

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2021

COUNCIL BILL NO. CB21-
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 control are major
16 goals for the City and County of Denver. The legislative intent of this division is to implement an
17 evidence-based, accountable, and efficient public safety strategy to reduce crime, including juvenile
18 delinquency, and to increase neighborhood safety. To that end, the council establishes a crime
19 prevention and control commission which shall have the following purposes:

- 20 (1) To reduce crime, partly by reducing criminal recidivism;
- 21 (2) To facilitate coordination among justice system agencies and community-based
22 organizations;
- 23 (3) To support the development of a data-driven criminal justice system that offers a
24 range of evidence-based sanctions and programs;
- 25 (4) To consider the impact on neighborhoods when formulating or recommending
26 alternatives to incarceration and the release of individuals into the community;
- 27 (4~~5~~) To facilitate the development of information technology and data necessary for
28 effective criminal justice policy development, jail population management, and
29 evaluation of sanctions and programs to hold individuals ~~offenders~~ accountable;

1 (56) To facilitate efficient use of jail space by encouraging alternatives, where
2 appropriate; and

3 (67) To ~~recommend expenditures from the crime prevention and control fund request~~
4 annual appropriations as determined by a vote of the Commissioners.

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

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

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

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

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

- 1 (1) An attorney in private practice from the defense bar.
- 2 (2) A provider of services for individuals ~~offenders~~ with demonstrated expertise in
- 3 evidence-based criminal justice policy and practices.
- 4 (3) A representative of Denver public schools' leadership team.
- 5 (4) Two (2) representatives of the juvenile justice system.
- 6 (5) An academic knowledgeable in evidence-based criminal justice policy and practices.
- 7 (6) A representative of the behavioral health service system.
- 8 (7) A representative of homeless service providers.
- 9 (8) Up to three (3) ~~victim advocates or~~ victim representatives or representatives from
- 10 community coalitions/organizations that are focused on justice and/or crime
- 11 prevention from geographically diverse areas of Denver most impacted by crime.
- 12 (9) ~~A member of the Denver state legislative delegation.~~
- 13 (409) Up to three (3) representatives of the Denver community.
- 14 (4410) A previous justice-involved community representative.
- 15 (c) Up to three (3) members of the city council, to be appointed by the president of the city
- 16 council.

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

- 18 (a) The appointed members of the commission shall serve for a period of four (4) years. ~~three~~
- 19 ~~(3) years to be staggered by appointing one third of the initial non-designated membership~~
- 20 ~~for three-year terms, another third for two (2) years, and the remaining third for one (1)~~
- 21 ~~year. Initial terms shall be set by the appointing authority.~~
- 22 (b) Commissioners may be reappointed for successive terms up to a maximum of three (3)
- 23 terms.
- 24
- 25
- 26

1 **Sec. 2-255.51. Vacancies.**

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

5 **Sec. 2-255.52. Compensation.**

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

9 **Sec. 2-255.53. – Officers.**

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

11 **Sec. 2-255.534. - Meetings.**

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

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

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

- 25 (a) ~~To~~ ~~e~~ Conduct strategic planning and analysis and strategic planning related to
26 management of Denver's criminal justice system, to promote accountability by criminal
27 justice departments and agencies, and to develop performance measures and standards
28 by which to evaluate the performance of the commission itself;

- 1 (b) ~~To f~~ Facilitate development of a coordinated criminal justice system sanctioning philosophy
2 and policies, and monitor implementation of the philosophy and policies by the departments
3 and agencies responsible for administering the criminal justice system in the City and
4 County of Denver;
- 5 (c) To the extent permitted by state law, ~~to~~ collect and analyze data on the incidence and
6 nature of crime in Denver and assess the impact of criminal activities and juvenile
7 delinquency upon the residents of Denver, including the extent to which social determinants
8 of health, including, but not limited to, housing, employment, education, health care,
9 behavioral health care, economic stability, and neighborhood safety ~~addressing behavioral~~
10 ~~health needs~~ may affect those who become involved in the justice system before, during
11 and after systems' involvement;
- 12 ~~(d) To establish a process by which to recommend funding support for programs which~~
13 ~~includes monitoring the expenditures and available budget for the commission, and~~
14 ~~advising the mayor, city council and other departments or agencies on the continuation or~~
15 ~~termination of programs;~~
- 16 ~~(e-d)~~ Make recommendations to the mayor, the city council and other departments and agencies
17 through the expending authority regarding the distribution, expenditure, and management
18 of any and all monies appropriated from the Denver crime prevention and control fund, to
19 support criminal justice planning activities and use of evidence-based programs and
20 services to improve public safety;
- 21 ~~(f-e)~~ ~~To u~~ Undertake, on a continuing basis, an evaluation of the capacity and operations of the
22 criminal justice system by completing regular system mapping, analyzing ~~offender-flow of~~ of
23 individuals and "bed" usage, establishing projections to manage future space needs and
24 recommending policy to utilize scarce jail beds for people whose behaviors cannot be
25 managed through community- and system-based alternatives ~~the most serious offenders~~
26 and facilitating the development of a range of evidence-based sanctions and programs that
27 will reduce recidivism;
- 28 (f) Stimulate community interest and involvement in appropriately addressing criminal justice

- 1 and public safety problems;
- 2 (g) ~~To r~~ Report annually by ~~July 15~~ October to the mayor and city council recommending
3 changes in policies and programs to reduce victimization, to promote data-guided
4 management, to help guide budgeting and administration, to diminish criminal recidivism
5 and to improve overall public safety; ~~The annual report shall include a detailed plan of~~
6 ~~recommended expenditures from the Denver crime prevention and control fund for the~~
7 ~~following fiscal year. The report shall also include information about the jail population by~~
8 ~~characteristics, length of stay, and offense, trends in the jail population, comparative jail~~
9 ~~population and crime data, and other appropriate measurements of how the criminal justice~~
10 ~~system is functioning;~~
- 11 (h) ~~To s~~ Seek federal grants and private sources of funding for innovative criminal justice
12 projects and programs;
- 13 (i) ~~To p~~ Promote cooperation, collaboration and shared responsibility among justice
14 system departments and agencies including but not limited to: programming, grant writing,
15 appropriations and budgeting, and use of ~~offender~~ risk assessment systems to guide the
16 imposition or modification of sanctions;
- 17 (j) To seek public input regarding commission activities and citywide needs, all commission
18 meetings are open to the public; and
- 19 ~~(k) To consider the impact on residential neighborhoods related to the release of offenders into~~
20 ~~the community when formulating or recommending any alternatives to incarceration,~~
21 ~~including but not limited to the expansion and concentration of community corrections~~
22 ~~facilities;~~
- 23 ~~(l) To foster innovation and alternatives in the criminal justice system and to provide initial~~
24 ~~funding opportunities for projects that advance these ideals; and~~
- 25 ~~(mk) To p~~ Perform ongoing system data collection, to the extent permitted by state law,
26 including, but not limited to: as described in commission bylaws.
- 27 ~~(1) Researching the jail population, how it has changed, and the measures needed for~~
28 ~~each individual to reduce repeat offense;~~

1 (2) Mapping the criminal justice system to identify decision points and timelines for
2 processing compared to appropriate performance standards; and

3 (3) Conducting an inventory of existing programs, whether programs address factors
4 that research shows reduce offender recidivism, and the extent to which they follow
5 evidenced-based practices.

6 (n) As appropriate, the commission will work with judicial officers in an advisory capacity.

7 **Sec. 2-255.556. – Procedures**

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

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

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

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

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

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

20 (a) Departments and agencies of the city responsible for administering the criminal justice
21 system and related services shall cooperate with the commission to support the purpose of
22 this division.

23 (b) No expending authority shall make any expenditure from the fund unless and until the
24 commission is consulted on the expenditure and afforded an opportunity to review the
25 proposed expenditure and make a recommendation to the expending authority prior to the
26 disbursement of any monies in the fund. However, the expending authority of the
27 commission is authorized to approve payments of up to ten thousand dollars (\$10,000.00)
28 for expenditures that are consistent with the commission's annual plan for expenditures

1 from the fund, as required by section 2-255.54, without prior consultation with the
2 commission. Such expenditures shall be reported to the commission at the following
3 meeting.

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7 COMMITTEE APPROVAL DATE:

8 MAYOR-COUNCIL DATE:

9 PASSED BY THE COUNCIL: _____, 2021

10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____, 2021

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

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2021; _____, 2021

16 PREPARED BY: XXX, Assistant City Attorney DATE: _____, 2021

17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
18 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.

21 Kristin Bronson, Denver City Attorney

22 BY: _____, Assistant City Attorney DATE: _____, 2021