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Stan Hilkey, Chair
Colorado Commission on Criminal and Juvenile Justice
700 Kipling Street, Suite 1000
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Dear Chair Hilkey,

Thank you and the Colorado Commission on Criminal and Juvenile Justice (CCJJ or Commission) for your service and commitment to ensuring the safety and security for the people of Colorado, while also promoting a fair and equitable justice system. I am transmitting this letter to you with suggested topics for the Commission to study in response to your request, per C.R.S. § 16-11.3-103(7).

Since the last letter that I transmitted to you in 2020, our state and nation has experienced a rise in crime to which we must respond with urgency and intentionality. Coloradans deserve to feel safe and secure in their homes, communities, schools, places of work, places of worship, and wherever they travel throughout the state. As Governor, I am dedicated to making Colorado one of the top ten safest states within the next five years, and I believe that the CCJJ is uniquely positioned to help move the state towards this goal. The Commission should continue to promote public safety, with a strong emphasis on reducing crime while also ensuring that we treat every individual with fairness and equity throughout all stages of criminal and juvenile justice proceedings. In the last two legislative sessions, the Commission and General Assembly made progress in promoting public safety by revising misdemeanor sentencing and offenses, revisiting the list of felonies that would prevent an offender from possessing a firearm (POWPO), and by clarifying purposes of probation and the services that should be provided.

I continue to believe that we should have a rational, just, and consistent sentencing scheme where offenders are held accountable and punishments are appropriate for an offender's conduct. We must continue to ensure that our justice system allows for a wide range of opportunities for rehabilitation and diversion when necessary, but to also ensure that dangerous offenders are not able re-enter communities and put us all at risk. Rehabilitation and restoration should continue to be our goals in every case. For this reason, I continue to believe that the following values should factor into sentencing decisions:

1. Maximizing community safety;
2. Providing restoration and healing for victims;
3. Ensuring fair and consistent treatment;
4. Eliminating unjustified disparity in sentences;
5. Providing effective deterrents to committing crimes;
6. Promoting rehabilitation, especially in community settings;
7. Addressing individual characteristics in an unbiased manner and reducing recidivism; and
8. Promoting acceptance of responsibility and accountability.

Given these values, we must address the challenges of increased violent and property crime that has escalated due to societal and cyclical factors. The Commission should continue its work on sentencing grid reforms, while keeping in mind that increased public safety and the security of Coloradans should be the number one priority.

I am particularly interested in having the Commission examine changes to auto theft sentencing, so that the repeat offenders and the most egregious perpetrators cannot easily return to communities to further inflict harm on the people of Colorado. Auto theft is devastating property crime for those affected, who often lose their only way to get to work or get to the store. In addition, it is frequently a precursor crime that is often used in the furtherance of violence and other crimes. Enhancing the penalties associated with auto theft, regardless of the value of the vehicle stolen, has the potential to make us safer and improve the quality of life in Colorado. The Commission should especially revisit the criminal classification of auto theft as it relates to the monetary value of a stolen vehicle. The Commission should also examine updating the language to elevate the severity of the crime based on the number of prior offenses, specifically targeting prolific auto thieves. This is a top priority of mine, and even if the Commission does not come forward with recommendations this year, I will look to work with the legislature to enact reforms in this area in the upcoming session. It is my preference that the Commission expedite this particular issue so as to have legislative recommendations concerning reducing auto theft prepared for the General Assembly in the 2023 legislative session.

I recognize that restructuring our sentencing laws is a difficult endeavor, but I am confident in the expertise of the Commission that is composed of some of the most knowledgeable and well respected individuals in the field of criminal justice. Members representing district attorneys, defense attorneys, the judiciary, law enforcement, victim advocacy, and reform communities are well equipped with the thoughtfulness and consideration needed for such an important task.

I encourage the Commission to study, discuss, and return recommendations to the Governor on the following topics, deploying evidence-based practices when possible:

1. The Commission should examine enhanced penalties associated with auto theft, including prolific auto thieves. The Commission should examine and prepare recommendations for changes to auto theft sentencing, so that repeat offenders and the most egregious perpetrators cannot easily return to communities to further inflict harm on the people of Colorado. The Commission should revisit the criminal classification of auto theft as it relates to the monetary value of a stolen vehicle and instead examine whether to elevate the severity of the crime based on the number of prior offenses, especially targeting prolific auto thieves.
2. The Commission should continue the work of the Sentencing Reform Task Force by completing the ongoing work regarding felony sentencing and probation/alternative sentences, while also considering reforms to mandatory consecutive sentencing.
3. The Commission should examine how the state can improve services for re-entry from incarceration, including health and behavioral health services. The Commission should examine the following:
 - Operations and effectiveness of health/behavioral health services and re-entry services provided in the Department of Corrections (DOC) prior to release.
 - Services provided to recently released parolees.
 - Use of community corrections.

- Use of other community supervision services and coordination of health/behavioral health services from DOC to community treatment providers.
 - Healthcare plans and advocacy groups.
 - How to improve re-entry programs utilized in county jails, including those that attend specifically to health and behavioral health needs of individuals in jails.
4. The Commission should examine victim services, given the upcoming revisions to the Victim Rights Act (VRA). The Commission should examine how victim services are provided and make recommendations on how to improve them.
 5. The Commission should examine how to improve public safety in Colorado and study national efforts on best practices to reduce crime and create a resource for state, county, and local stakeholders to use in crafting their crime control and reduction strategies.
 6. The Commission should examine juvenile justice vision and statement of goals and review commitment equity, examine additional options for placement and resources, and best use of the Youth Offender Services program.

As always, the workgroups that the Commission creates should represent the people of Colorado and the multitude of communities the justice system serves. The Commission should utilize their expertise so that practical experience from members of the various components of the justice system is integrated into the decision making and recommendations that are produced. I encourage the Commission to work at a deliberate and expeditious pace, especially as it pertains to recommendations for auto theft sentencing changes that will reduce auto theft offenses. The work of the Commission should be thoughtful and considerate, and the Commission should work with flexibility so that all members are able to participate and contribute to the important criminal and juvenile justice reform tasks.

I request that the Commission provide an update on their progress at the Department's SMART Act hearing during the winter, and encourage the recommendations to be completed so they may be enacted into law by the General Assembly during the 2023 and 2024 legislative sessions. I hope that you will take up these suggestions during the remainder of the Summer, and throughout the fall and winter. I want to reiterate my commitment to making Colorado one of the top ten safest states within the next five years, and together, we can continue to advance policies that improve outcomes, change lives, and make our communities across Colorado safer for all.

Sincerely,



Jared Polis
Governor
State of Colorado