

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL NO. CB22-0716

3 SERIES OF 2021

COMMITTEE OF REFERENCE:

4 Safety, Housing, Education & Homelessness

5 **A BILL**

6 **For an ordinance amending Division 11, Article VIII of Chapter 2 of the Denver**
7 **Revised Municipal Code to update procedures and transfer governance of the**
8 **Crime Prevention and Control Commission from the Department of Public Health**
9 **and Environment to the Department of Safety.**

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Division 11, Article VIII of Chapter 2 of the Denver Revised Municipal Code shall
12 be amended by deleting the language stricken and adding the language underlined, to read as
13 follows:

14 **Sec. 2-255.48. - Legislative intent.**

15 The city council hereby declares that neighborhood safety, crime prevention, and
16 control are major goals for the City and County of Denver. The legislative intent of this division
17 is to implement an evidence-based, accountable, and efficient public safety strategy to
18 reduce crime, including juvenile delinquency, and to increase neighborhood safety. To that
19 end, the council establishes a crime prevention and control commission which shall have the
20 following purposes:

21 (1) To reduce crime, partly by reducing criminal recidivism;

22 (2) To facilitate coordination among justice system agencies and community-based
23 organizations;

24 (3) To support the development of a data-driven criminal justice system that offers a
25 range of evidence-based sanctions and programs;

26 (4) To consider the impact on neighborhoods when formulating or recommending
27 alternatives to incarceration and the release of individuals into the community;

28 ~~(45)~~ To facilitate the development of information technology and data necessary for
29 effective criminal justice policy development, jail population management, and
30 evaluation of sanctions and programs to hold individuals ~~offenders~~ accountable;

31 ~~(56)~~ To facilitate efficient use of jail space by encouraging alternatives, where
32 appropriate; and

33 ~~(67)~~ To ~~recommend expenditures from the crime prevention and control fund~~

1 request annual appropriations as determined by a vote of the Commissioners.

2 **Sec. 2-255.49. – Commission created.**

3 There is hereby created a crime prevention and control commission, ~~(hereinafter~~
4 ~~referred to as~~ “the commission”). The members of the commission should reflect the
5 diversity of Denver, including the ethnic, racial, and geographic constitution of the
6 population as well as the diverse professional backgrounds, experience, and expertise of
7 the ~~citizens~~ people of Denver. The commission shall consist of up to thirty-three (33)
8 members as follows:

9 (a) The following fifteen (15) officers or the officer's designated representative:

- 10 (1) The mayor.
- 11 (2) The manager of human services.
- 12 (3) The manager of safety.
- 13 (4) The chief of police.
- 14 (5) The sheriff.
- 15 (6) The presiding judge of the county court.
- 16 (7) The city attorney.
- 17 (8) The chief municipal public defender.
- 18 (9) The Denver director of community corrections.
- 19 (10) The manager of public health and environment.
- 20 (11) The director of the division of adult parole.
- 21 (12) The chief probation officer, Denver adult district court probation department.
- 22 (13) The chief probation officer, Denver county court probation.
- 23 (14) The office head, Denver's state public defender's office.
- 24 (15) The Denver district attorney.

25 (b) The following fifteen (15) members to be appointed by the mayor and confirmed by
26 the city council:

- 27 (1) An attorney in private practice from the defense bar.
- 28 (2) A provider of services for individuals ~~offenders~~ with demonstrated expertise in
29 evidence-based criminal justice policy and practices.
- 30 (3) A representative of Denver public schools' leadership team.
- 31 (4) Two (2) representatives of the juvenile justice system.
- 32 (5) An academic knowledgeable in evidence-based criminal justice policy and
33 practices.

- 1 (6) A representative of the behavioral health service system.
- 2 (7) A representative of homeless service providers.
- 3 (8) Up to three (3) ~~victim advocates or victim~~ representatives or representatives
4 from community coalitions/organizations that are focused on justice and/or
5 crime prevention from geographically diverse areas of Denver most impacted
6 by crime.
- 7 ~~(9) A member of the Denver state legislative delegation.~~
- 8 ~~(409)~~ Up to three (3) representatives of the Denver community.
- 9 ~~(4110)~~ A previous justice-involved community representative.
- 10 (c) Up to three (3) members of the city council, to be appointed by the president of the
11 city council.

12 **Sec. 2-255.50. Term of commissioners.**

- 13 (a) The appointed members of the commission shall serve for a period of four (4) years.
14 ~~three (3) years to be staggered by appointing one third of the initial non-designated~~
15 ~~membership for three-year terms, another third for two (2) years, and the remaining~~
16 ~~third for one (1) year. Initial terms shall be set by the appointing authority.~~
- 17 (b) Commissioners may be reappointed for successive terms up to a maximum of three
18 (3) terms.

19 **Sec. 2-255.51. Vacancies.**

20 Any vacancy which occurs on the commission shall be filled in accordance with the
21 provisions of section 2-255.49 and the new member so appointed to the commission shall
22 serve the un-expired term.

23 **Sec. 2-255.52. Compensation.**

24 The members shall serve without compensation; provided, however, that members
25 of the commission may be reimbursed for reasonable expenses incurred in performance of
26 their duties pursuant to the rules and regulations of the city for such reimbursement.

27 **Sec. 2-255.53. – Officers.**

28 The commission shall establish officers in accordance with its bylaws.

29 **Sec. 2-255.534. - Meetings.**

- 30 (a) The schedule of regular meetings of the commission shall be established by a
31 majority of the membership, but the commission must meet at least six (6) times
32 annually.
- 33 (b) Additional meetings shall be called as needed by the chair of the commission.

1 **Sec. 2-255.545. Powers and duties.**

2 The purpose of the commission shall be to ~~formulate~~ foster innovation and
3 alternatives in the criminal justice system, to provide initial funding opportunities for projects
4 that advance these ideals, and make recommendations to other agencies as provided in
5 this section. Any such recommendation may be made either to criminal justice departments
6 and agencies of the city itself, or to independent community-based criminal justice agencies
7 organizations operating in the second judicial district pursuant to the authority of the state
8 constitution or state laws; provided however, nothing in this division 44 shall be construed
9 to affect in any way the authority of any state officer or agency to exercise the powers and
10 duties vested in such officer or agency by state law. The powers and duties of the
11 commission shall be as follows:

- 12 ~~To e~~ (a) ~~Conduct~~ strategic planning and analysis and ~~strategic planning~~ related to
13 management of Denver's criminal justice system, to promote accountability by
14 criminal justice departments and agencies, and to develop performance measures
15 and standards by which to evaluate the performance of the commission itself;
- 16 ~~To f~~ (b) ~~Facilitate~~ development of a coordinated criminal justice system sanctioning
17 philosophy and policies, and monitor implementation of the philosophy and policies
18 by the departments and agencies responsible for administering the criminal justice
19 system in the City and County of Denver;
- 20 (c) To the extent permitted by state law, ~~to~~ collect and analyze data on the incidence
21 and nature of crime in Denver and assess the impact of criminal activities and
22 juvenile delinquency upon the residents of Denver, including the extent to which
23 social determinants of health, including, but not limited to, housing, employment,
24 education, health care, behavioral health care, economic stability, and neighborhood
25 safety addressing behavioral health needs may affect those who become involved in
26 the justice system before, during and after systems' involvement;
- 27 ~~To~~ (d) ~~establish a process by which to recommend funding support for programs which~~
28 ~~includes monitoring the expenditures and available budget for the commission, and~~
29 ~~advising the mayor, city council and other departments or agencies on the~~
30 ~~continuation or termination of programs;~~
- 31 ~~(e)~~ (d) Make recommendations to the mayor, the city council and other departments and
32 agencies through the expending authority regarding the distribution, expenditure,
33 and management of any and all monies appropriated from the Denver crime

- 1 prevention and control fund, to support criminal justice planning activities and use of
2 evidence-based programs and services to improve public safety;
- 3 ~~(f-e)~~ To u Undertake, on a continuing basis, an evaluation of the capacity and operations
4 of the criminal justice system by completing regular system mapping, analyzing
5 ~~offender-flow of individuals~~ and "bed" usage, establishing projections to manage
6 future space needs and recommending policy to utilize scarce jail beds for people
7 whose behaviors cannot be managed through community- and system-based
8 alternatives ~~the most serious offenders~~ and facilitating the development of a range of
9 evidence-based sanctions and programs that will reduce recidivism;
- 10 ~~(f)~~ Stimulate community interest and involvement in appropriately addressing criminal
11 justice and public safety problems;
- 12 ~~(g)~~ To r Report annually by ~~July 15~~ October to the mayor and city council
13 recommending changes in policies and programs to reduce victimization, to promote
14 data-guided management, to help guide budgeting and administration, to diminish
15 criminal recidivism and to improve overall public safety; ~~The annual report shall~~
16 ~~include a detailed plan of recommended expenditures from the Denver crime~~
17 ~~prevention and control fund for the following fiscal year. The report shall also include~~
18 ~~information about the jail population by characteristics, length of stay, and offense,~~
19 ~~trends in the jail population, comparative jail population and crime data, and other~~
20 ~~appropriate measurements of how the criminal justice system is functioning;~~
- 21 ~~(h)~~ To s Seek federal grants and private sources of funding for innovative criminal
22 justice projects and programs;
- 23 ~~(i)~~ To p Promote cooperation, collaboration and shared responsibility among justice
24 system departments and agencies including but not limited to: programming, grant
25 writing, appropriations and budgeting, and use of offender risk assessment systems
26 to guide the imposition or modification of sanctions;
- 27 ~~(j)~~ To seek public input regarding commission activities and citywide needs, all
28 commission meetings are open to the public; and
- 29 ~~(k)~~ ~~To consider the impact on residential neighborhoods related to the release of~~
30 ~~offenders into the community when formulating or recommending any alternatives to~~
31 ~~incarceration, including but not limited to the expansion and concentration of~~
32 ~~community corrections facilities;~~

- 1 ~~(l) — To foster innovation and alternatives in the criminal justice system and to provide~~
2 ~~initial funding opportunities for projects that advance these ideals; and~~
- 3 (mk) ~~To p~~ Perform ongoing system data collection, to the extent permitted by state law,
4 including, but not limited to: as described in commission bylaws.
- 5 ~~(1) — Researching the jail population, how it has changed, and the measures~~
6 ~~needed for each individual to reduce repeat offense;~~
- 7 ~~(2) — Mapping the criminal justice system to identify decision points and timelines~~
8 ~~for processing compared to appropriate performance standards; and~~
- 9 ~~(3) — Conducting an inventory of existing programs, whether programs address~~
10 ~~factors that research shows reduce offender recidivism, and the extent to~~
11 ~~which they follow evidenced-based practices.~~
- 12 ~~(n) — As appropriate, the commission will work with judicial officers in an advisory capacity.~~

13 **Sec. 2-255.556. – Procedures**

14 The commission will establish and adopt bylaws and internal guidelines governing its
15 operations, including duties and responsibilities of the commission's leadership officers,
16 and will promulgate rules and regulations as necessary to achieve the purposes of this
17 division.

18 **Sec. 2-255.567. – Crime prevention and control fund created.**

19 There is hereby created a crime prevention and control fund, hereinafter "fund," for
20 the purpose of implementing recommendations from the commission, receiving revenue
21 and making transactions per said recommendations.

22 **Sec. 2-255.578. – Staffing and administrative support.**

23 Staffing and other administrative support for the commission shall be provided by the
24 department of safety, of public health and environment and hiring decisions shall be made
25 with input from the commission's officers.

26 **Sec. 2-255.589. – Relation to city departments, agencies, and expending authorities.**

- 27 (a) Departments and agencies of the city responsible for administering the criminal
28 justice system and related services shall cooperate with the commission to support
29 the purpose of this division.
- 30 (b) No expending authority shall make any expenditure from the fund unless and until
31 the commission is consulted on the expenditure and afforded an opportunity to
32 review the proposed expenditure and make a recommendation to the expending
33 authority prior to the disbursement of any monies in the fund. However, the

1 expending authority of the commission is authorized to approve payments of up to
2 ten thousand dollars (\$10,000.00) for expenditures that are consistent with the
3 commission's annual plan for expenditures from the fund, as required by section 2-
4 255.54, without prior consultation with the commission. Such expenditures shall be
5 reported to the commission at the following meeting.

6 COMMITTEE APPROVAL DATE: June 29, 2022 by Consent

7 MAYOR-COUNCIL DATE: July 5, 2022 by Consent

8 PASSED BY THE COUNCIL: _____,

9 _____ - PRESIDENT

10 APPROVED: _____ - MAYOR _____,

11 ATTEST: _____ - CLERK AND RECORDER,
12 EX-OFFICIO CLERK OF THE
13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____,

15 PREPARED BY: Olayinka Hamza, Assistant City Attorney DATE: July 21, 2022

16 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
17 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
18 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
19 3.2.6 of the Charter.

20 Kristin Bronson, Denver City Attorney

21 BY: Jonathan Griffin, Assistant City Attorney DATE: Jul 21, 2022