



Colorado Commission on Criminal & Juvenile Justice

FY2018 RECOMMENDATION/FY18-CCJJ01 Continue the Colorado Commission on Criminal and Juvenile Justice.

Status: Implementation Complete

Actions/Updates

2018 ACTION TO DATE

This recommendation comprised House Bill 2018-1287 (The Extension of the Repeal of the Colorado Commission on Criminal and Juvenile Justice; Sponsors: Rep. Weissman & Sens. Cooke / Kagan).

With the passage and signing of this bill, action on this recommendation is considered concluded.

Elements of the bill were modified from the original recommendation, including:

1. Extends the Commission for five years until 2023 and adds a Sunset Review provision under 2-3-1203.
2. Adds the following members to the Commission – a victim, a former offender, a non-profit organization that represents municipalities, and a victim’s advocate. Reduces at-large members from three to two.
3. Change DA appointment to the CDAC Executive Director or their appointee and an elected DA who is designated by CDAC.
4. Clarifies term limits by establishing that a person who has been appointed and subsequently reappointed to the Commission by the same Governor may not be appointed by the same Governor to serve in a different position for any additional terms.
5. Clarifies that the Commission must request a letter from the Governor in even-numbered years suggesting topics for the Commission to study. In preparing the letter, the Governor is encouraged to consult with the Chief Justice and Majority/Minority legislative leadership. [Note: The idea of such a letter was considered and unanimously approved by the CCJJ in February 2018.]

2017 UPDATE

This recommendation requires statutory change. On November 3, 2017, the Interim Study Committee on Sentencing in the Criminal Justice System (seated by the Colorado General Assembly) approved a bill to extend the repeal date of the Commission (tentatively titled, House Bill C: Concerning the Extension of the Repeal of the Colorado Commission on Criminal and Juvenile Justice).

Description

The critical mission of the Commission – to study and make recommendations that ensure public safety, respect the rights of crime victims, and reduce recidivism, and that are evidence based, cost-effective, and sensitive to disproportionate minority overrepresentation – requires ongoing effort. The need for collaboration among multidisciplinary stakeholders and subject matter experts to study complex issues and recommend improvements in the administration of justice has not diminished. §16-11.3-105, C.R.S., should be amended to extend the Commission beyond the statutory termination date of June 30, 2018.

Agencies Responsible

General Assembly

Discussion

The 26-member Commission was established by the General Assembly in House Bill 2007-1358. The compelling reasons that led to the creation of the Commission, stated in the original legislative declaration, continue to exist. The legislative declaration stated that ensuring public safety and respecting the rights of crime victims are paramount concerns, as is maintaining public safety through the most cost-effective use of limited criminal justice resources through “evidence-based analysis of the criminal justice system in Colorado.” Colorado’s large and complex adult and juvenile justice systems impact the lives of all Colorado citizens. Multidisciplinary collaboration is at the core of the Commission’s work, and recommendations are developed with a keen awareness of relevant research, data, and evidence-based information. Members of the Commission and its task forces have committed hundreds of hours of teamwork to improving the administration of justice in Colorado.

Selected accomplishments since the 2013 reauthorization of the Commission include the following:

- Drug law restructuring (S.B.13-250) resulted in these outcomes:
 - More than 5,500 cases became eligible for a misdemeanor conviction following felony charges, per the “wobbler” in the three years following enactment;
 - Also in the three years following enactment, due to changes to penalties, 8,006 felony cases were filed as misdemeanors avoiding the collateral consequences of a felony conviction;
 - The average sentence to prison declined by eight months for more than 2,100 felony drug cases; Legislative Council estimated this bill would result in \$5M annual savings to the Department of Corrections.
- Theft law restructuring (H.B.13-1160) was estimated to save \$1M annually, according to Legislative Council.
- Clarifying certain value-based offenses (H.B. 14-164) was estimated to save \$7M over five years, according to Legislative Council.
- Promoting best practices in bond setting (H.B.13-1236).
- Updating the purposes of parole (H.B.16-1215) and community corrections (H.B. 17-1147) to reflect evidence-based practices.

- Promoting law enforcement training in Mental Health First Aid® which POST* agreed to include in its basic academy standard curriculum, and in its in-service curriculum, training 200 officers per month.
- Promoting a stronger community-based crisis response system and limiting the use of jails for emergency mental health holds (S.B.17-207).
- Promoting an informed and coordinated case management plan and services approach for “crossover youth,” those juveniles in both the child welfare system and the juvenile justice system.
- Responding to General Assembly and Governor requests for special studies and reports in the following areas:
 - Clarification of marijuana laws (S.B.13-283)
 - Study of the prosecution and conviction of human trafficking cases
 - Review and make recommendations regarding Florida’s “Jessica’s Law”
 - o The efficacy of implementing enhanced sentencing for certain crimes against emergency medical service providers (H.B.14-1214)
 - o Comprehensive review of cyberbullying and the most effective response (H.B.14-1131)

Current areas of Commission work include pretrial release, the study of mental health in the criminal justice system from point of contact through release from jail, and minority overrepresentation. As of November, 2017 the Commission is determining additional areas of work.

Footnotes

*The Colorado Peace Officer Standards and Training (POST), managed by the Colorado Attorney General’s Office, documents and oversees the certification and training of all active peace officers and reserve officers working for Colorado law enforcement agencies. Mental Health First Aid ® is an 8-hour evidence-based, interactive eight-hour course that presents an overview of mental illness and substance use disorders.