



# **2017 SMART Government Act Hearing**

**CCJJ Presentation to the Joint Judiciary Committee**

**January 4, 2017**

Colorado Commission on Criminal and Juvenile Justice

January 13, 2017



**The Colorado Commission on Criminal  
and Juvenile Justice**

**is a multidisciplinary 27-member  
entity that was established in 2007 by  
C.R.S. 16-11.3-101 to improve “the  
effective administration of justice” by  
undertaking a comprehensive  
examination of the criminal and  
juvenile justice systems and making  
recommendations for reform.**



# Colorado Commission on Criminal & Juvenile Justice

**Stan Hilkey**, Commission Chair  
Executive Director, Department of Public  
Safety

**Doug Wilson**, Commission Vice-Chair  
State Public Defender

**Jennifer Bradford**, Department of  
Higher Education

**John Cooke**, State Senator,  
Senate District 13

**Valarie Finks**, Victim Representative,  
18<sup>th</sup> Judicial District

**Kelly Friesen**, Grand County Juvenile  
Justice Department

**Charles Garcia**, former Denver Manager of  
Safety

**Mike Garcia**, Director of Probation Services

**Jessica Jones**, Criminal Defense Attorney

**Bill Kilpatrick**, Golden Police Chief

**Evelyn Leslie**, Colorado School for Family  
Therapy

**Joe Morales**, State Board of Parole

**Norm Mueller**, Criminal Defense Attorney

**Joseph Pelle**, Boulder County Sheriff

**Rick Raemisch**, Executive Director  
Department of Corrections

**Rose Rodriguez**, Community Corrections  
Representative

**Lang Sias**, State Representative, House  
District 27

**Scott Turner**, Deputy Attorney General

**Michael Vallejos**, Chief Judge,  
2<sup>nd</sup> Judicial District

**David Weaver**, Weld County Commissioner

**Peter Weir**, District Attorney,  
1<sup>st</sup> Judicial District

**Robert Werthwein**, Department of Human  
Services

**Meg Williams**, Juvenile Parole Board

**Dave Young**, District Attorney,  
17<sup>th</sup> Judicial District

**Jeanne M. Smith**, *ex-officio*, Director, Division  
of Criminal Justice

**Vacant**, State Representative, Senate

**Vacant**, State Representative, House



## CCJJ Mission Statement

**The mission of the Commission** is to enhance public safety, to ensure justice, and to ensure 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.



## Current Task Forces & Subcommittees





## Current CCJJ Subcommittees

### **Legislative Subcommittee**

Reviews the language of bills derived from CCJJ recommendations and determines whether legislation reflects the original recommendation intent. Members review legislation or legislative changes as bills progress through the legislature.

### **Minority Overrepresentation (MOR) Subcommittee**

The role of the Subcommittee is to focus and advance the continuing efforts by the Commission regarding issues of minority over-representation in the criminal justice system. The MOR Subcommittee, on behalf of the CCJJ, also compiles a variety of data and information on disproportionate minority contact. These educational materials may be found on the CCJJ website at <https://www.colorado.gov/pacific/ccjj/ccjj-dmc>.



## Current CCJJ Task Forces

### Mental Health/Jails Task Force

Priority work areas for this Task Force include:

- Diversion from the system for those with behavioral health issues
- Provision of mental health services in jail
- Diversion within the criminal justice system to keep individuals from returning to the jails.

### Re-entry Task Force

This Task Force has completed work in the areas of:

- Technical violations
- Conditions of supervision
- Common recidivism definitions across agencies
- The statewide use of assessment tools and race/ethnicity/gender bias

The current work is focused on:

- Collateral consequences of convictions
- Housing for justice-involved people reentering the community



## Current CCJJ Task Forces

### **Juvenile Continuity of Care Task Force**

The focus of the task force is to develop a series of recommendations that pertain to improving the experience and outcomes of youth involved in both the child welfare and justice systems –dual status youth.

### **Data Sharing Task Force**

Evaluating data sharing issues between agencies and across the criminal justice system. Exploring the feasibility of a single repository of offender data that could be accessed by all agencies resulting in more effective offender management, reduction in redundancy, and increased public safety.





## Previous Task Forces and Subcommittees

- *Bail Subcommittee*
- *Community Corrections Task Force*
- *Cost Savings Subcommittee*
- *Direct File Subcommittee*
- *Drug Policy Task Force*
- *Juvenile Justice Task Force*
- *Re-Entry Oversight Committee*
- *Behavioral Health Task Force*
- *Cyber-bullying Committee*
- *First-Responder Study Group*
- *MOR Committee*
- *Mandatory Parole Committee*
- *Probation Task Force*
- *Incarceration Task Force*
- *Transition Task Force*
- *Post-Incarceration Supervision Task Force*
- *Sentencing Task Force*
- *Sex Offense/Offender Task Force*



# A few Commission accomplishments



# Colorado Commission on Criminal & Juvenile Justice

## Drug law reform (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

### 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)*



# Colorado Commission on Criminal & Juvenile Justice

## THEFT STATUTE REFORMS 2013/14

Restructuring theft classifications (HB 13-1160)

BEFORE

Offense Level	Value
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

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



## EVIDENCE-BASED DECISION MAKING

- **Bail reform (2012)**
  - **Implement evidence-based decision making practices**
  - **Discourage the use of financial bond** for pretrial detainees
    - HB 13-1236

More than 10 counties are now using the Colorado Pretrial Assessment Tool (CPAT)

- **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
    - Determination of readiness
  - Annual report of progress and findings



## Mental Health/Jails Reform

2017 Recommendation in progress

*-funding has been secured-*

### **Introduce Mental Health First Aid® curriculum for inclusion in the POST basic academy**

Officials from the Colorado Peace Officer Standards and Training (POST) will work with staff from the Colorado Behavioral Health Council (CBHC) to review the Mental Health First Aid® curriculum, and modify when possible, for inclusion in the POST basic academy standard curriculum.



## Mental Health/Jails Reform

2017 Recommendation in progress

*-funding has been secured-*

### **Include the Mental Health First Aid® curriculum for peace officer in-service training through POST**

- Officials from the Colorado Peace Officer Standards and Training (POST) will work with staff from the Colorado Behavioral Health Council (CBHC) to review and include Mental Health First Aid® training through POST.
- Train up to 200 officers per month on this topic.
- Training to begin in the spring of 2017.





## Recent Commission Bills

**House Bill 16-1215** Updated the statutory purposes of parole to focus on successfully reintegrating parolees into society by providing enhanced supportive services.

**House Bill 15-1022** Created a petty ticket option for law enforcement as an alternative to initiating formal proceedings for youth.

**House Bill 15-1072** Made changes to the harassment statute to clarify cyberbullying behaviors.

**House Bill 15-1203** Retroactively provided earned time credit to certain individuals sentenced under the habitual criminal statute.



# **Current Commission Legislative Recommendations**



## CCJJ 2017 Legislative Recommendations

### **Update the Statutory Conditions of Parole to Reflect Contemporary and Evidence-Based Common Practices**

*Update the statute governing parole conditions, (C.R.S. 17-2-201), to give the parole board and community parole officers discretion to select individualized conditions of parole.*



## CCJJ 2017 Legislative Recommendations

### **New Community Corrections Reentry Referral Process**

*Recommendation for statutory changes (C.R.S. 17-27.5-102) to better coordinate Parole Board decision making with that of the local community corrections boards. **The recommendation includes revisions for more suitable management of a segment of the population of DOC offenders after their release from a community corrections facility. (??)***



**Questions?**



**For more information about the Commission  
and its activities, please see the  
Commission's website at  
[www.colorado.gov/ccjj](http://www.colorado.gov/ccjj)**