BY AUTHORITY

ORDINANCE NO.__________ COUNCIL BILL NO. CB22-0716

SERIES OF 2021 COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness

A BILL

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

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

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

Sec. 2-255.48. - Legislative intent.

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

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

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

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

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

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

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

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

Sec. 2-255.49. – Commission created.

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

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

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

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

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

(7) A representative of homeless service providers.

(8) Up to three (3) victim advocates or victim representatives or representatives from community coalitions/organizations that are focused on justice and/or crime prevention from geographically diverse areas of Denver most impacted by crime.

(9) A member of the Denver state legislative delegation.

(10) Up to three (3) representatives of the Denver community.

(11) A previous justice-involved community representative.

(c) Up to three (3) members of the city council, to be appointed by the president of the city council.

Sec. 2-255.50. Term of commissioners.

(a) The appointed members of the commission shall serve for a period of four (4) years, three (3) years to be staggered by appointing one third of the initial non-designated membership for three-year terms, another third for two (2) years, and the remaining third for one (1) year. Initial terms shall be set by the appointing authority.

(b) Commissioners may be reappointed for successive terms up to a maximum of three (3) terms.

Sec. 2-255.51. Vacancies.

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

Sec. 2-255.52. Compensation.

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

Sec. 2-255.53. – Officers.

The commission shall establish officers in accordance with its bylaws.

Sec. 2-255.534. - Meetings.

(a) The schedule of regular meetings of the commission shall be established by a majority of the membership, but the commission must meet at least six (6) times annually.

(b) Additional meetings shall be called as needed by the chair of the commission.
Sec. 2-255.545. Powers and duties.

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

(a) To conduct strategic planning and analysis and strategic planning related to management of Denver's criminal justice system, to promote accountability by criminal justice departments and agencies, and to develop performance measures and standards by which to evaluate the performance of the commission itself;

(b) To facilitate development of a coordinated criminal justice system sanctioning philosophy and policies, and monitor implementation of the philosophy and policies by the departments and agencies responsible for administering the criminal justice system in the City and County of Denver;

(c) To the extent permitted by state law, to collect and analyze data on the incidence and nature of crime in Denver and assess the impact of criminal activities and juvenile delinquency upon the residents of Denver, including the extent to which social determinants of health, including, but not limited to, housing, employment, education, health care, behavioral health care, economic stability, and neighborhood safety addressing behavioral health needs may affect those who become involved in the justice system before, during and after systems' involvement;

(d) To establish a process by which to recommend funding support for programs which includes monitoring the expenditures and available budget for the commission, and advising the mayor, city council and other departments or agencies on the continuation or termination of programs;

(e-d) Make recommendations to the mayor, the city council and other departments and agencies through the expending authority regarding the distribution, expenditure, and management of any and all monies appropriated from the Denver crime
(f) Undertake, on a continuing basis, an evaluation of the capacity and operations of the criminal justice system by completing regular system mapping, analyzing offender flow of individuals and "bed" usage, establishing projections to manage future space needs and recommending policy to utilize scarce jail beds for people whose behaviors cannot be managed through community- and system-based alternatives the most serious offenders and facilitating the development of a range of evidence-based sanctions and programs that will reduce recidivism;

(f) Stimulate community interest and involvement in appropriately addressing criminal justice and public safety problems;

(f) Report annually by July 15 October to the mayor and city council recommending changes in policies and programs to reduce victimization, to promote data-guided management, to help guide budgeting and administration, to diminish criminal recidivism and to improve overall public safety; The annual report shall include a detailed plan of recommended expenditures from the Denver crime prevention and control fund for the following fiscal year. The report shall also include information about the jail population by characteristics, length of stay, and offense, trends in the jail population, comparative jail population and crime data, and other appropriate measurements of how the criminal justice system is functioning;

(h) Seek federal grants and private sources of funding for innovative criminal justice projects and programs;

(i) Promote cooperation, collaboration and shared responsibility among justice system departments and agencies including but not limited to: programming, grant writing, appropriations and budgeting, and use of offender risk assessment systems to guide the imposition or modification of sanctions;

(j) To seek public input regarding commission activities and citywide needs, all commission meetings are open to the public; and

(k) To consider the impact on residential neighborhoods related to the release of offenders into the community when formulating or recommending any alternatives to incarceration, including but not limited to the expansion and concentration of community corrections facilities;
(l) To foster innovation and alternatives in the criminal justice system and to provide
initial funding opportunities for projects that advance these ideals; and

(mk) To perform ongoing system data collection, to the extent permitted by state law,
including, but not limited to: as described in commission bylaws.

(1) Researching the jail population, how it has changed, and the measures
needed for each individual to reduce repeat offense;

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

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

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

Sec. 2-255.556. – Procedures

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

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

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

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

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

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

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

(b) No expending authority shall make any expenditure from the fund unless and until
the commission is consulted on the expenditure and afforded an opportunity to
review the proposed expenditure and make a recommendation to the expending
authority prior to the disbursement of any monies in the fund. However, the
expending authority of the commission is authorized to approve payments of up to ten thousand dollars ($10,000.00) for expenditures that are consistent with the commission's annual plan for expenditures from the fund, as required by section 2-255.54, without prior consultation with the commission. Such expenditures shall be reported to the commission at the following meeting.

COMMITTEE APPROVAL DATE: June 29, 2022 by Consent

MAYOR-COUNCIL DATE: July 5, 2022 by Consent

PASSED BY THE COUNCIL: ___________________________ August 1, 2022

____________________________ - PRESIDENT

APPROVED: ___________________________ - MAYOR Aug 2, 2022

ATTEST: ___________________________ - CLERK AND RECORDER,

EX-OFFICIO CLERK OF THE
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: __________________________: __________________________.

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

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

Kristin Bronson, Denver City Attorney

BY: ____________________________, Assistant City Attorney DATE: Jul 21, 2022