

PRETRIAL RELEASE TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
November 8, 2019

FY20-PR#02. Create a Statewide Pretrial Services Data Advisory Group [Statutory]

Recommendation FY20-PR#02

In §16-4-106, C.R.S., create a statewide pretrial services data advisory group staffed by the Division of Criminal Justice with a sunset of five years from legislation enactment. The data advisory group must include representation of pretrial stakeholders, including the State Court Administrators Office. The Division of Criminal Justice is the central repository for all pretrial services data (see CCJJ Recommendation FY20-PR#01). One (1.0) FTE is required for staffing the statewide pretrial services data advisory group and for pretrial services data management, analysis, and annual reporting and an additional one-time appropriation will be necessary to meet the information technology requirements.

The current statutory pretrial data reporting requirement language in §16-4-106, C.R.S., should be revised to include (see specific Proposed Statutory Language below):

- Remove specific data elements from §16-4-106 to be replaced with recommendations from the statewide pretrial services data advisory group made to the DCJ office responsible for implementation of the defined data requirements.
- Replace the State Court Administrators' Office as the reporting body with the Division of Criminal Justice.
- Create a statewide pretrial services data advisory group appointed by the Executive Director of the Colorado Department of Public Safety and staffed by the Division of Criminal Justice.
- Data reporting will be annual, consistent with current language in statute §16-4-106.

Discussion

National standards recommend outcome and performance measures of mission-critical data for pretrial service programs.¹ Local pretrial service programs shall gather and submit specific, case level data elements to the Division of Criminal Justice, which will ensure consistency in measurement of all pretrial programs across the state. The proposed statutory changes correspond with the related policy recommendation, FY20-PR#01: Implement Pretrial Measurement and Data Requirements.

Proposed Statutory Language

Revise §16-4-106, C.R.S., subsection (6) & replace subsection (7).
16-4-106. Pretrial services programs.

- (6) Commencing July 1, 2020, each pretrial services program established pursuant to this section shall provide an annual report to the **DIVISION OF CRIMINAL JUSTICE** ~~judicial department~~ no later than November 1 of each year, regardless of whether the program existed prior to May 31, 1991. **THE ANNUAL REPORT FROM PRETRIAL SERVICES PROGRAMS MUST INCLUDE THE DATA AND INFORMATION REQUIRED BY THE DIVISION OF CRIMINAL JUSTICE.** Notwithstanding section 24-1-136(11)(a)(I), the **DIVISION OF CRIMINAL JUSTICE** ~~judicial department~~ shall present an annual combined report to the house and senate judiciary committees of the house of representatives and the senate, or any successor committees, of the general assembly. ~~The report to the judicial department must include, but is not limited to, the following information:~~

¹ For example, see *Measuring What Matters: Outcomes and Performance Measures for the Pretrial Services Field* (2011) (nicic.gov/measuring-what-matters-outcome-and-performance-measures-pretrial-services-field).

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- ~~(a) The total number of pretrial assessments performed by the program and submitted to the court;~~
- ~~(b) The total number of closed cases by the program in which the person was released from custody and supervised by the program;~~
- ~~(c) The total number of closed cases in which the person was released from custody, was supervised by the program, and, while under supervision, appeared for all scheduled court appearances on the case;~~
- ~~(d) The total number of closed cases in which the person was released from custody, was supervised by the program, and was not charged with a new criminal offense that was alleged to have occurred while under supervision and that carried the possibility of a sentence to jail or imprisonment;~~
- ~~(e) The total number of closed cases in which the person was released from custody and was supervised by the program, and the person's bond was not revoked by the court due to a violation of any other terms and conditions of supervision; and~~
- ~~(f) Any additional information the judicial department may request.~~

(7) COMMENCING JULY 1, 2020, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL FORM A STATEWIDE PRETRIAL SERVICES DATA ADVISORY GROUP WHICH SHALL ADVISE AND INFORM THE DIVISION OF CRIMINAL JUSTICE REGARDING THE REQUIRED DATA AND INFORMATION IN THE ANNUAL REPORTS REQUIRED BY THIS SECTION. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL APPOINT THE PRETRIAL SERVICES DATA ADVISORY GROUP MEMBERS AND THE GROUP MUST INCLUDE, AT A MINIMUM, A REPRESENTATIVE FROM: THE DIVISION OF CRIMINAL JUSTICE; THE STATE COURT ADMINISTRATORS' OFFICE; THE COLORADO DISTRICT ATTORNEYS' COUNCIL; THE OFFICE OF THE STATE PUBLIC DEFENDER; A PRETRIAL SERVICE AGENCY OR PROGRAM; COUNTY SHERIFFS OF COLORADO; COLORADO ASSOCIATION OF CHIEFS OF POLICE; COLORADO COUNTIES, INC.; A VICTIM ADVOCATE; AND A REPRESENTATIVE OF AN ORGANIZATION THAT ADVOCATES FOR INDIVIDUALS IMPACTED BY THE CRIMINAL JUSTICE SYSTEM. THE PRETRIAL SERVICES DATA ADVISORY GROUP SHALL MEET PERIODICALLY AND SERVE AS AN ADVISORY GROUP TO THE DIVISION OF CRIMINAL JUSTICE FROM JULY 1, 2020 THROUGH JUNE 30, 2025.

~~(7) For the reports required in subsection (6) of this section, the pretrial services program shall include information detailing the number of persons released on a commercial surety bond in addition to pretrial supervision, the number of persons released on a cash, private surety, or property bond in addition to pretrial supervision, and the number of persons released on any form of a personal recognizance bond in addition to pretrial supervision.~~