF ERIE, COLORADO, THAT:**

Section 1. For purposes of C.R.S. § 13-21-131(4), the Board of Trustees hereby delegates to the Police Chief the authority to determine whether a police officer should be indemnified by the Town, except in the following circumstances:

- a. If the actions being evaluated are related to a pending complaint alleging that the officer acted in bad faith or used excessive force; or
- b. If the Police Chief was directly involved in the actions being evaluated.

Section 2. If the first exception stated in Section 1 applies, the determination required by C.R.S. § 13-21-131(4) shall be made jointly by the Town Administrator and the Police Chief in consultation with the Town's insurer and the Town Attorney. If the second exception stated in Section 1 applies, the determination required by C.R.S. § 13-21-131(4) shall be made by the Town Administrator in consultation with the Town's insurer and the Town Attorney.

Section 3. In making a determination under C.R.S. § 31-21-131(4), those making the determination shall determine whether, based on the facts presented, the police officer acted upon a good faith and reasonable belief that the officer's actions were lawful. This determination may be made independently of any ongoing criminal investigation or proceeding.

ADOPTED this 28th day of July, 2020.

Jennifer Carroll, Mayor

ATTEST:

Heidi Leatherwood, Town Clerk