

By-Laws

Colorado Commission on Criminal and Juvenile Justice

For the effective operation of the Colorado Commission on Criminal and Juvenile Justice (hereinafter the “Commission”), these By-Laws are established pursuant Section 16-11.3-102(5), Colorado Revised Statutes (2007)

Article I – Establishment of Commission and Legislative Declaration

Section 1.1: The Colorado Commission on Criminal and Juvenile Justice (“Commission”) was established by the Colorado Legislature, in HB07-1358, which was signed into law on May 23, 2007.

Section 1.2: Statutory provisions applicable to the Commission are found in Article 11.3, Title 16, Colorado Revised Statutes.

Section 1.3: The legislative declaration regarding the needs for and composition of the Commission is found in Section 16-11.3-101, C.R.S. (2007).

Article II – Role and Responsibility of the Colorado Department of Public Safety

Section 2.1: The Commission is created in the Colorado Department of Public Safety.

Section 2.2: The powers, duties and functions of the Commission are to be exercised and performed as if they were transferred to the department of public safety by a type 2 transfer (see article 1 of title 24, C.R.S.).

Section 2.3: The division of criminal justice in the department of public safety, in consultation with the department of corrections, shall provide resources for data collection, research, analysis, and publication of the commission’s findings and reports.

Article III – Mission Statement

Section 3.1: The Mission of the Commission is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources.

Article IV – Statutory Duties of Commission (Section 16-11.3-103(2), C.R.S.)

Section 4.1: The Commission will conduct an empirical analysis of and collect evidence-based data on sentencing policies and practices, including but not limited to the effectiveness of the sentences imposed in meeting the purposes of sentencing and the need to prevent recidivism and re-victimization.

Section 4.2: The Commission will investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs.

Section 4.3: The Commission will make an annual report of findings and recommendations, including evidence-based analysis and data.

Section 4.4: The Commission will study and evaluate the outcomes of Commission recommendations as implemented.

Section 4.5: The Commission will conduct and review studies (including work done in other states) and make recommendations concerning policies and practices in the criminal and juvenile justice systems. (Prioritization of areas of study will be based upon the potential impact on crime and corrections and the resources available for conducting the work.)

Section 4.6: The Commission will work with other state-established boards, task forces, or commissions that study or address criminal justice issues.

Section 4.7: The Commission, at its discretion, may respond to inquiries referred by members of the general assembly, the governor, and the chief justice of the Colorado supreme court, as resources allow.

Article V – Commission Membership (26 total)

Section 5.1: Membership based upon position. The following individuals (or their designee) are members of the Commission: The executive director of the department of public safety; the executive director of the department of corrections; the executive director of the department of human services; the executive director of the department of higher education; the attorney general; the state public defender; the chairperson of the state board of parole; and the chairperson of the juvenile parole board. The position incumbent may change his/her designee, but continuity and consistency of membership should be considered when decisions are made to make any designee changes.

Section 5.2: Membership based upon appointment. Two members of the judicial branch, appointed by the chief justice of the Colorado supreme court (one must be a current or retired judge); four members of the general assembly (one appointment by each of the following: speaker of the house of representatives, minority leader of the house of representatives, president of the senate, and minority leader of the senate); twelve members appointed by the governor (a representative of a police department; a representative of a sheriff's department; an expert in juvenile justice issues; two elected district attorneys; a county commissioner; a criminal defense attorney; a representative of a victims' rights organization; a representative of a community corrections provider, community corrections board member or mental health or substance abuse treatment provider; and three at-large members).

Section 5.3: Voting. Only members of the Commission are permitted to participate in the Commission's formal decision-making process, specifically making motions, seconds of motions, discussion of formal motions, and votes.

Section 5.3: Non-voting member. The director of the division of criminal justice in the department of public safety serves as a non-voting member of the Commission.

Section 5.4: Terms of Office for Appointed Commission Members.

Section 5.4.1: The following members appointed by the governor will serve initial two year terms: elected district attorneys, county commissioner, criminal defense attorney, victims' rights organization representative, representative of community corrections, mental health or substance abuse treatment provider, and the at-large members. Appointments to these positions after the initial two-year term shall be for three-year terms.

Section 5.4.2: All other appointed members (judicial and legislative members) will serve three-year terms.

Section 5.5: Term Limitations. Appointed members are limited to serving two consecutive full terms, in addition to any partial term.

Section 5.6: Appointed Member Vacancy. In the event of vacancy of an appointed position due to death, resignation, removal for misconduct, incompetence, neglect of duty, or otherwise, the appointing authority shall appoint a replacement to fill the position for the remainder of the unexpired term. The replacement will meet the qualifications for the position being vacated.

Section 5.7: Member Duties and Responsibilities

Section 5.7.1: A Commission member shall perform his or her duties, including the duties as a member of any subcommittee upon which the member may serve, with care and in good faith, supporting the mission, goals and objectives of the commission as detailed in statutes and by-laws.

Section 5.7.2: Membership is not intended to be used to promote individual political, religious or social ideologies.

Section 5.7.3: Commission members shall regularly attend and actively participate at meetings. Upon demonstration of compelling need, the chairperson of the Commission may authorize a Commission member to attend and participate in meetings by teleconference. Commission members with three or more unexcused absences may be removed from the commission pursuant to Section 5.8 of these by-laws.

Section 5.7.4: Commission members shall serve on at least one advisory committee, as appointed by the Commission chair.

Section 5.8: Removal from Commission. In the event a commission member is alleged to have engaged in misconduct, to have neglected his or her duties (including attendance at and participation in meetings), or is alleged to be incompetent, the Chair of the Commission shall bring the issue to the attention of the appointing authority for that Commission member. If the appointing authority deems it appropriate, the appointing authority shall rescind the appointment. The appointing authority will designate a replacement who will meet the qualifications for the position and who will serve for the remainder of the unexpired term. If the appointing authority decides not to replace the member based upon the allegations, the Chair may bring the situation to the attention of the Commission. If a majority of the Commission members vote to replace the member, that member shall be removed and a replacement will be made by the appointing authority.

Section 5.9: Chairperson; Vice-Chairperson. The governor shall select the chairperson and vice-chairperson from among Commission members.

Section 5.9.1: Chairperson Duties. Chair: It shall be the chair's responsibility to a) preside at each of the meetings of the Commission; b) keep Commission members informed of matters pertinent to their responsibility; c) set the agenda for full Commission meetings; d) represent the Commission and be spokesperson for the Commission with the media and at governmental, community, or other meetings or designate another Commission member as a Commission representative; and e) sign letters and other official documents of behalf of the Commission.

Section 5.9.2: Vice-Chairperson. The Vice-Chairperson will preside over meetings when the Chairperson is absent and perform any other relevant duties when so assigned by the Chairperson.

Section 5.10: Compensation. Members of the commission will serve without compensation. However, members may be reimbursed for any actual and necessary travel expenses incurred in the performance of their duties and pursuant to rules and regulations of the state for such reimbursement, as administered by the Colorado department of public safety.

Section 5.11: Conflict of Interest. Any Commission member who is present at a meeting at which any matter is discussed in which he or she has a private, pecuniary or property interest shall declare that he or she has a potential conflict of interest. He or she shall refrain from attempting to influence the decisions of the other members of the Commission in voting on the matter, and shall not vote in respect to such matter.

Section 5.12: Executive Director. Subject to the availability of adequate funding, the governor may hire an executive director to work in conjunction with staff to conduct the on-going business of the Commission. The executive director will be placed in the department of public safety and will report to the Commission, but will be subject to the immediate supervision of the executive director of the department of public safety.

Article VI: Advisory Committees

Section 6.1: The Commission shall establish advisory committees that focus on specific subject matters and make findings and recommendations to the full commission.

Section 6.2: The Commission chairperson selects chairpersons for advisory committees as well as commission members to serve on advisory committees.

Section 6.3: The advisory committee chairperson may select non-commission members from interested members of the community, including subject-matter experts, to serve on the advisory committee.

Section 6.4: The advisory committees shall meet at times and locations as determined by the committee chairperson. With the consent of the Commission chairperson, the advisory committee chairperson may designate subcommittees to carry out the work of the advisory committee.

Article VII: Meetings and Conduct of Commission Business

Section 7.1: The Commission shall meet at least once per month or on a schedule determined by the chairperson to review information necessary for making recommendations.

Section 7.2: Records will be kept of motions made, moving and seconding members, abstentions, and votes taken. Whenever possible, consensus shall be used as the operational decision making process. However, the rules contained in the most current edition of *Robert's Rules of Order, Revised*, shall govern all Commission meetings except in instances of conflict between the rules of order and the bylaws of the Commission or provisions of law. The Chairperson (or Vice-Chairperson, if presiding), will not vote on an issue except in the event of a tie vote. The Chairperson will

determine whether to vote to make or break a tie vote, in accordance with standard parliamentary procedure.

Section 7.3: A simple majority of the voting members of the Commission constitute a quorum for the transaction of business. Members who cannot attend a meeting in person may teleconference and be considered present and part of the quorum.

Section 7.4: Decisions shall be made by majority vote of Commission members present at any scheduled Commission meeting. “Gradients of Agreement” options for voting as detailed in “Attachment 1” may be used for any vote at the discretion of the Chairperson.

Article VIII – Public Access and Communications

Section 8.1: Meetings of the Commission and all advisory committees are open to the public, with the exception of meetings involving program evaluations.

Article IX --- Adoption and Amendment of By-laws

Section 9.1: The by-laws of the Commission will be effective upon adoption by a majority vote of all members of the Commission.

Section 9.2: The by-laws may be amended only after written notice of a proposed amendment is sent to all members of the Commission at least thirty days prior to any motion to amend the by-laws. Amendments to the by-laws are effective upon adoption by a majority vote of all members of the Commission.