

# Colorado Commission on Criminal and Juvenile Justice



## **Types of Evidence & Accomplishments**

Staff to the Commission on Criminal and Juvenile Justice

November 2021



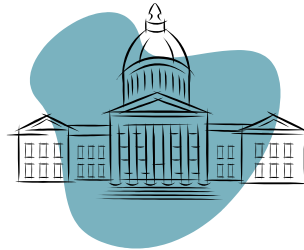
# Commission Recommendations



## Business Practice



## Policy

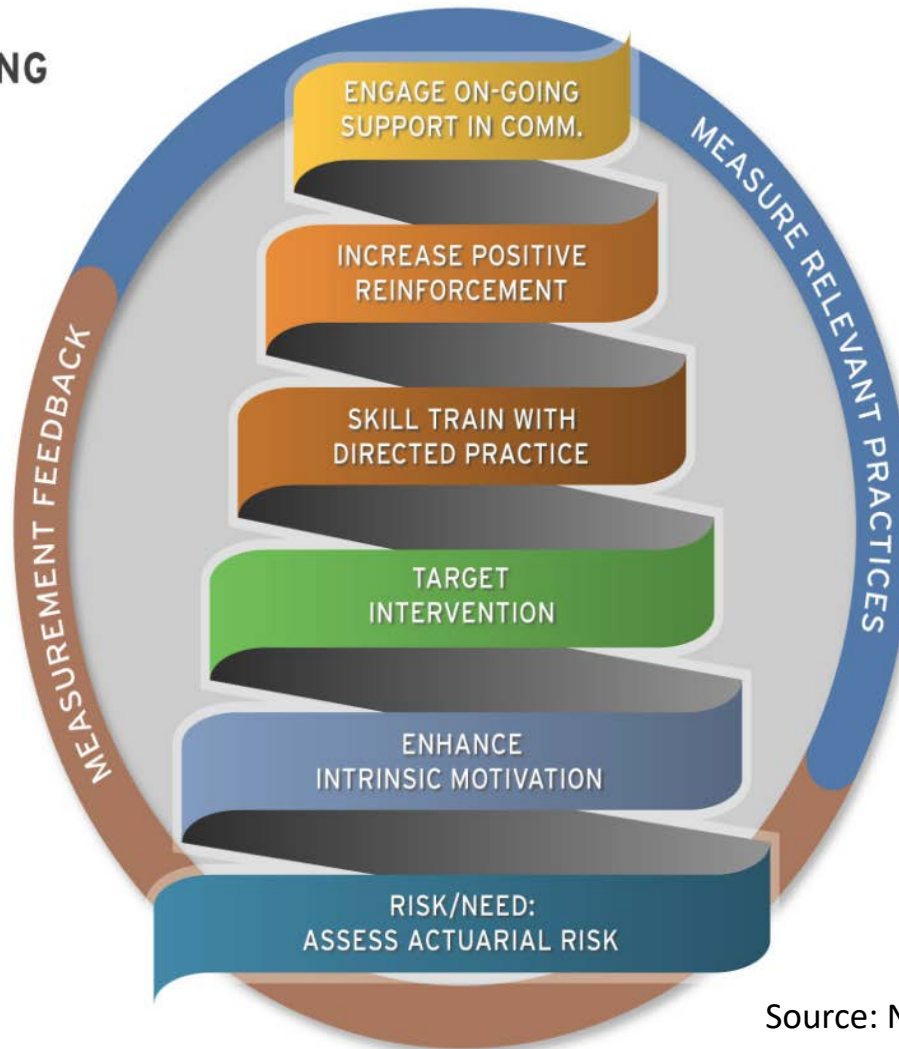


## Legislation



# Focus on EBP and Research

**EIGHT GUIDING PRINCIPLES FOR RISK/ RECIDIVISM REDUCTION**

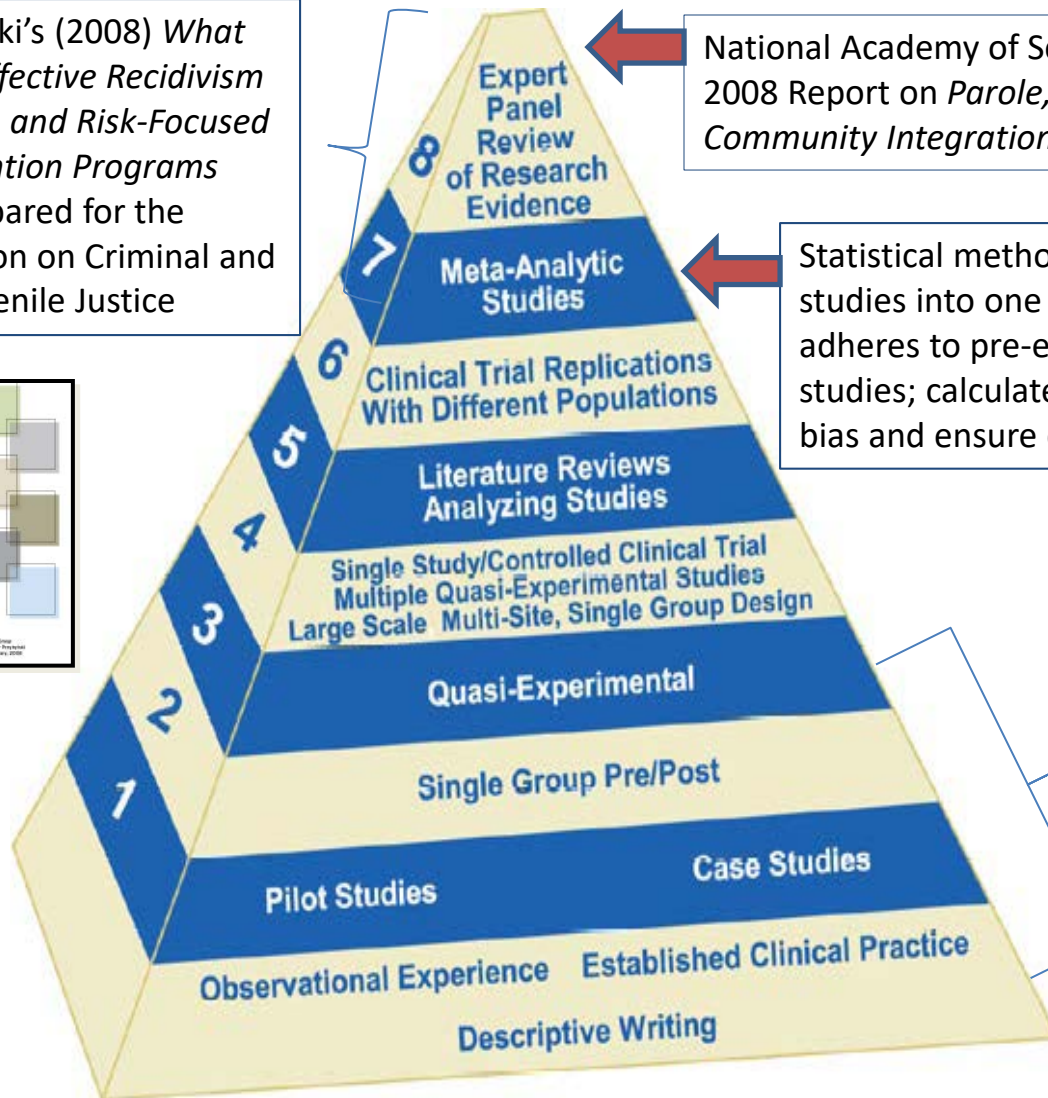
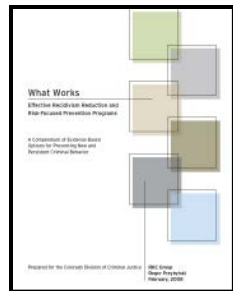


Source: National Institute of Corrections



# Pyramid of Evidence Based Practices

Przybylski's (2008) *What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs* prepared for the Commission on Criminal and Juvenile Justice



National Academy of Sciences National Research Council 2008 Report on *Parole, Desistance from Crime, and Community Integration*.

Statistical method that synthesizes many individual studies into one large study with many subjects; adheres to pre-established protocol to select studies; calculates an average effect size to reduce bias and ensure comprehensiveness.

Most Colorado studies of criminal justice programs

*Pyramid source: Co-Occurring Center for Excellence (COCE), funded through the Substance Abuse and Mental Health Services Administration (SAMHSA). Available at, [http://www.coce.samhsa.gov/cod\\_resources/PDF/OP5-Practices-8-13-07.pdf](http://www.coce.samhsa.gov/cod_resources/PDF/OP5-Practices-8-13-07.pdf)*



# Early Reforms

- **Clarify jail time credits/jail inmates awarded earned time (2008)**
  - 7220 bed days saved annually in Arapahoe County alone (\$490,960/year)
- **Mandate that parolees receive credit for time spent in jail pending a technical parole revocation (2008)**
  - HB09-1263
- **Eliminate statutes that require mandatory revocation / suspension of driver's license for conviction of non-driving offense (exclude child support enforcement) (2008)**
  - HB09-1266:
    - In **FY09, 10,746** lost license
    - In **FY10, 1,055** lost license



# Early Reforms

- **Increased the age of eligibility to 19 for individuals sentenced to the DOC's Youthful Offender System (2009)**
  - HB09-1122
- **Introduce a structured decision-making guide for use by the Colorado parole board (2009)**
  - SB09-135/HB10-1374/SB11-241
  - *Colorado Parole Board Release Guidelines Instrument*
  - Annual report of progress and findings
- **Expand probation eligibility for those with multiple felony convictions (2009)**
  - HB10-1338
  - Estimated to save \$2.5M in DOC costs



# Early Reforms

- **Exclude drug possession as a qualifying crime for habitual offense charging (2010)**
  - SB 11-096
- **Provide for sealing certain drug offenses (2010)**
  - HB 11-0164
- **Clarify registration requirements for sex offenders who lack a fixed residence (2011)**
  - HB12-1278
- **Removing most walkaway “escapes” as crimes eligible for habitual criminal sentencing (2011)**
  - HB12-1213



# 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)





# Drug Law Reforms

- **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

### **House Bill 19-1263 Offense Level for Controlled Substance Possession**

(Note: This bill was not initiated by CCJJ, but included elements of a previous CCJJ recommendation)

- This act makes possession of 4 grams or less of a controlled substance listed in Schedule I or II a level 1 drug misdemeanor.
- This act makes possession of more than 6 ounces of marijuana or more than 3 ounces of marijuana concentrate a level 1 drug misdemeanor and possession of 3 ounces or less of marijuana concentrate a level 2 drug misdemeanor.



# Drug Law Reforms

## 2019-2020

- **CCJJ Recommendations**

The Drug Offense Task Force and the Opioid Investigation Subcommittee were seated by CCJJ in June 2019 in response to a mandate by the General Assembly pursuant S.B.19-0008 (*concernant the treatment of individuals with substance abuse disorders who come into contact with the criminal justice system*).

The following recommendations approved by CCJJ in 2020 are dependent on legislative action.

- **Establish a Statewide Entity to Coordinate Strategy Regarding Dangerous Drugs**
- **Implement Unified Drug Overdose Reporting and Tracking**



# Drug Law Reforms

## 2020-2021

- **House Bill 21-1214**

Create, implement, and fund a process that will permit the automatic sealing of criminal conviction records for drug offenses. The State Court Administrator's Office (SCAO), the Colorado Bureau of Investigation (CBI), and each district attorney's office will implement procedures to evaluate cases that qualify for automatic sealing and will automatically seal eligible cases without associated fees, a Motion or a Petition to Seal being filed by the defendant.



# Theft Statute Reforms

## 2013-14

### Restructuring theft classifications (HB 13-1160)

BEFORE

Offense Level	Value
F2	-
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



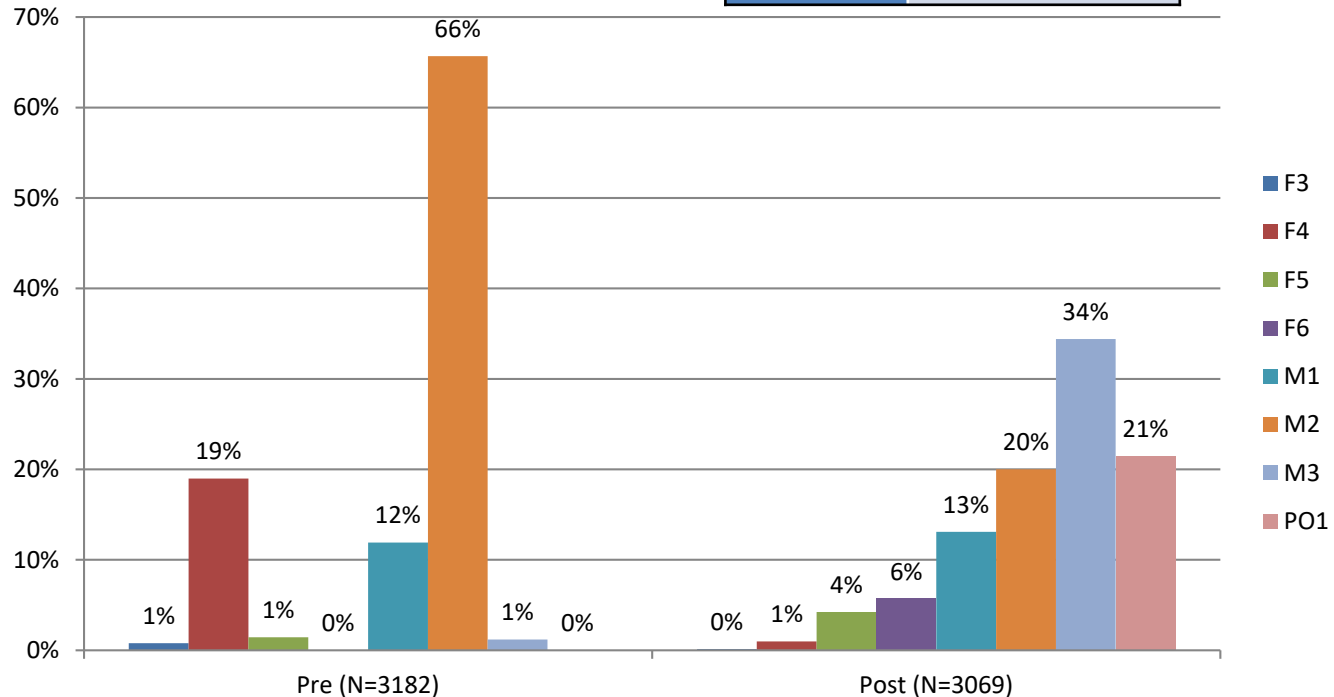
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H.B. 13-1160 was signed into law on June 5, 2013. In the following tables cases filed in the six months after H.B. 13-1160 was enacted were compared to cases filed in the same six month period (July to December) of the previous year (2012). Denver County court records were not included.

Figure: Cases with Theft (C.R.S. 18-4-401) as most serious filing charge pre- and post- H.B. 13-1160, by offense level.



Data source: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records.



# Juvenile Justice Reforms

## 2013/2018

- **House Bill 13-1021.** Clarified truancy and absence definitions
- **Senate Bill 13-229.** Revised escape from a non-custodial facility for those 18+ as a misdemeanor not a felony, and
- **Senate Bill 13-229.** Allowed juveniles who committed a sex offense to deregister as an adult after successful completion of the sentence.
- **Senate Bill 18-154.** Defines crossover youth and crossover plan in statute and requires local Juvenile Services Planning Committees to devise a crossover plan for the identification and notification of cases involving crossover youth, and utilizes existing funds for local *crossover youth* plans and services.



# Bail Bond Reforms

## 2012/2013

- **Bail reform Implement evidence-based decision making practices**
  - **Discourage the use of financial bond for pretrial detainees**
    - HB 13-1236
  - Use of Personal Recognizance has increased in most judicial districts and the use of cash/surety bonds has decreased

Court and bond type	Pre		Post	
	%	N	%	N
Misdemeanor/traffic	68%	209,646	66%	227,079
Cash/Surety/Property	84%	176,763	73%	165,034
<b>Personal Recognizance</b>	<b>16%</b>	<b>32,883</b>	<b>27%</b>	<b>62,045</b>
Felony	32%	98,542	34%	118,958
Cash/Surety/Property	88%	87,203	79%	94,234
<b>Personal Recognizance</b>	<b>12%</b>	<b>11,339</b>	<b>21%</b>	<b>24,724</b>
Total	100%	308,188	100%	346,037





# Bail Bond Reforms

## 2017-2020

- **CCJJ Recommendations: Implement Bail Bond Reform**

The Pretrial Release Task Force was seated by the Commission in June 2017. The Task Force and seated several Working Groups to study specific topics related to Colorado pretrial services.

The Commission approved 3 recommendations from the Task Force in 2019 and aspects of the recommendations were included as part of Senate bill 2020-161 which was introduced on February 4, 2020.

The bill was approved by the Senate Judiciary Committee, but during the delayed and abbreviated FY2020 legislative session due to COVID-19, the bill was postponed indefinitely by the Senate Appropriations Committee on June 10, 2020.



# Mental Health/Jails Reforms

**2017/2018**

## **Senate Bill 17- 207**

- **Strengthen Colorado's statewide response to behavioral health crises**
- **Changes to Emergency Mental Health Commitment Statute**
  - Elimination of the use of jails for those with mental health holds



# Mental Health/Jails Reforms

## 2017/2018

### **Introduce Mental Health First Aid<sup>®</sup> 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<sup>®</sup> curriculum, and modify when possible, for inclusion in the POST basic academy standard curriculum.

### **Include the Mental Health First Aid<sup>®</sup> 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<sup>®</sup> training through POST.
- Train up to 200 officers per month on this topic.
- Training to begin in the spring of 2017.



# Mental Health/Jails Reforms

**2017/2018**

## **Senate Bill 18- 249**

- **Develop pre-file mental health diversion pilot programs**
  - Develop post-arrest, pre-file diversion programs specifically for individuals experiencing mental health disorders and who meet specific criteria and are determined able to benefit from diversion to treatment rather than being processed through the criminal justice system.
  - Create pre-file mental health diversion programs that utilize a stakeholder-created, reviewed and approved model. Promote the utilization of Adult Pretrial Diversion Programs and funding.



# Sentencing Reforms

2020/2021

## Senate Bill 21- 271

- **Revise Misdemeanor Sentencing and Offenses**

Amends, appends, deletes and replaces several provisions of statute related to misdemeanor sentencing and offenses. This recommendation comprises three elements with an extensive array of associated statutory revisions and supporting documents:

- Change the misdemeanor sentencing scheme
- Align current misdemeanor crimes
- Reclassify felony offenses



# Other Recent Commission Bills

## 2017/2018

**House Bill 17-1147.** Codifies the mission and purpose of Community Corrections in language similar to that of Parole as enacted by SB 16-1215.

**House Bill 17-1308.** Updates 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.



# Other Recent Commission Bills

## 2017/2018

**House Bill 18-1344.** Updates Orders of Collateral Relief is statute to:

- Allow eligible individuals to request an order of collateral relief after the time of sentencing,
- Eliminate duplicative statutory language regarding orders of collateral relief, and
- Create an order of collateral relief in the Children's Code.

**House Bill 18-1418.** Revise statutory guidance on state licensure and employment to prevent consideration of arrests that did not result in a conviction, and convictions that have been pardoned, sealed or expunged, in state licensure and employment decisions.