

CHAPTER 146

CORRECTIONS

SENATE BILL 08-175

BY SENATOR(S) Ward, and Kester;
also REPRESENTATIVE(S) Stafford, Gardner B., Green, Labuda, and Todd.

AN ACT

CONCERNING THE DUTIES OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF CORRECTIONS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 17-1-103.8, Colorado Revised Statutes, is amended to read:

17-1-103.8. Duties of executive director - inspector general - investigators - duties. (1) The executive director, pursuant to section 13 of article XII of the state constitution, shall appoint a person to the position of inspector general. The person appointed to the position shall report to the executive director and shall have the powers of a peace officer, as described in sections 16-2.5-101 and 16-2.5-134, C.R.S.

(1.5) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE INSPECTOR GENERAL, SHALL APPOINT INVESTIGATORS WHO SHALL OPERATE UNDER THE INSPECTOR GENERAL'S DIRECT AUTHORITY. INVESTIGATORS APPOINTED PURSUANT TO THIS SECTION SHALL HAVE THE POWERS OF A PEACE OFFICER, AS DESCRIBED IN SECTIONS 16-2.5-101 AND 16-2.5-134, C.R.S.

(2) The inspector general AND THE INVESTIGATORS UNDER HIS OR HER DIRECTION shall have the following duties:

(a) To investigate, DETECT, AND PREVENT any crimes, criminal enterprises, or conspiracies originating within the department and any crimes, criminal enterprises, or conspiracies originating outside correctional facilities if ~~such~~ THE crimes, criminal enterprises, or conspiracies are related to the safety and security of correctional facilities, public or private. Evidence obtained by the inspector general OR AN INVESTIGATOR of any crimes so investigated shall be:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(I) Reported to the applicable local law enforcement agency; or

(II) With the consent of the district attorney, reported directly to the district attorney, attorney general, or United States attorney having jurisdiction over the issue; or

(III) In the case of a city and county, reported immediately to the local law enforcement agency, and ~~such~~ THE agency may complete the investigation and report the findings to the district attorney having jurisdiction over the city and county.

(b) To investigate, DETECT, AND PREVENT any violations of administrative regulations or state policy and procedure and any waste or mismanagement of departmental resources and corruption that may occur within the department and any other violation that may be committed by department staff where the violation could affect the performance of staff duties or tend to erode public confidence in the performance of the department;

~~(c) To investigate any criminal violation or act committed within correctional facilities that is linked to the security and the safe operations of correctional facilities;~~

~~(d) To investigate any illegal drug use by offenders in correctional facilities through monitoring and drug interdiction efforts.~~

(e) TO CONDUCT PREEMPLOYMENT INVESTIGATIONS AND INTEGRITY INTERVIEWS OF ALL PERSONS WHO APPLY FOR EMPLOYMENT WITH THE DEPARTMENT, INCLUDING EMPLOYMENT AS CONTRACTORS AND SUBCONTRACTORS. THE PREEMPLOYMENT INVESTIGATIONS AND INTEGRITY INTERVIEWS SHALL ENSURE THAT DEPARTMENT EMPLOYEES MEET THE MINIMUM STANDARDS SET FORTH BY STATE PERSONNEL RULES, EXECUTIVE ORDERS, AND DEPARTMENT POLICIES.

~~(3) In addition to the duties set forth in subsection (2) of this section, the inspector general shall have the authority to perform any functions of investigators as permitted by paragraph (c) of subsection (5) of this section or as required by paragraph (d) of subsection (5) of this section.~~

(4) For purposes of this section, "correctional facilities" includes but is not limited to any facility with which the department has contracted to house offenders who are in the legal custody of the department.

~~(5) (a) The executive director, in consultation with the inspector general, shall appoint investigators who shall operate under the inspector general's direct authority. Investigators appointed pursuant to this section shall have the powers of a peace officer, as described in sections 16-2.5-101 and 16-2.5-134, C.R.S. Investigators shall have only those powers and duties specified in paragraphs (c) and (d) of this subsection (5).~~

~~(b) Each investigator shall notify the local law enforcement agency when the investigator is operating or intends to operate anywhere within the local law enforcement agency's jurisdiction and shall cooperate with such agency during the~~

conduct of the investigation:

~~(c) Investigators may:~~

~~(f) Perform duties in the investigation, detection, and prevention of crime as they pertain to the security and safe operations of correctional facilities;~~

~~(H) Investigate violations of state, local, and federal statutes as they pertain to the security and safe operations of correctional facilities;~~

~~(H) Investigate criminal acts committed by any offender who is in the legal custody of the department, any employee of the department, any contractor or subcontractor with the department or any employee thereof, any volunteer with the department, and any visitor to any correctional facilities, as such criminal acts are directly related to the security and safe operation of the department and its correctional facilities, including but not limited to such acts as assisted escapes from correctional facilities, introduction of contraband into correctional facilities, and threats to the safety and welfare of others; and~~

~~(IV) Seek out and arrest any fugitive from a correctional facility and, when called upon, assist other agencies in the apprehension of fugitives from jurisdictions throughout the state:~~

~~(d) Investigators, under the direction of the inspector general, shall conduct preemployment investigations and integrity interviews of all persons who apply for employment with the department, including employment as contractors and subcontractors. Such preemployment investigations shall ensure that department employees meet the minimum standards set forth by state personnel rules, executive orders, and department policies:~~

SECTION 2. 17-1-115.5 (1) (b), Colorado Revised Statutes, is amended to read:

17-1-115.5. Prison sexual assault prevention program. (1) The department shall develop, with respect to sexual assaults that occur in correctional facilities operated by or pursuant to a contract with the department, policies and procedures to:

(b) Require the inspector general OR THE DEPARTMENT OF CORRECTIONS INVESTIGATOR, WHICHEVER IS APPROPRIATE, after completing an investigation for sexual assault, to submit the findings to the district attorney with jurisdiction over the facility in which the alleged sexual assault occurred;

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 14, 2008