



OFFICE OF THE FIRST JUDICIAL  
DISTRICT ATTORNEY OF COLORADO  
District Attorney Alexis King

**FIRST JUDICIAL DISTRICT ATTORNEY'S OFFICE POLICY:  
PEACE OFFICER CREDIBILITY DISCLOSURE NOTIFICATIONS**

**I. PURPOSE:**

Consistent with the requirements under state law, this policy seeks to establish uniform and consistent standards requiring law enforcement agencies to disclose specific information to district attorneys that may impact the credibility of a peace officer in a criminal prosecution, and to establish uniform procedures for district attorneys to timely disclose such information to the defense under the Colorado Rules of Criminal Procedure and to increase transparency to allow members of the public to access information concerning peace officers who are subject to a credibility disclosure notification.

**II. DEFINITIONS:**

As used in this policy, the below terms shall have the following meaning:

- A. **“Credibility Disclosure Notification”** means the notification described in C.R.S. 16-2.5502(2)(c) and described in Section (III)(A) and (III)(B) of this policy.
- B. **“Law Enforcement Agency”** means a state or local agency that employs peace officers.
- C. **“Official Criminal Justice Record”** means any handwritten or electronically produced report or documentation that a law enforcement agency requires a peace officer to complete as part of the peace officer's official duties, for the purpose of serving as the agency's official documentation of an incident, call for service, response to an alleged





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or suspected crime, a use of force, or during a custodial arrest or the direct supervision of a person who is in custody. Official criminal justice records also include any other reports or documents that an agency requires a peace officer to complete as part of the peace officer's official duties where the peace officer knows, or should know, the information included may be relevant to an ongoing or future criminal or administrative investigation.

- D. **“Untruthfulness”** or **“dishonesty”** means conduct that involves a knowing misrepresentation, including but not limited to intentionally untruthful statements, knowing omissions of material information, and knowingly providing or withholding information with an intent to deceive or mislead except as lawfully utilized as part of an investigatory procedure.
- E. **“Sustained finding”** means a final determination by a law enforcement agency, following a law enforcement agency's administrative procedures for investigating and reviewing alleged misconduct by a peace officer on the merits.

**III. LAW ENFORCEMENT AGENCY'S OBLIGATION TO PROVIDE  
OFFICER CREDIBILITY DISCLOSURE NOTIFICATION**

Notwithstanding any other procedures or existing legal requirements regarding the disclosure of exculpatory evidence in a criminal proceeding, beginning January 1, 2022, every law enforcement agency shall:





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- A. Promptly notify the district attorney's office(s) in the law enforcement agency's jurisdiction, in writing, of any sustained finding made on or after January 1, 2022, where a peace officer:
1. Knowingly made an untruthful statement concerning a material fact;
  2. Demonstrated a pattern of bias based on race, religion, ethnicity, gender, sexual orientation, age, disability, national origin, or any other protected class;
  3. Tampered with or fabricated evidence;
  4. Has been convicted of any crime involving dishonesty or charged with any felony or any crime involving dishonesty;
  5. Violated any policy of the law enforcement agency regarding dishonesty.
- B. In addition to the credibility disclosure notification required under Section (III)(A), a law enforcement agency shall also notify the district attorney's office(s) in the law enforcement agency's jurisdiction as soon as practicable when a peace officer is under a criminal or administrative investigation that, if sustained, would require disclosure under Section (III)(A) and where:
1. The peace officer is a potential witness in a pending criminal prosecution in which a criminal defendant has been formally charged; and
  2. The criminal or administrative investigation of the peace officer involves an allegation related to the peace officer's involvement in the defendant's pending criminal case.





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C. For disclosures made pursuant to Section (III)(B), the law enforcement agency shall promptly notify the district attorney's office(s) once the law enforcement agency has completed the agency's administrative process for investigating and evaluating the allegations on the merits.

1. If the law enforcement agency determines through its administrative process that the criminal or administrative allegations are not sustained based on the merits, the law enforcement agency should promptly notify the district attorney of the outcome and the agency or involved peace officer may request that the district attorney's office(s) remove the credibility disclosure notification from its records as set forth in Section (V)(C), below. However, nothing in this section shall require a district attorney to remove any credibility disclosure notification that was made to a defendant pursuant to Rule 16 in a pending criminal proceeding where the requirements of Section (III)(B) applied at the time of the disclosure.

D. Prior to making any credibility disclosure notification required under Sections (III)(A) or (III)(B), a law enforcement agency must give the involved peace officer at least seven (7) calendar days' notice of the agency's intent to send a credibility disclosure notification to the district attorney's office.

1. If seven (7) days' notice is not practicable due to an impending trial date, the agency shall provide as much notice to the involved peace officer as is practicable under the circumstances.





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**IV. CREDIBILITY DISCLOSURE NOTIFICATION PROCEDURES FOR LAW ENFORCEMENT**

A. A law enforcement agency shall include the following information in the credibility disclosure notification to be provided in writing to the district attorney's office(s):

1. The peace officer's name;
2. The name of the law enforcement agency that employs or employed the peace officer at the time of the sustained findings or at the time of the criminal or administrative investigation.
3. The following statement: "This notification is to inform you that there is information in the law enforcement agency's possession regarding [name of peace officer] that may affect the peace officer's credibility in court."
4. The applicable statutory provision identifying the basis for the credibility disclosure notification, including whether the notification is based on a sustained finding pursuant to Section (III)(A) or whether the notification relates to an open criminal or administrative investigation pursuant to Section (III)(B).

B. The law enforcement agency shall send the required credibility disclosure notification in writing, either electronically or by mail, to the contact(s) designated by the district attorney's office(s) located in the law enforcement agency's jurisdiction.





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**V. PROCEDURE FOR 1<sup>ST</sup> JUDICIAL DISTRICT ATTORNEY'S OFFICE**

A. As of January 1, 2022, the First Judicial District Attorney's Office, in response to SB21-174, has adopted the following procedures:

1. Upon determining a credibility disclosure notification to the First Judicial District Attorney's Office is required, the law enforcement agency will submit this notification in writing to Assistant District Attorney Jennifer Rhoads or electronically to [daPOSTnotifications@jeffco.us](mailto:daPOSTnotifications@jeffco.us).
2. A First Judicial District Attorney's Office designee will ensure timely notification to defense counsel or a defendant of the credibility disclosure notification records pursuant to Rule 16 of the Colorado Rules of Criminal Procedure via discovery in the criminal case or by mail if no discovery has been requested.
3. The First Judicial District Attorney's Office will maintain a current record of all credibility disclosure notifications, distinguishing between sustained findings and open investigations on an allegation related to the peace officer's involvement in the defendant's pending criminal case.
4. The First Judicial District Attorney's Office will enter all credibility disclosure notifications resulting in a sustained finding into the P.O.S.T database.
5. The First Judicial District Attorney's Office will remove any credibility disclosure notification records if appropriate and lawful.





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6. The First Judicial District Attorney's Office will post on our website the procedures for how a member of the public can access the database created by the P.O.S.T. Board pursuant to section 24-31-303 (1)(r).
- B. For any credibility disclosure notification made to a district attorney pursuant to Section (III)(A) (i.e., involving a sustained allegation), or where a district attorney receives a notification pursuant to Section (III)(B) and the district attorney is subsequently notified by the law enforcement agency that the completed criminal or administrative concluded the allegations against the peace officer were sustained, each District Attorney shall require members of their office to denote in the current record the involved officer as having a credibility disclosure notification.
- C. The First Judicial District Attorney's Office shall remove credibility disclosure notification records from the district attorney's records and notification procedures under any of the following circumstances:
1. When a law enforcement agency made a credibility disclosure notification about an open criminal or administrative investigation pursuant to Section (III)(B), and subsequently notifies the district attorney's office that the agency concluded through its administrative process that the criminal or administrative allegations are not sustained based on the merits, and the law enforcement agency or peace officer makes a written request that the district attorney's office remove the credibility disclosure notification from the District Attorney's records.
  2. When a district attorney makes an independent determination, based on a review of the underlying records (if access to the underlying records is granted by the agency, officer, or by court order) that removal is appropriate and lawful.





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3. When a district attorney receives a court order directing the District Attorney to remove the credibility notification records.
- D. Each District Attorney shall review the policies and procedures adopted and implemented under this Section at least every four (4) years to ensure compliance with controlling federal and state case law interpreting *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972); *Kyles v. Whitely*, 514 U.S. 419 (1995), and their progeny, as well as the Colorado Rules of Criminal Procedure.

