



A Few Commission Accomplishments

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**The mission of the Commission is to enhance public safety, to ensure justice, and to ensure the protection of the rights of victims through the cost effective use of public resources. The work of the Commission will focus on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.
(C.R.S. 16-11.3.103(1))**



There has been a research-informed focus on:

- **Avoiding collateral consequences of a conviction**
- **Removing barriers to work/job**
- **Emphasizing needs/risk assessments and treatment/services**
- **Justice/equity**
- **Costs associated with incarceration**



Past and Present (**in red**) Commission Task Forces and Subcommittees

- *Bail Subcommittee*
- *Behavioral Health Task Force*
- *Community Corrections Subcommittee*
- ***Community Corrections Task Force***
- ***Comprehensive Sentencing Task Force***
- *Cost Savings Subcommittee*
- *Direct File Subcommittee*
- *Drug Policy Task Force*
- ***Juvenile Justice Task Force***
- ***Legislative Subcommittee***
- ***Minority Over-Representation Subcommittee***
- *Probation Task Force*
- *Re-Entry Oversight Committee*
 - *Incarceration Task Force*
 - *Transition Task Force*
 - *Sentencing Task Force*
 - *Post-Incarceration Supervision Task Force*
- *Sex Offense/Offender Task Force*



EARLY REFORMS

- **Eliminate statutes that require mandatory revocation/suspension of driver's license** for conviction of non-driving offenses (exclude child support enforcement) (2008)
 - HB09-1266:
 - In **FY09, 10,746** lost license
 - In **FY10, 1,055** lost license
- **Clarify jail time credits/jail inmates awarded earned time** (2008)
 - 7220 bed days saved in the year of implementation in Arapahoe County alone (\$490,960)
- **Mandate that parolees receive credit for time spent in jail pending a technical parole revocation** (2008)
 - HB09-1263
- **Probation/DOC establish technical violation units** (2008)
 - Probation reduced TVs to prison
 - DOC implemented CVDMP (*Colorado Violations Decision Making Process*)



EARLY REFORMS

- **Increased the age of eligibility to 19 for individuals sentenced to the DOC's Youthful Offender System (2009)**
 - HB09-1122
- **Introduce a structured decision-making guide for use by the Colorado parole board (2009)**
 - HB10-1374
 - *Colorado Parole Board Release Guidelines Instrument*
 - Use of actuarial risk scale (CARAS)
 - Determination of readiness
 - Annual report of progress and findings
- **Expand probation eligibility for those with multiple felony convictions (2009)**
 - HB10-1338
 - Estimated to save \$2.5M in DOC costs



EARLY REFORMS

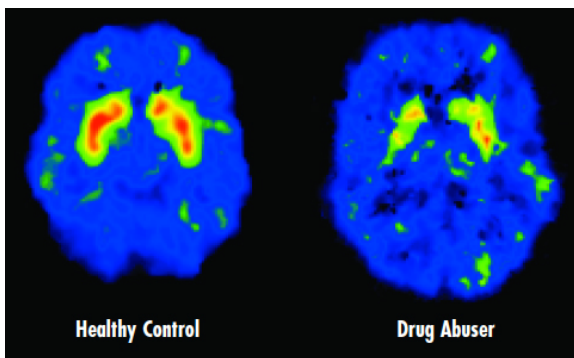
- **Require mandatory jail time for those with multiple DUI offenses**
 - HB10-1347
- **Provide for sealing certain drug offenses (2010)**
 - HB 11-1167
- **Created the Correctional Treatment Board to consolidate and streamline funding and reporting (2011) (*drug offender surcharge, SB318, HB1352*)**
 - HB12-1310
- **Exclude drug possession (2010) and walkaway “escapes” (2011) as qualifying crimes for habitual offense charging**
 - SB 11-096
 - HB12-1213



DRUG LAW REFORMS 2009/2012

In 2009 the Drug Policy Task Force determined that a primary omission from current law was a means of assuring prompt and effective treatment for drug offenders.

From Nora Volkow, director of NIDA:



We need to first recognize that drug addiction is a mental illness. It is a complex brain disease characterized by compulsive, at times uncontrollable drug craving, seeking, and use despite devastating consequences—behaviors that stem from drug-induced changes in brain structure and function....

<http://www.nida.nih.gov/researchreports/comorbidity/index.html>



DRUG LAW REFORMS 2009/2012

The Commission on Criminal and Juvenile Justice recommends that the public policy of Colorado recognize alcoholism and substance use disorders as illnesses and public health problems affecting the health, safety, economy, and general welfare of the state.

The effectiveness of substance abuse treatment in the reduction of recidivism and victimization – and the associated cost benefit – has been confirmed by research.



DRUG LAW REFORMS 2009/2012

- **HB10-1352:** Distinguished between use & possession and manufacturing & distribution.
 - Reduced penalties for use and possession
 - Use of Schedule I or II controlled substance lowered from F6 to M2
 - Use of Schedule III, IV, and V controlled substance lowered from M1 to M2
 - 12 months savings: \$949,437
 - **250 fewer individuals** were sentenced post-1352, a decrease of 7% in the size of the group sentenced for HB10-1352 drug crimes.
 - **79 fewer people sentenced to prison** (a 19% decrease, including a 29% decrease for African Americans and a 21% decrease for Hispanics).



DRUG LAW REFORMS 2009/2012

Increase treatment availability prior to restructuring drug laws (2009)

- Increase in Persistent Drunk Driver Surcharge (\$550,000/year) (HB 10-1347)
- Drug offender surcharge *assessed* doubled (HB10-1352)
- *\$1,545,409 for community corrections treatment beds (HB10-1360)*
- *\$2,057,225 services for parolees (HB10-1360)*
- *First \$2M in medical marijuana sales/use tax fund substance abuse treatment programs (HB10-1284)*



DRUG LAW REFORMS 2009/2012

- **SB13-250:** created new drug grid, DF1-DF4/DM1,2, petty

DRUG LEVEL	PRESUMPTIVE RANGE	AGGRAVATED RANGE	PAROLE
DF 1	8 – 32 years	n/a	3 years
DF 2	4 – 8 years	8 – 16 years	2 years
DF 3	2 – 4 years	4 – 6 years	1 year
DF 4	6 months – 1 year	1 – 2 years	1 year
	MINIMUM	MAXIMUM	
DM 1	6 months, \$500 fine or both	18 months, \$5,000 fine or both	
DM 2	\$50 fine	12 months, \$750 fine or both	

- Allows a “**wobbler**”—Court may vacate the felony conviction and enter a misdemeanor conviction if defendant completes community based sentence (certain cases ineligible based on prior record)
- Effective October 2013



DRUG LAW REFORMS 2009/2012

- Restructuring the Theft statute (HB 13-1160)

BEFORE

Offense Level	Value
F2	-
F3	\$20K and up
F4	\$1K - \$20K
F5	\$1K - \$20K (rental property)
F6	-
M1	\$500 - \$1K
M2	Less than \$500
M3	-
PO1	-

AFTER

Offense Level	Value
F2	\$1M and up
F3	\$100K - \$1M
F4	\$20K - \$100K
F5	\$5K - \$20K
F6	\$2K - \$5K
M1	\$750 - \$2K
M2	\$300 - \$750
M3	\$100-\$300
PO1	Less than \$100

Happening now: HB14-1266—thresholds being applied to criminal mischief, fraud by check, defrauding a secured creditor, and unauthorized use of a financial transaction device, and computer crime)



Colorado Commission on Criminal & Juvenile Justice

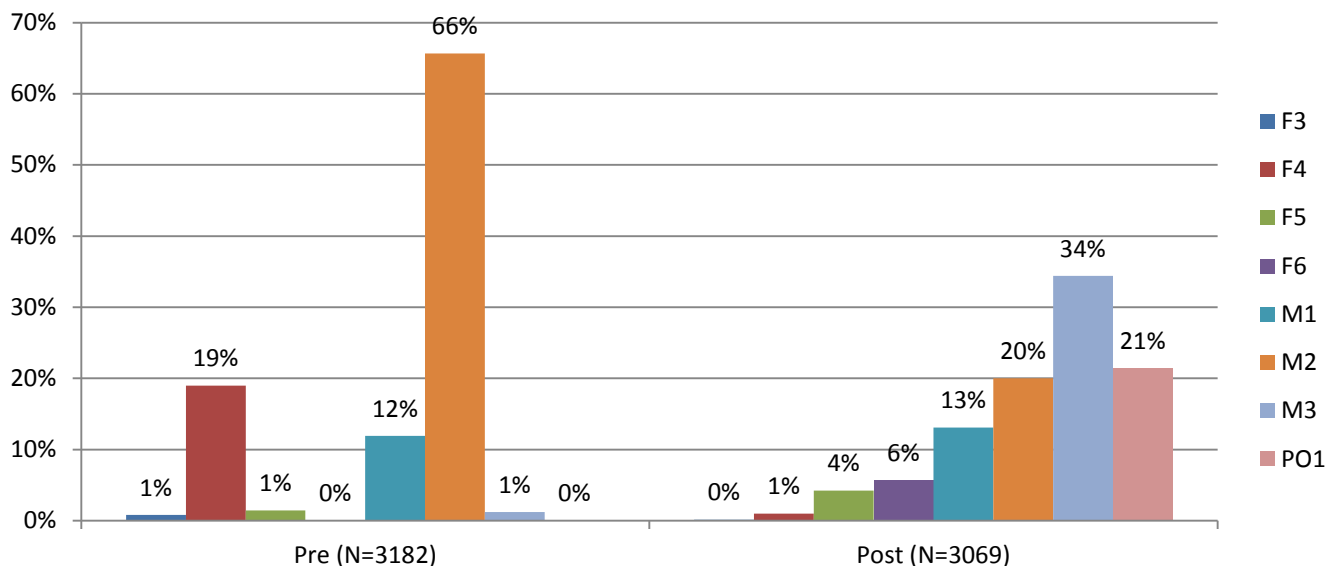
DRUG LAW REFORMS 2009/2012

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H.B. 13-1160 was signed into law on June 5, 2013. In the following tables cases filed in the six months after H.B. 13-1160 was enacted were compared to cases filed in the same six month period (July to December) of the previous year (2012). Denver County court records were not included.

Figure: Cases with Theft (C.R.S. 18-4-401) as most serious filing charge pre- and post- H.B. 13-1160, by offense level.



Data source: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records.



JUVENILE JUSTICE REFORMS

- **Clarified truancy and absence definitions, policies and procedures regarding attendance, identification of at-risk students**
 - HB13-1021
- **Escape from a non-custodial facility for those 18+ is a misdemeanor not a felony**
 - SB13-299
- **Allow juveniles who committed a sex offense to deregister as an adult after successful completion of the sentence**
 - SB13-229



BAIL REFORMS

- **Implement evidence-based decision making practices**
- **Discourage the use of financial bond** for pretrial detainees
 - HB 13-1236
- **Establish a penalty for driving under the influence of marijuana** (5 nanogram limit/permissible inference) (2012)
 - HB13-1325
- **Expand adult pretrial diversion** (2013)
 - HB13-1156 (\$390K)



OTHER REFORMS

- **Every case plan should be fully implemented and updated regularly (2008)**
 - DOC is rolling out new automated case management system this spring
- **Invest in Evidence-Based Programming/Practice (2008)**
- **Expand Judicial and Probation Officer Training (2008)**
- **The General Assembly should invest in EPIC (2013)**
 - \$2M grant to CDPS Exec. Director's office on behalf of the Commission
 - Trained over 4,300 criminal justice professionals in Mental Health First Aid and (and coached) Motivational Interviewing
 - HB13-1129 (\$740K)



COMMISSION CONTINUATION!

- **SB13-007**
- **Repeal date: July 1, 2018**