



FY2008 RECOMMENDATION/FY08-L06 SUMMONS IN LIEU OF ARREST WARRANT

Status: Implementation Complete

Actions/Updates

2011 OVERSIGHT COMMITTEE ACTION STEPS

CCJJ Vice Chairman David Kaplan will convene a meeting with both the Public Defender and the Executive Director of the Colorado District Attorney's Council regarding the creation and dissemination of a policy memo addressing this recommendation.

2010 UPDATE

Implementation complete. Data unknown and unavailable.

2009 BARRIERS

Unknown data availability may prohibit ability to track impact.

Description

The Commission encourages law enforcement agencies to enact policies that are consistent with C.R.S. 16-5-206 and 16-5-207, relative to issuing summonses rather than arrest warrants on appropriate felony class 4, 5, and 6 crimes. Pursuant to C.R.S. 16-5-206 and 16-5-207, a summons should be issued for misdemeanors, and class 4, 5 and 6 felonies, unless law enforcement presents in writing a basis to believe there is a significant risk of flight or that the victim or public safety may be compromised.

Agencies Responsible

General Assembly, local law enforcement, and State Judicial

Discussion

This recommendation was successfully implemented with the passage of House Bill 09-1262 which requires that law enforcement issue a summons in lieu of an arrest for certain lower level offenses unless there is a specific finding by the court that the individual presents a flight risk or risk to public safety.

This important reform accomplishes two Commission goals. First, because confinement can result in job loss and destabilization of the individual and his or her family, this new mandate enhances the individual's ability to maintain employment. Research consistently shows that employment is a critical factor in offender success. Second, it reserves limited jail space for more serious offenders. The passage of HB 09-1262 is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." and enhance "the cost-effective use of public