

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2018

COUNCIL BILL NO. CB18-1267
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 Revised**
7 **Municipal Code of the City and County of Denver to update procedures and**
8 **transfer governance of the Crime Prevention and Control Commission from the**
9 **Department of Human Services to the Department of Public Health and**
10 **Environment.**

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

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

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

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

- 21 (1) To reduce crime, partly by reducing criminal recidivism;
- 22 (2) To facilitate coordination among justice system agencies;
- 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 facilitate the development of information technology and data necessary for
26 effective criminal justice policy development, jail population management, and
27 evaluation of sanctions and programs to hold offenders accountable;
- 28 (5) To facilitate efficient use of jail space by encouraging alternatives, where
29 appropriate; and
- 30 (6) To recommend expenditures from the crime prevention and control fund, ~~for which~~
31 ~~an appropriation of \$1.2 million is intended to be made in fiscal year 2006, increasing~~
32 ~~to at least \$3.5 million per annum by fiscal year 2009.~~

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

2 There is hereby created a crime prevention and control commission, hereinafter referred to
3 as commission. The members of the commission should reflect the diversity of Denver, including
4 the ethnic, racial, and geographic constitution of the population as well as the diverse professional
5 backgrounds, experience, and expertise of the citizens of Denver. The commission shall consist
6 of ~~thirty-one~~ up to thirty-three (343) members as follows:

7 (a) The following ~~twelve~~ fifteen (125) officers or the officer's designated representative:

- 8 (1) The mayor.
- 9 (2) The manager of human services.
- 10 ~~(3)~~ The manager of safety.
- 11 ~~(34)~~ The chief of police.
- 12 ~~(45)~~ The ~~undersheriff~~.
- 13 ~~(56)~~ The presiding judge of the county court.
- 14 ~~(67)~~ The city attorney.
- 15 ~~(78)~~ The chief municipal public defender.
- 16 ~~(89)~~ The Denver director of community corrections.
- 17 ~~(910)~~ The ~~director of the office of drug strategy~~ manager of public health and
18 environment.
- 19 ~~(1011)~~ The director ~~Director~~ of the division of adult parole ~~and community correction~~
20 ~~for the state department of corrections.~~
- 21 ~~(1112)~~ The Chief ~~chief~~ probation officer, Denver adult district court probation
22 department.
- 23 ~~(1213)~~ ~~Probation services administrator for~~ The chief probation officer, Denver
24 county court probation.
- 25 ~~(14)~~ The office head, Denver's ~~Representative of the office of the Colorado state~~
26 ~~public defender's office.~~
- 27 ~~(15)~~ The Denver district attorney.

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

- 1 (1) An attorney in private practice from the defense bar.
 - 2 (2) A provider of services for offenders with demonstrated expertise in evidence-
 - 3 based criminal justice policy and practices.
 - 4 (3) A representative of Denver public schools' leadership team.
 - 5 ~~(4) A liaison to the state juvenile services and planning committee.~~
 - 6 (4) A representative of the juvenile justice system at the city/county level. Two
 - 7 representatives of the juvenile justice system.
 - 8 (5) An academic knowledgeable in evidence-based criminal justice policy and
 - 9 practices.
 - 10 (6) A representative of the ~~mental~~ behavioral health service system.
 - 11 (7) A representative of homeless service providers.
 - 12 (8) ~~Three~~ Up to three victim advocates or victim representatives from
 - 13 geographically diverse areas of Denver.
 - 14 (9) A member of the Denver state legislative delegation.
 - 15 (10) Up to three representatives of the Denver community.
 - 16 (11) A previous justice-involved community representative.
- 17 (c) Up to three (3) members of the city council, to be appointed by the president of the
- 18 city council.
- 19 ~~(d) The district attorney of the second judicial district or his or her designated~~
- 20 ~~representative may, at the district attorney's discretion, serve as an ex officio non-~~
- 21 ~~voting member of the commission.~~

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

- 23 (a) The appointed members of the ~~crime prevention and control~~ commission shall serve
- 24 for a period of three (3) years to be staggered by appointing one third of the initial
- 25 non-designated membership for three-year terms, another third for two years, and
- 26 the remaining third for one year. Initial terms shall be set by the appointing authority.
- 27 (b) Commissioners may be reappointed for successive terms.

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

2 Any vacancy which occurs on the ~~crime prevention and control~~ commission shall be filled in
3 accordance with the provisions of section 2-255.49 and the new member so appointed to the
4 commission shall serve the un-expired 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 crime prevention and control commission shall elect from its membership, a chairperson
11 and such other officers as it may designate who shall serve for such term or terms as the
12 commission shall specify and who may serve successive terms upon reelection by the commission.
13 The chair shall serve a one (1) year term with a limit of two (2) successive terms.~~

14 **Sec. 2-255.543. - Meetings.**

15 (a) The schedule of regular meetings of the ~~crime prevention and control~~ commission
16 shall be established by a majority of the membership, but the commission must meet
17 at least six (6) times annually.

18 (b) Additional meetings shall be called as needed by the chair of the commission.

19 **Sec. 2-255.554. - Powers and duties.**

20 The purpose of the ~~crime prevention and control~~ commission shall be to formulate and make
21 recommendations to other agencies as provided in this section. Any such recommendation may
22 be made either to criminal justice departments and agencies of the city itself, or to independent
23 criminal justice agencies operating in the second judicial district pursuant to the authority of the
24 state constitution or state laws; provided however, nothing in this division 11 shall be construed to
25 affect in any way the authority of any state officer or agency to exercise the powers and duties
26 vested in such officer or agency by state law. The powers and duties of the ~~crime prevention and
27 control~~ commission shall be as follows:

- 1 (a) To conduct analysis and strategic planning related to management of Denver's
2 criminal justice system, to promote accountability by criminal justice departments
3 and agencies, and to develop performance measures and standards by which to
4 evaluate the performance of the commission itself;
- 5 (b) To facilitate development of a coordinated criminal justice system sanctioning
6 philosophy and policies, and monitor implementation of the philosophy and policies
7 by the departments and agencies responsible for administering the criminal justice
8 system in the City and County of Denver;
- 9 (c) To the extent permitted by state law, to collect and analyze data on the incidence
10 and nature of crime in Denver and assess the impact of criminal activities and
11 juvenile delinquency upon the residents of Denver; including the extent to which
12 addressing behavioral health needs may affect those who become involved in the
13 justice system before, during and after systems' involvement;
- 14 (d) To establish a process by which to recommend funding support for programs which
15 includes monitoring the expenditures and available budget for the commission, and
16 advising the mayor, city council and other departments or agencies on the
17 continuation or termination of programs;
- 18 (de) Make recommendations to the mayor, the city council and other departments and
19 agencies through the expending authority regarding the distribution, expenditure,
20 and management of any and all monies appropriated from the Denver crime
21 prevention and control fund, to support criminal justice planning activities and use
22 of evidence-based programs and services to improve public safety;
- 23 (ef) To undertake, on a continuing basis, an evaluation of the capacity and operations
24 of the criminal justice system by completing regular system mapping, analyzing
25 offender flow and "bed" usage, establishing projections to manage future space
26 needs and recommending policy to utilize scarce jail beds for the most serious
27 offenders and facilitating the development of a range of evidence-based sanctions
28 and programs that will reduce recidivism;
- 29 (f) ~~To stimulate community interest and involvement in appropriately addressing~~
30 ~~criminal justice and public safety problems;~~

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

- 1 (2) Mapping the criminal justice system to identify decision points and timelines
2 for processing compared to appropriate performance standards; and
3 (3) Conducting an inventory of existing programs, whether programs address
4 factors that research shows reduce offender recidivism, and the extent to
5 which they follow evidenced-based practices.

- 6 (n) As appropriate, the ~~crime prevention and control~~ commission will work with judicial
7 officers in an advisory capacity.

8 **Sec. 2-255.565. - Procedures.**

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

12 **Sec. 2-255.56. – Crime prevention and control fund created.**

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

16 **Sec. 2-255.57. - Staffing and administrative support.**

17 Staffing and other administrative support for the ~~crime prevention and control~~ commission
18 shall be provided by the ~~department of human services~~ department of public health and
19 environment. ~~The manager of human services shall appoint an executive director for the~~
20 ~~commission, after consultation with the commission. The executive director shall not be removed~~
21 ~~unless and until the manager consults with the commission regarding the removal.~~

22 **Sec. 2-255.58. - Relation to city departments, agencies and expending authorities.**

- 23 (a) Departments and agencies of the city responsible for administering the criminal
24 justice system and related services shall cooperate with the ~~crime prevention and~~
25 ~~control~~ commission to support the purpose of this division.
26 (b) No expending authority shall make any expenditure from the ~~crime prevention and~~
27 ~~control~~ fund unless and until the commission is consulted on the expenditure and
28 afforded an opportunity to review the proposed expenditure and make a

1 recommendation to the expending authority prior to the disbursement of any monies
2 in the fund. ~~Any expenditure that is consistent with the commission's annual plan for~~
3 ~~expenditures from the fund, as required by section 2-255.55, shall be deemed to~~
4 ~~have received the recommendation of the commission without the necessity for~~
5 ~~further review by the commission.~~ However, the expending authority of the
6 commission is authorized to approve payments of up to \$10,000 for expenditures
7 that are consistent with the commission's annual plan for expenditures from the
8 fund, as required by section 2-255.54, without prior consultation with the
9 commission. Such expenditures shall be reported to the commission at the following
10 meeting.

11
12 COMMITTEE APPROVAL DATE: November 28, 2018

13 MAYOR-COUNCIL DATE: December 4, 2018

14 PASSED BY THE COUNCIL: _____

15 _____ - PRESIDENT

16 APPROVED: _____ - MAYOR _____

17 ATTEST: _____ - CLERK AND RECORDER,
18 EX-OFFICIO CLERK OF THE
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

21 PREPARED BY: Nicole D. Shoemaker, Assistant City Attorney DATE: December 6, 2018

22 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the
23 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
24 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
25 3.2.6 of the Charter.

26
27 Kristin M. Bronson, Denver City Attorney

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29 BY:  _____, Assistant City Attorney DATE: Dec 5, 2018