



HB1042 – Testimony

Members of the Committee,

This written testimony is being submitted on behalf of the Colorado Association of Chiefs of Police (“CACP”), who are in an oppose position on this bill.

Initially, the CACP empathizes with the goals of this bill. No one should be incarcerated for a crime that person did not commit, and it is the goal of law enforcement to not only solve crimes, but to solve those crimes correctly and with the right person. However, putting more restriction on law enforcement’s toolbox can only result in less crimes being solved. In the University of Michigan’s Exoneration Project, which is the database of nationwide exonerations, there has been only one instance in Colorado where a false confession of a juvenile lead to a conviction. This bill will have wide-sweeping implications and will apply to every juvenile custodial interview, which number in the hundreds or thousands per year. Whether or not deception was used in a custodial interview will become the fodder of motions hearings in every case a juvenile custodial interview took place.

Next, the CACP’s position is that the goals of this bill can be accomplished through a model policy rather than statutory dictate. The International Association of Chiefs of Police (“IACP”) has developed a model policy that addresses the concerns of the bill sponsors, without sacrificing concerns of public safety. Like the legislature has done several times of the past few years, we believe this bill should be amended to require adoption a model policy, and in this case, the model policy already promulgated by the IACP.

Finally, if this committee is unwilling to amend the bill in this way, the CACP believes that the bill should be amended to allow for an “exigent circumstances” exception. There are many potential situations where there is an active and ongoing public safety threat, such as active shooters, kidnapped/missing and endangered people, and others, in which this tool can be used to safely resolve the matter. A similar exception has been recognized by the US Supreme Court to the *Miranda* rule as the “public safety statement” exception. We believe this exception is necessary to preserve a useful tool that can be used to save lives.