

# ***Process and Protocols***

## ***Colorado Commission on Criminal and Juvenile Justice***



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*Maintained by the Division of Criminal Justice of the Colorado Department of Public Safety*



## PROCESS and PROTOCOLS

### INTRODUCTION

The Commission comprises 29 members and one ex-officio member as originated by H.B. 2007-1358 and extended by S.B. 2013-007 and by H.B. 2018-1287, and found in C.R.S., 16-11.3-101 through 16-11.3-105 and C.R.S., 24-1-128.6(8). The Commission assembles individuals into subgroups to identify and prioritize problems, issues, and opportunities and to offer solutions by way of recommendations to enhance public safety and improve the criminal justice system. The protocols by which the Commission conducts votes and develops recommendations are described below. Information regarding the Commission *Bylaws*, structure, members and staff may be found at [colorado.gov/ccjj](http://colorado.gov/ccjj).

### VOTE PROTOCOLS

The Commission has created five voting protocols to address the business of the Commission and are described below: the Majority Vote Protocol, the Supermajority Vote Protocol, the Review & Straw Vote Protocol, the Reconsideration Vote Protocol and the Recommendation Table Vote Protocol. The first of these typically applies to the general business of the Commission and the following four apply to the recommendation approval process. Only the designated or appointed Commission and Task Force members shall participate in votes. Representatives for absent members may participate in discussions but are not allowed to vote. Vote results are determined by the majority (or supermajority) of the quorum present and voting. A specific vote is considered final once the vote result is announced (i.e., no revision of votes is allowed). A subsequent motion to reconsider a recommendation may be offered in accordance with the Reconsideration Vote Protocol described below.

#### 1. Majority Vote Protocol

*Applicable primarily for general business decisions of the Commission<sup>1</sup>*

- 1.1. Typically, all Commission votes that do not involve recommendations are conducted by **simple majority (51%)**.
- 1.2. Specific votes involving Commission recommendations that are conducted by simple majority (51%) include:
  - 1.2.1. Votes to refine and review long, complex recommendations (see “Recommendation Review & Straw Vote Protocol”),
  - 1.2.2. Votes to reconsider recommendations (see “Recommendation Reconsideration Vote Protocol”), and
  - 1.2.3. Votes to table recommendations (see “Recommendation Table Vote Protocol”).

#### 2. Supermajority Vote Protocol

*Applicable for final recommendation votes by the Commission<sup>2</sup>*

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<sup>1</sup> This protocol was tacitly approved by the Commission in April 2008.

<sup>2</sup> This protocol was approved by the Commission in September 2008 and tacitly re-endorsed in September 2011.



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- 2.1. A recommendation presented for final consideration or, on rare occasions, upon initial (“preliminary”) presentation (see “Recommendation Development Protocol” below), is offered for consideration.
- 2.2. Commission members may engage presenters in informal discussion regarding recommendation elements.
- 2.3. The recommendation is moved and seconded. Additional discussion and recommendation amendments may occur at this time. The original recommendation and proposed changes will be displayed. Amendments made during final discussion must adhere to the “Supermajority Vote Protocol.”
- 2.4. Upon conclusion of the discussion of amendments or discussion of the recommendation (resolved by acclamation or by majority vote), a vote is called. Members choosing to abstain must announce that intention. Commission members participating in the vote choose from these three alternatives:<sup>3</sup>
  - 2.4.1. (A) I support it,
  - 2.4.2. (B) I can live with it, or
  - 2.4.3. (C) I do not support it.<sup>4</sup>
- 2.5. The threshold for approval and for disapproval are as follows:
  - 2.5.1. The approval and the disapproval thresholds are set to avoid unity (a total of 100%). The **66% approval threshold** reflects a supermajority indicating a near-consensus vote and the **40% disapproval threshold** represents a strong minority in opposition.
  - 2.5.2. Approval requires **66%** (within rounding) of the quorum (minus abstentions) of Commission members in total choosing the (A) or (B) alternatives.
  - 2.5.3. Disapproval requires **40%** (within rounding) of members choosing the (C) alternative.
- 2.6. See “Recommendation Development Protocol” (at #6.9 below) for subsequent actions on *approved* or *disapproved* recommendations following a Supermajority vote.

### **3. Recommendation Review & Straw Vote Protocol**

*Applicable on rare occasions for preliminary review and consideration of complex and multi-faceted recommendations<sup>5</sup>*

- 3.1. A recommendation that is long and complex is presented for initial consideration. If (as described in 6.7.4) the typical review process is suspended, the recommendation may be

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<sup>3</sup> The three-vote alternative conceptually reflects the concepts of “support,” “neutral,” and “do not support.” The label, “can live with it,” is an abbreviation of, “I can live with it. I support the final decision of the Commission and will not work against the recommendation.” It is used, rather than “neutral,” to indicate that the endorsement is not the conceptual equivalent of an abstention.

<sup>4</sup> Guidelines surrounding a Commissioner who does not support a (policy- or legislative-oriented) recommendation are addressed in, “CCJJ Policy Regarding Member Roles and Responsibilities for Legislative Recommendations.”

<sup>5</sup> This protocol was approved by the Commission in January 2010.



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subjected to this review and straw vote protocol. This protocol is not considered appropriate for a final review and voting, unless review is urgent.

- 3.2. Commission members may engage presenters in informal discussion regarding recommendation elements.
- 3.3. By acclamation or by majority vote, Commission members decide to conduct the “Review & Straw Vote Protocol.” This process is considered a more informal, collaborative portion of a Commission meeting to refine elements of a complex recommendation, rather than a formal portion of the Commission meeting.
- 3.4. The review process is initiated to narrow the focus of effort on a recommendation to only those components that require discussion and revision from those that are acceptable without discussion or revision.
  - 3.4.1. Recommendations will be reviewed briefly, **component by component**.
  - 3.4.2. A straw vote will determine whether a component requires discussion/revision. A **simple majority (51%)** straw vote includes these options:
    - 3.4.2.1. Support as written with no discussion, or
    - 3.4.2.2. Do not support as written and/or requires discussion.
  - 3.4.3. Approved components are set aside for a final vote.
  - 3.4.4. The components requiring attention will each be discussed; amended, if necessary; and subjected to a vote requiring approval by a simple majority (**51%**) from these options:
    - 3.4.4.1. Support as written, or
    - 3.4.4.2. Do not support as written.
  - 3.4.5. After the reviewed and/or amended components have been addressed and subjected to majority votes, the encompassing section may be approved by acclamation or subjected to a final majority vote. The overall recommendation (the combination of reviewed, amended, and/or non-reviewed components and sections) is referred for final consideration at a subsequent Commission meeting or, if urgent, may be moved to a final Supermajority vote (See the “Supermajority Vote Protocol”).

### **4. Recommendation Reconsideration Vote Protocol**

*Applicable on rare occasions for member motions regarding previous recommendation decisions<sup>6</sup>*

- 4.1. **An approved recommendation** may be re-examined by a motion and second brought by individuals who voted **in favor** of the recommendation (“I support it” or “I can live with it”) in the most recent previous vote. These individuals must outline the reason(s) for reconsideration and further discussion. Note that this action requires two different qualifying individuals in order to move and second the motion.

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<sup>6</sup> This protocol was approved by the Commission in December 2009.



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- 4.2. **A disapproved recommendation** may be re-examined by a motion and a second brought by individuals who previously voted **against** the recommendation (“I do not support it”) in the most recent previous vote. These individuals must outline the reason(s) for reconsideration and further discussion. Note that this action requires two different qualifying individuals in order to move and second the motion.
- 4.3. A **majority vote (51%)** of the Commission is required to reconsider a previously approved or previously disapproved recommendation by choosing from these two alternatives:
  - 4.3.1. Support reconsideration, or
  - 4.3.2. Do not support reconsideration.
- 4.4. A reconsideration vote may have one of the following four outcomes, depending on whether the vote approves or disapproves reconsideration AND whether the recommendation was previously approved or disapproved:
  - 4.4.1. If reconsideration is approved for a previously approved recommendation, the Commission may:
    - 4.4.1.1. Entertain a motion to rescind the recommendation that can only be resolved by Supermajority vote.
      - 4.4.1.1.1. If a rescission vote succeeds, the recommendation is abandoned. The underlying concept may still be discussed by the Commission in the future.
      - 4.4.1.1.2. If a rescission vote fails, the reconsideration is concluded and the recommendation continues as an approved recommendation as described in “Recommendation Development Protocol” (at #6.9 below).
    - 4.4.1.2. Entertain a motion, resolved by majority vote, to:
      - 4.4.1.2.1. Engage in discussion, amendment, and final vote of the recommendation by the “Supermajority Vote Protocol,” or
      - 4.4.1.2.2. Refer the recommendation for study and revision to the originating Task Force or Subcommittee or to a different (or new) Task Force or Subcommittee and the “Recommendation Development Protocol” is initiated.
  - 4.4.2. If reconsideration is approved for a previously disapproved recommendation, the Commission may entertain a motion, resolved by majority vote, to:
    - 4.4.2.1. Engage in discussion, amendment, and final vote of the recommendation by the “Supermajority Vote Protocol,” or
    - 4.4.2.2. Refer the recommendation for study and revision to the originating Task Force or Subcommittee or to a different (or new) Task Force or Subcommittee and the “Recommendation Development Protocol” is initiated.
  - 4.4.3. If reconsideration is disapproved for a previously approved recommendation OR a previously disapproved recommendation, the previously applicable recommendation outcome prevails (see “Recommendation Development Protocol” at #6.9 below).



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### **5. Recommendation Table Vote Protocol**

*Applicable on rare occasions for member motions to table a recommendation<sup>7</sup>*

- 5.1. A recommendation under preliminary or final consideration may be tabled by majority vote.
- 5.2. A motion to table must include the period the recommendation is to be tabled and the reason for tabling the recommendation.
- 5.3. The following are the two outcomes of the majority vote to table:
  - 5.3.1. If approved, the recommendation may sit idle for the tabling period or there may be a specific action or directive issued by the Commission to occur during the “table period.” For example, the recommendation may undergo revision by an entity designated by the Commission or the recommendation may be the subject of further study as directed.
  - 5.3.2. If disapproved, the recommendation process will proceed as defined in the “Recommendation Development Protocol.”
- 5.4. A recommendation is automatically restored from tabled to active status upon conclusion of the “table period.” The recommendation is restored to its status as a *preliminary* or *final* recommendation and the recommendation process proceeds (see “Recommendation Development Protocol”).

### **6. RECOMMENDATION DEVELOPMENT PROTOCOL**

- 6.1. After thorough vetting of a particular topic, the CCJJ will generate carefully worded concepts. Some topics may be assigned as a mandate from the Executive or Legislative branches. The Commission will address the topics as indicated by the mandate.
- 6.2. These concepts are then assigned to the appropriate Task Force or Subcommittee with a specific directive or charge to guide the work of the group.
  - 6.2.1. Task Forces and Subcommittees comprise practitioners from various criminal justice fields with a wide range of experience and expertise.
  - 6.2.2. The CCJJ Chair and Co-Chair identify the Chair and members of the Task Force or Subcommittee.
  - 6.2.3. Subcommittees are assigned very narrow concepts with very specific goals and follow the development processes below *without* assigning Work Groups.
  - 6.2.4. Additional description of the structure and function of Commission committees may be found at, [colorado.gov/ccjj/ccjj-structure](http://colorado.gov/ccjj/ccjj-structure).
- 6.3. The Task Force (and any appropriate Work Groups) will study the assigned concept(s) to develop and define recommendation(s) in detail. Staff will work with interested members of the Task Force and Work Group to refine the recommendation(s) in order to clarify the

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<sup>7</sup> This protocol was tacitly approved by the Commission in November 2014.





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language without changing the intent (this activity may occur at multiple points in the recommendation development process).

- 6.4. If assigned to a Work Group by the Task Force, all viable recommendation or alternative recommendation elements should be prioritized by the Work Group before they are presented to the Task Force. A Work Group may not disapprove or abandon recommendations or recommendation elements without prior review and approval by the Task Force.
  - 6.4.1. If the Task Force decides that modification and/or further discussion are needed, the recommendation may be returned to the Work Group for study and subsequently presented with highlighted revisions to the Task Force for discussion and a final vote.
  - 6.4.2. The Task Force itself may amend a recommendation or continue to employ the Work Group revision cycle until the recommendation is considered satisfactory or the Work Group reports that no further revision progress can be made on the recommendation.
  - 6.4.3. If competing recommendations or recommendation elements have been developed, the Task Force must prioritize these recommendation alternatives by a majority vote or by preferential voting (ranking the alternatives, with the ordination of average ranks determining the prioritization).
- 6.5. When recommendations are re-submitted to either a Task Force or Work Group, the referral must include a specific and clear purpose for the referral and the elements of the recommendation that require refinement.
- 6.6. Once the Task Force decides the revision process has reached a conclusion, the Task Force will call a vote on the recommendation. The Task Force will conduct a **majority vote (51%)**.
  - 6.6.1. If the recommendation is approved, the Task Force will provide a *preliminary presentation* of the recommendation(s) to the Commission in the form approved by the Task Force (see *preliminary presentation* at 6.7 below).
  - 6.6.2. If the recommendation is disapproved, the Task Force:
    - 6.6.2.1. May choose to continue to work on the recommendation itself or through its Work Group and will report this development to the Commission.
    - 6.6.2.2. Must be prepared to offer an informational presentation on the disapproved recommendation and the reason(s) for its rejection. The Commission may request, with specific direction, that the Task Force continue to work on a recommendation the Task Force previously disapproved.
    - 6.6.2.3. May be required to provide any requested information on the recommendation to the Commission, whereupon the Commission may itself decide to discuss, amend, and conduct an eventual final vote on a recommendation that was disapproved by the Task Force.
- 6.7. A *preliminary presentation* of the recommendation will be offered by the Task Force to the Commission in the form approved by the Task Force.
  - 6.7.1. The *pros and cons* of the recommendation and recommendation elements shall be presented.



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- 6.7.2. If alternative recommendations or alternative recommendation elements were developed, these should be presented, along with an indication of the order of preference of these alternatives, to the Commission.
- 6.7.3. The Commission will engage in preliminary discussion of the recommendation with the presenters.
- 6.7.4. Typically, recommendations are not subject to amendment or an approval vote at the preliminary presentation, unless a suspension of the typical review and voting rules is requested and supported by a majority vote (51%). If suspension is supported, the recommendation may be moved to the “Recommendation Review & Straw Vote Protocol” or to the “Supermajority Vote Protocol” for consideration.
- 6.7.5. Following the *preliminary* presentation, a recommendation:
- 6.7.5.1. Without further action, may be considered in the next or subsequent month as identified by the Commission (in consultation with the Task Force leadership) for a final presentation. Commission members are expected to discuss and gather feedback from their constituencies in the intervening period before the final vote.
  - 6.7.5.2. By acclamation or by majority vote, may be returned to the Task Force (and possibly the Work Group), for further action as specifically defined by the Commission. For example, the Task Force may be directed to revise the recommendation, to engage in further study, or to seek specific stakeholder feedback.
  - 6.7.5.3. May be moved to tabled status (see “Recommendation Table Vote Protocol”).
- 6.8. A *final presentation* of the recommendation will be offered by the Task Force to the Commission for discussion and a final vote at a time designated by the Commission. The Commission may also call a vote on a recommendation disapproved by the Task Force as described above.
- 6.8.1. Representatives of the Task Force or Commission members present the recommendation for final discussion and vote.
- 6.8.2. The Commission will engage in a final discussion of the recommendation with the presenters.
- 6.8.3. The final recommendation may:
- 6.8.3.1. Be moved to final consideration (see the “Supermajority Vote Protocol”).
  - 6.8.3.2. Be moved to tabled status (see the “Recommendation Table Vote Protocol”).
- 6.9. Following a Supermajority or Reconsideration vote, the appropriate subsequent process applies:
- 6.9.1. If a recommendation is *approved* by the Commission, the following actions may occur:
- 6.9.1.1. A Commission member may move for Reconsideration (see “Recommendation Reconsideration Vote Protocol”). An unaltered recommendation may not be re-submitted for reconsideration.





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- 6.9.1.2. The Commission will determine how to pursue or advocate for implementation of the recommendation.
- 6.9.1.3. If the recommendation implementation requires legislative action, the Commission or CCJJ Legislative Subcommittee will work with legislators and legislative liaisons to find a bill sponsor.
- 6.9.2. If a recommendation is *disapproved* by the Commission, one of the following may occur:
  - 6.9.2.1. The Commission takes no further action and the recommendation is abandoned. The underlying concept may still be discussed by the Commission in the future.
  - 6.9.2.2. A Commission member may move for Reconsideration (see “Recommendation Reconsideration Vote Protocol”). An unaltered recommendation may not be re-submitted for reconsideration.
- 6.10. A sponsor assumes proprietorship of a recommendation once it is drafted into a bill. The Commission will continue to monitor and provide feedback on the bill draft, if the sponsor wishes.
  - 6.10.1. Bills are routinely modified in the legislative process. The extent of these modifications will determine whether the bill continues to reflect the original Commission intent. A bill with significant alterations may no longer be considered a “Commission bill” and may lose the support of the Commission.
  - 6.10.2. The CCJJ Legislative Subcommittee with the assistance of a Legislative Liaison or other responsible parties will monitor the bill as it proceeds through the legislative process, noting substantive changes to the bill. (For additional information, see “Legislative Subcommittee Policy and Composition.”)
  - 6.10.3. The CCJJ Legislative Subcommittee shall notify the Commission Chair of substantive changes and the Chair will determine if Commission action is required to maintain or withdraw Commission approval for the legislation.