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CRIMINAL JUSTICE SYSTEM STUDY REPORT

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Department of Local Affairs
DIVISION OF CRIMINAL JUSTICE

COLORADO
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July 1980

DIVISION OF CRIMINAL JUSTICE
DEPARTMENT OF LOCAL AFFAIRS
STATE OF COLORADO

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*Dixie Thorson, Director
Joan Crouch, Administrative Officer
Sally Steiner, Staff Assistant*

INTRODUCTION

The most readily observed characteristic of the American criminal justice system is its disarray. What is supposed to be a system of criminal justice is really a poorly coordinated collection of independent fiefdoms, some ridiculously small, which are labeled police, courts, corrections, and the like.]

Nationally, criminal justice functions have evolved from a simple framework of community centered service to a huge and costly network of criminal justice institutions. Demands caused by growth and urbanization have spawned a proliferation of generally nonuniform and uncoordinated state and local criminal justice agencies. Some of this development has been planned; however, much of it has been improvised.

Many variables have shaped criminal justice services into a fragmented *non-system*. Some fragmentation is positive and constitutionally necessary. For example, separation of powers and preservation of our adversary system of justice dictate organizational dispersion of some criminal justice functions. However, identifying and eliminating unnecessary fragmentation is essential to the delivery of coordinated, effective and cost-efficient criminal justice services.

While sharing many of the criminal justice problems faced by other states, Colorado is experiencing some additional and unique challenges. Colorado's diversified topography, climate and population density patterns cause problems in communication, transportation and provision of adequate and equitable resources. Development of mineral and energy resources is creating rapid population growth resulting in new "boom towns." Such growth taxes the ability of criminal justice agencies to prevent crime, preserve order, protect individual rights and serve the public.

Colorado's crime rate continues to be higher than that of the Mountain West States and is the sixth highest nationally. Substantial differences in fiscal resources at both the state and local levels of criminal justice services create disparity in staffing, salary scales and training. Consequently, some criminal justice services are not equally or adequately available on a statewide basis.

To meet the increasing demands for criminal justice services, Colorado relies on agencies widely dispersed among state executive and judicial branch departments and local political jurisdictions. For example, eight divisions, dispersed among six state executive branch departments, have jurisdiction over law enforcement, prosecution, corrections and over statewide criminal justice planning. Local government agencies, however, bear the major responsibility for law enforcement and public safety and also provide some prosecution and corrections services and criminal justice planning.

Although the organizational structure of Colorado's criminal justice agencies remains fragmented, attempts have been made toward a systemwide approach. Since 1971, an annual comprehensive criminal justice plan has been produced by the state planning agency, the Division of Criminal Justice, and submitted to the State Council on Criminal Justice.² The state plan is developed in logically progressive steps allowing an analysis of criminal justice needs and problems. This analysis lends itself to activities aimed at meeting the needs and solving the problems.

In addition, a Colorado Comprehensive Community Corrections Plan was developed through a planning study for community corrections conducted by the Division of Criminal Justice between January 31, 1976 and February 1978. The purpose of the Plan was to analyze community corrections, county jails, probation and the overall organizational structure of the corrections system in Colorado. Reorganization of the corrections component of Colorado's criminal justice system was included among the recommendations proposed in the Comprehensive Community Corrections Plan.³

Fragmentation of Colorado's judicial functions was reduced as a result of a constitutional amendment adopted in 1962 providing for reorganization of the judicial structure. The amendment transferred juvenile, probate and mental health jurisdiction to district court, except in the City and County of Denver, where separate juvenile and probate courts were created. Effective January 1, 1970, the State of Colorado assumed full responsibility for funding all courts of record except the Denver County Court and municipal courts. This unified state court system has administrative jurisdiction over all state courts as well as administrative responsibility for probation and the state public defender's office.

In 1968, reorganization of Colorado's executive branch of state government was initiated by the Colorado Administrative Organization Act reducing the number of executive departments from 48 independent and semi-independent agencies to a constitutional limit of 20. Eighteen departments were established in 1968; a nineteenth department was added in 1974; the twentieth department was created in 1977. Thirteen of these twenty executive branch departments contain agencies with either primary or peripheral criminal justice responsibilities.

In spite of several valuable studies and organizational changes in the executive and judicial branches of state government, there still is no systemwide approach to crime and public safety in Colorado. Organizational diffusion of criminal justice responsibility remains at the state and local levels of government; state criminal justice agency roles and responsibilities are not clearly defined; accountability is difficult to determine; service voids and duplication have developed; and, a proliferation of paperwork and statutory requirements have placed burdens on criminal justice practitioners. Information is not accessible in a consistent or timely manner and often is inaccurate. Training is minimal and there is confusion among state criminal justice agencies and related local government agency personnel regarding the location and function of state criminal justice agencies.

Lack of systemwide cooperation and coordination causes many short and longterm problems including duplication of services, conflicting policies, inefficient

service delivery and wasted resources. The Governor approved the Criminal Justice System Study (CJSS) in April 1978, to study the present formal and informal interrelationships of criminal justice functions to determine how improved cooperation and coordination could be achieved. A Law Enforcement Assistance Administration (LEAA) grant awarded to the Office of the Governor in July 1978 provided funds for the project. The State Council on Criminal Justice, statutorily authorized and structured to examine the criminal justice system in its entirety, was requested to act as the official Study Advisory Commission to approve all preliminary and final recommendations for submission to the Governor.

Study Objectives and Activities

The objectives of the Criminal Justice System Study are as follows:

1. To describe and analyze the current organizational structure and interrelationships of criminal justice agencies and functions in Colorado.
2. To describe and analyze alternative organizational structures and intersystem coordinating mechanisms existing in Colorado.
3. To compare the advantages and disadvantages of criminal justice organizational structures and coordinating mechanisms that exist in Colorado and other states.
4. To recommend specific methods for improving the efficiency of criminal justice agency service provisions.

Scope

For the purpose of the Criminal Justice System Study, criminal justice functions and services were identified as law enforcement, prosecution, defense services, courts, corrections, criminal justice planning, information systems, staff education and training, systemwide criminal justice issues and related criminal justice services provided by other agencies, e.g., alcohol and drug abuse treatment for offenders by the Alcohol and Drug Abuse Division of the Health Department and vocational rehabilitation in the Department of Social Services. The study focused on a thorough examination of the adult criminal justice system. The State Council proposed a separate study of the juvenile justice system.

Implementation of the Criminal Justice System Study included the following activities:

1. Interviews with state agency officials and examination of statutes, executive orders, policy manuals and budgets to develop profiles of state agencies.
2. Collection of data through standardized field interviews with the criminal justice practitioners at state, county and municipal levels.
3. Collection of data solicited from relevant noncriminal justice agencies through a standardized mail questionnaire.

4. Study and compilation of information received from selected states, examining the organizational structure and operation of state criminal justice systems and their specific functions.
5. Recording and analyzing data generated by responses to both the field interview questionnaires and the mail questionnaires.
6. Presentation of major issues and concerns to the State Council on Criminal Justice to formulate preliminary recommendations for submission to the full State Council.

Organization of the Criminal Justice System Study Full Report

The report contains an Executive Summary including a brief discussion of problems identified by project findings and recommendations approved by the State Council on Criminal Justice. A section describing the methods and procedures employed to conduct the study follows the Executive Summary. Chapter I, "A Description of the Colorado Criminal Justice System," provides information about each agency in state and local government involved directly or peripherally in criminal justice services. Agencies are grouped according to their criminal justice function to facilitate a better understanding of the Colorado criminal justice system as it currently is structured.

Chapter II, "Colorado Criminal Justice System Problems and Recommendations," discusses the problems and issues identified by Criminal Justice System Study interview data and research. The chapter is divided into sections which include systemwide issues, law enforcement, prosecution, public defense, courts, corrections and related services. Because of the nature of the study, the issues identified are primarily system and interagency issues and do not address intra-agency problems.

The appendices include lists of State Council on Criminal Justice members, state agencies responding to agency profile survey, types of agencies surveyed and practitioners and officials who participated in the Study.

Implementation of State Council on Criminal Justice Recommendations

Recommendations resulting from the Criminal Justice System Study can be implemented through one or more of four methods: statute changes, executive orders, Supreme Court directives, or administrative policy effected by agency executives. Implementation of recommendations and continuing consideration of all issues discussed by the State Council on Criminal Justice will provide additional opportunities to improve criminal justice service delivery. Finally, Criminal Justice System Study findings can serve as a valuable reference for future plans or programs. The task is just beginning.

FOOTNOTES

INTRODUCTION

- 1 Daniel L. Skoler, Organizing the Non-System (Lexington, Mass., D.C. Heath and Company, 1977), p. xvii.
- 2 The State Council on Criminal Justice is composed of eight ex-officio members (Attorney General, Chief Justice of the Supreme Court, Public Defender, Director of the Colorado Bureau of Investigation, Executive Director of the Department of Corrections, Director of the Division of Local Government in the Department of Local Affairs, State Court Administrator, and Chief of the Colorado State Patrol); 15 members appointed by the Governor for two-year terms (these include one trial judge, one judge of judicial planning commission, two police chiefs, one sheriff, one district attorney, one corrections staff, one public agency staff and one private agency staff) and, a state senator appointed by the president of the senate and a state representative appointed by the speaker of the house.
- 3 Colorado Comprehensive Community Corrections Plan (DIVISION OF CRIMINAL JUSTICE, Department of Local Affairs, State of Colorado, February 1978), p.A-120. "Corrections in Colorado should be reorganized to achieve the following objectives: (a) To enhance community involvement in and responsibility for treating offenders in the community; (b) To establish a state and local partnership to fund and support community corrections at the local level; (c) To increase accountability through state accreditation, technical assistance, monitoring and evaluation of jails, community corrections programs and services; (d) To increase accountability by vesting authority to administer funding and support of community corrections in a single state executive branch agency; (e) To develop a wide range of correctional services and programs emphasizing reintegration and alternatives to incarceration at the local level; (f) To improve service delivery and develop a continuum of services by coordinating correctional programs at the local level; (g) To develop a comprehensive, systematic approach to corrections; (h) To eliminate duplication of services and encourage sharing of resources; (i) To achieve greater efficiency and economy in service delivery."

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COLORADO CRIMINAL JUSTICE SYSTEM STUDY

EXECUTIVE SUMMARY

Focus and Objectives

The focus of the Colorado Criminal Justice System Study was the service capability of Colorado's fragmented criminal justice system, particularly at the state level. In April 1978, the Governor approved a study of the present formal and informal interrelationships of criminal justice functions to determine how improved cooperation and coordination could be achieved.

The State Council on Criminal Justice was established as the official Advisory Commission by the one-year Law Enforcement Assistance Administration (LEAA) grant awarded to the Office of the Governor and in this capacity was responsible for discussing and approving all preliminary and final recommendations.

The following study objectives were approved by the State Council on Criminal Justice:

1. To describe and analyze the current organizational structure and interrelationships of criminal justice agencies and functions in Colorado.
2. To describe and analyze alternative organizational structures and intersystem coordinating mechanisms existing in Colorado.
3. To compare the advantages and disadvantages of criminal justice organizational structures and coordinating mechanisms that exist in Colorado and other states.
4. To recommend specific methods for improving the efficiency of criminal justice agency service provisions.

The State Council considered objectives one and four to be the most critical.

Scope

The scope of the study was confined to the adult criminal justice system. The State Council proposed a separate study of the juvenile justice system. For the purposes of the study, the State Council on Criminal Justice identified the following functions and services as essential for investigation: law enforcement, prosecution, defense services, courts, corrections, criminal justice planning, criminal justice information systems, criminal justice staff education and training and related criminal justice services provided by other agencies, e.g., alcohol and drug abuse treatment for offenders by the Alcohol and Drug Abuse Division of the Department of Health and vocational rehabilitation services to offenders by the Division of Vocational Rehabilitation in the Department of Social Services.

Methods and Sources of Information

The staff of the Criminal Justice System Study researched criminal justice literature, appropriate Colorado statutes and documents and studied criminal justice systems in other states. The staff, assisted by the Division of Criminal Justice, employed survey techniques to conduct personal interviews with state agency administrators and with state, county and municipal criminal justice practitioners in nine counties. Data also was collected from personnel providing services to the criminal justice system through responses to a mailed questionnaire.

ISSUES AND RECOMMENDATIONS

Issues and problems identified by the study supported the need for coordinated, cost-effective criminal justice services. All study findings were presented to the State Council on Criminal Justice. Members of the State Council on Criminal Justice approved recommendations to address thirteen of the identified issues and gave full consideration to most of the others. State Council members agreed that all identified issues and problems should be included in the study report.

The following subsections present the general problems that relate to the delivery of criminal justice services. A final subsection lists the thirteen State Council recommendations.

Issues Identified by the Study

- 1) Organizational problems associated with the fragmented structure of the state criminal justice system and with the perceived inappropriate administrative location of some state criminal justice functions.
- 2) The inadequacies of the present coroner system.
- 3) Dissatisfaction with criminal justice staff education and training.
- 4) Lack of an adequate criminal justice information management system.
- 5) A need to include criminal justice functions in energy impact study and resources.
- 6) The need for interagency information exchange and for providing agency input to top level decisionmakers.

Law Enforcement Issues

- 1) The need for statewide standards for law enforcement operations.
- 2) Statutory clarification of the duties and qualifications of sheriffs, Colorado State Patrol officers and institutional law enforcement and public safety officers.
- 3) The need for more timely and more regionalized laboratory, investigative, communication, records and intelligence gathering services.

Prosecution Issues

- 1) The data revealed the prosecution's reliance upon two funding sources to provide services in each of Colorado's 22 judicial districts is a problem.
- 2) The need for guidelines governing plea bargaining and district attorney discretion in decisions to prosecute; a need for more timely, accurate, consistent case disposition information flow and more timely prosecution of cases.
- 3) The need to analyze whether grand juries are being used appropriately or are even necessary.

Public Defense Issues

- 1) Inadequate funding for the Office of the Public Defender and court appointed private counsel is the major public defense problem.

Judicial Services Issues

- 1) Overlaps in jurisdiction and function in the current judicial structure and exclusion of municipal courts from the unified state court system.
- 2) The need to implement effective jury management; to simplify judicial procedures, reclassify offenses and change the bail system to provide more timely and appropriate services.
- 3) The need to establish statutory qualifications for county judges.
- 4) Provision of adequate staffing and salaries in the areas of district court judges and probation officers.

Corrections Issues

- 1) The need for a greater planning capability.
- 2) The need for statewide guidelines for the construction, maintenance and operation of county or municipal jails.
- 3) An increased market for Correctional Industries products.
- 4) Guidelines needed for community corrections programs and statutory clarification of authority to supervise offenders sentenced to community corrections programs by the courts.
- 5) Inadequate and unpredictable funding for community corrections programs.
- 6) The need for state funding of state mandated corrections services provided by the sheriff.

Related Services Issues

- 1) The need for consistent and adequate followup in the provision of services to offenders.

- 2) The need for specialized training for the staff of service agencies.
- 3) Better management of employment services to eliminate duplication and inadequacies.

State Council on Criminal Justice Recommendations

The State Council on Criminal Justice discussed the issues identified by the study. Many of the problems require additional study prior to making recommendations. These issues will be addressed by the Council in the future.

Several of the issues are being addressed by other agencies or organizations. The Council made the following recommendations which were presented to the Governor in December, 1979.

TO CREATE A DEPARTMENT OF PUBLIC SAFETY TO INCLUDE THE COLORADO STATE PATROL, THE COLORADO BUREAU OF INVESTIGATION, THE COLORADO LAW ENFORCEMENT TRAINING ACADEMY AND THE DIVISION OF COMMUNICATIONS. THE COLORADO STATE PATROL, THE COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO LAW ENFORCEMENT TRAINING ACADEMY ARE TO BE TRANSFERRED FROM THEIR RESPECTIVE DEPARTMENTS TO THE PROPOSED DEPARTMENT OF PUBLIC SAFETY AS TYPE ONE TRANSFERS. THE RELOCATION OF THE DIVISION OF COMMUNICATIONS IS TO BE A TYPE TWO TRANSFER.

TO CONTINUE TO OPERATE THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF LOCAL AFFAIRS.

TO DIRECT THE CHAIR OF THE STATE COUNCIL ON CRIMINAL JUSTICE TO APPOINT A COMMITTEE OF THE COUNCIL TO STUDY THE CURRENT AND FUTURE ROLES AND FUNCTIONS OF THE DIVISION OF CRIMINAL JUSTICE.

TO CREATE A STATE MEDICAL EXAMINER'S OFFICE, FUNDED BY THE STATE, DECENTRALIZED FOR OPERATING PURPOSES AND INVESTED WITH THE AUTHORITY NECESSARY TO PERFORM ITS FUNCTIONS. THE MEDICAL EXAMINER'S OFFICE COULD BE LOCATED ADMINISTRATIVELY IN THE UNIVERSITY OF COLORADO MEDICAL CENTER.

TO EXAMINE VARIOUS MODELS FOR COORDINATING TRAINING RESOURCES TO PROVIDE ACCESS TO ALL PHASES OF TRAINING WITHIN THE CRIMINAL JUSTICE SYSTEM AND ENSURE THAT NO AREAS ARE EXCLUDED OR DUPLICATED. A STRUCTURE SHOULD BE DETERMINED TO IMPLEMENT THIS CONCEPT.

TO ESTABLISH A WORKING COMMITTEE COMPRISED OF MID-MANAGEMENT LEVEL STAFF REPRESENTING DISTRICT ATTORNEYS, PUBLIC DEFENDERS, PROBATION OFFICERS, LAW ENFORCEMENT OFFICERS, THE COURTS, PAROLE OFFICERS, COMMUNITY CORRECTIONS STAFF AND THE DIAGNOSTIC UNIT OF THE DEPARTMENT OF CORRECTIONS TO ADDRESS AND RESOLVE THE ISSUES AND PROBLEMS RELATED TO OFFENDER CASE HISTORIES.

TO INCLUDE THE CRIMINAL JUSTICE SYSTEM IN ANY STATE SPONSORED ENERGY DEVELOPMENT AND OTHER RAPID GROWTH IMPACT STUDIES.

TO INCREASE THE PUBLIC DEFENDER'S OFFICE FUNDING TO REFLECT THE NATIONAL STANDARD OF 150 FELONY EQUIVALENT CASES CLOSED PER PUBLIC DEFENDER PER YEAR AND A PUBLIC DEFENDER/INVESTIGATOR RATIO OF 3:1 PLUS APPROPRIATE OPERATING EXPENSES.

TO ESTABLISH A TASK FORCE TO DEVELOP A PLAN FOR PROVIDING DIAGNOSTIC EVALUATIONS TO COURTS AND COMMUNITY CORRECTIONS PROGRAMS. THE TASK FORCE SHOULD INCLUDE REPRESENTATION FROM THE DEPARTMENT OF INSTITUTIONS, DIVISION OF MENTAL HEALTH, DEPARTMENT OF SOCIAL SERVICES, DIVISION OF VOCATIONAL REHABILITATION, ALCOHOL AND DRUG ABUSE DIVISION, DIVISION OF HIGHWAY SAFETY, DISTRICT ATTORNEYS, PUBLIC DEFENDERS, THE JUDICIAL DEPARTMENT, DIVISION OF CRIMINAL JUSTICE, COMMUNITY CORRECTIONS PROGRAMS, PROBATION DEPARTMENTS AND THE DEPARTMENT OF CORRECTIONS DIAGNOSTIC UNIT.

TO ESTABLISH AND IMPLEMENT STATEWIDE REASONABLE MINIMUM JAIL STANDARDS.

TO EXPAND THE MEMBERSHIP OF THE COLORADO CONSORTIUM FOR CORRECTIONAL VOCATIONAL SERVICES (CCVS) TO INCLUDE COMMUNITY CORRECTIONS AND PROBATION SERVICES AND EXPAND ITS EFFORTS INTO OTHER AREAS OF THE STATE. THE GOVERNOR AND CCVS SHOULD ENCOURAGE EACH COMMUNITY TO ESTABLISH AN EMPLOYMENT BOARD COMPRISED OF APPROPRIATE CRIMINAL JUSTICE SYSTEM PERSONNEL AND EMPLOYERS TO COMMUNICATE AND WORK WITH THE CCVS. LOCAL CRIMINAL JUSTICE ADVISORY COUNCILS SHOULD BE CONTACTED FOR ASSISTANCE BEFORE THE ESTABLISHMENT OF THE LOCAL EMPLOYMENT BOARDS IN THEIR JURISDICTION.

TO IMPLEMENT A COORDINATED EFFORT BY THE DIVISION OF MENTAL HEALTH, THE DIVISION OF CRIMINAL JUSTICE AND OTHER AGENCIES TO GATHER INFORMATION ON CRIMINAL JUSTICE CLIENTS REGARDING WHAT PROGRAMS ARE WORKING; TO EVALUATE AND ASSESS THE EXTENT OF CONTINUITY AND QUALITY OF SERVICES AND REVIEW APPROPRIATE FUNDING MECHANISMS FOR ADDRESSING THE SERVICE CONTINUITY PROBLEM.

TO DEVELOP AN ALCOHOL AND DRUG ABUSE TREATMENT NEEDS MODEL FOR THE CRIMINAL JUSTICE SYSTEM COMPARABLE TO THE COMMUNITY NEEDS MODEL; TO UTILIZE A COORDINATED STUDY GROUP TO IDENTIFY SERVICES NEEDS AND DEVELOP PROGRAMS.

METHODS AND PROCEDURES

COLLECTION OF COLORADO DATA

As indicated in the introductory section, one of the objectives of the Criminal Justice System Study was to ascertain how well various state level criminal justice agencies currently are delivering services to each other and to the local units of government. To achieve this objective, all criminal justice state agencies and nine of the sixty-three counties in Colorado were selected for indepth study. These nine counties (Adams, Costilla, Denver, El Paso, La Plata, Moffat, Pueblo, Washington and Weld) were selected because they are representative of the state as a whole. Additionally, each of the counties selected represents a different judicial district and regional criminal justice planning unit in the state. See figures 1, 2 and 3 at the end of the methods section.

- 1) Adams County, located on the eastern slope of Colorado, is primarily suburban in nature, but contains rural areas as well.
- 2) Costilla County, located in the south central portion of the state, is a rural and economically underdeveloped county.
- 3) Denver County, the most populous county in the state and home of the state capital is highly urbanized and growing in terms of business and industry, but is undergoing a small loss of population to the suburban areas.
- 4) El Paso County is one of the fastest growing counties in Colorado in business, industry and population. Its criminal justice system is impacted further by the presence of a large military base on the southern edge of Colorado Springs.
- 5) La Plata County, in the southwest corner of Colorado, is basically a rural county that experiences a heavy impact from year-round tourism.
- 6) Moffat county, in the northwest corner of the state, is on the edge of the state's energy development industry and may be the bell-weather of the future for that entire quadrant of Colorado. Energy development heavily affects Moffat County's criminal justice system.
- 7) Pueblo County combines both industry and agriculture, but is basically static in its rate of population growth.
- 8) Washington County, located in northeastern Colorado, is another rural county with primarily an agricultural economy.
- 9) Weld County is also primarily a rural county, but is located close enough to the Denver metropolitan area to be experiencing some population and industrial growth.

Before interviewing criminal justice personnel, it was necessary to determine the agencies to be included. For state agencies, an initial list of agency

types was assembled and statutes concerning these agencies were researched. Twenty-seven state agencies were selected to develop agency profiles. Interviews were conducted with the directors of each agency by the staff of the Criminal Justice System Study (CJSS) and Division of Criminal Justice. Based upon these interviews and statute research, a list of state agencies was assembled for the study.

For county, regional and municipal interviews a list was made of criminal justice agencies and personnel in the nine selected counties, regional planning units and judicial districts. An examination indicated that only three of the nine counties (Adams, El Paso and Weld) contained more than four municipalities each. Therefore, to prevent bias, four municipalities were selected from each county to be included in the interview process.

At both the state and local levels, a further reduction was necessary where more than one person held the same position within an agency or entity selected for study, i.e., county commissioners, district attorneys, parole officers and public defenders. In these instances, the names chosen for interviewing were randomly selected.

For the interview, selection of personnel within state agencies was based upon the function that person served within the agency. It should be noted that at the central office level of a state agency, staff were chosen based upon their decision and policymaking duties within the system. Positions chosen for interviewing were connected with supervision, program planning, training, fiscal management, information systems, program management and research.

The master list was divided into two groups: those whose primary function was within the criminal justice system; and those who were responsible for delivering some type of support service. There were 308 personal interviews scheduled with those whose primary job duties were within the criminal justice system. The second group of 196 persons, representing support service to criminal justice practitioners, received a mailed questionnaire somewhat shorter in format than that used for criminal justice personnel.

In March, publication of a Request for Proposal was issued to hire a research firm to develop and pretest the questionnaire and assist in data analysis. A Boulder firm, the Center for Action Research, Inc. was selected for the task by a committee comprised of research staff from the courts, corrections and law enforcement.

The questionnaire was pretested in Jefferson county, which was selected on the basis of several criteria: 1) it could not be one of the nine counties chosen for study interviews; 2) it must contain a good mixture of both state and local agency types in order to determine how well the questionnaire met the needs of all types of practitioners; and 3) it had to be located within reasonable commuting distance from Denver.

At the conclusion of the pretest interview process, the staff of the Center for Action Research and Criminal Justice System Study analyzed the interview data and made appropriate revisions in the questionnaire. A final twenty-two page questionnaire was developed for the interviews. The questionnaire was then edited by the Criminal Justice System Study staff to make it appropriate for use by agency personnel on the mail out list of respondents.

Interviewers received a final half-day of training to acquaint them with the revised field questionnaire. This group of interviewers was comprised of three staff members of the Criminal Justice System Study, two regional criminal justice planners and five staff from the Division of Criminal Justice.

The field interview period lasted approximately two months with each interview taking approximately one-and-one-half to two hours. A total of 270 field interviews were completed while thirty-eight interviews could not be completed for a variety of reasons, i.e., the position was vacant or the respondent was on leave.

Of the 196 mailed questionnaires, 67 (48.9%) were completed and returned. The low response rate can be explained by the fact that those receiving the questionnaires were instructed not to complete the form if they did not feel knowledgeable about the criminal justice system.

A complete list of all respondents who participated in the study appears as Appendix C.

Collection of Out-Of-State Data

Objectives two and three of the Criminal Justice System Study were to describe and analyze the structure of criminal justice system organization in other states and compare these systems with Colorado. A State Agency Profile survey was sent to 15 selected states during the early period of the study to collect pertinent information.

Ten states responded although the format, quality and quantity of data varied widely. The states who responded include:

Arizona	Kansas	New Mexico	Virginia
Arkansas	Kentucky	Oregon	
Iowa	Montana	Pennsylvania	

After studying the data from the ten states that responded, the CJSS working committee of the State Council on Criminal Justice selected seven of the states to be compared with Colorado in over a dozen structural areas.

Data Analysis

The closed-ended responses of the completed questionnaires from both the field interviews and mail respondents were tabulated by computer.

The open-ended data, including Jefferson County's open-ended pretest data, were hand tabulated by the CJSS staff. Over 1,500 individual pieces of data were processed in this manner and grouped into agency and problem area categories.

The questionnaire data was then combined to form a list of the most frequently reported problems and needs in the criminal justice system. First, problems experienced in the criminal justice system interfaces were grouped according to the agency involved. It became apparent a substantial amount of the data related to criminal justice systemwide problems rather than to specific agencies. This systemwide data was grouped into the categories of organization, statutes, process, planning, training and education, communications, legislative decision-making and philosophy.

The major issues to be addressed by the State Council were then compiled using a combination of closed- and open-ended data responses; information from the agency profiles; data from research of agency statutes and budgets; reports from the Education and Training Subcommittee and the Criminal Justice Information System Study subcommittee of the State Council; and, numerous published reports on various aspects of the criminal justice system. Data analysis was completed at this point and the list of major issues was submitted to the State Council CJSS Working Committee for its consideration.

Detailed data information is on file at the Division of Criminal Justice.

Process for Making Recommendations

During the first weeks in August 1979, the CJSS working committee of the State Council on Criminal Justice met with the project staff to develop preliminary recommendations based upon the data collected for the consideration of the full State Council.

At the State Council meeting of August 23-24, 1979 the Council gave preliminary approval to four of the committee recommendations. These four items, presented in a format which included a brief description of the problems being addressed, were sent to Regional Criminal Justice Planners, various state agency directors, Criminal Justice Advisory Councils and local criminal justice agencies and associations for their comments. Practitioners were invited to submit comments in writing or to attend the next State Council meeting on September 13-15, 1979 in Georgetown, Colorado to present their ideas.

At the September 1979 State Council meeting, nearly two-and-a-half days were spent discussing both the preliminary and additional recommendations for the improvement of the system. At the end of that meeting, three of the four preliminary recommendations and three additional recommendations were finalized with the understanding that further input was welcome at the State Council meeting in October 1979. One of the recommendations remained preliminary. A revised briefing paper was sent to the same group of agencies and practitioners again inviting comment before or during the October State Council meeting.

On October 5, 1979 additional testimony and comments from interested parties were heard by the State Council and the one remaining preliminary recommendation and five others were passed.

The State Council meeting of November 16, 1979, was the last meeting where the Criminal Justice System Study recommendations were acted upon by the State Council for purposes of this report.

A preliminary report was presented to the Governor on October 31, 1979.

COLORADO

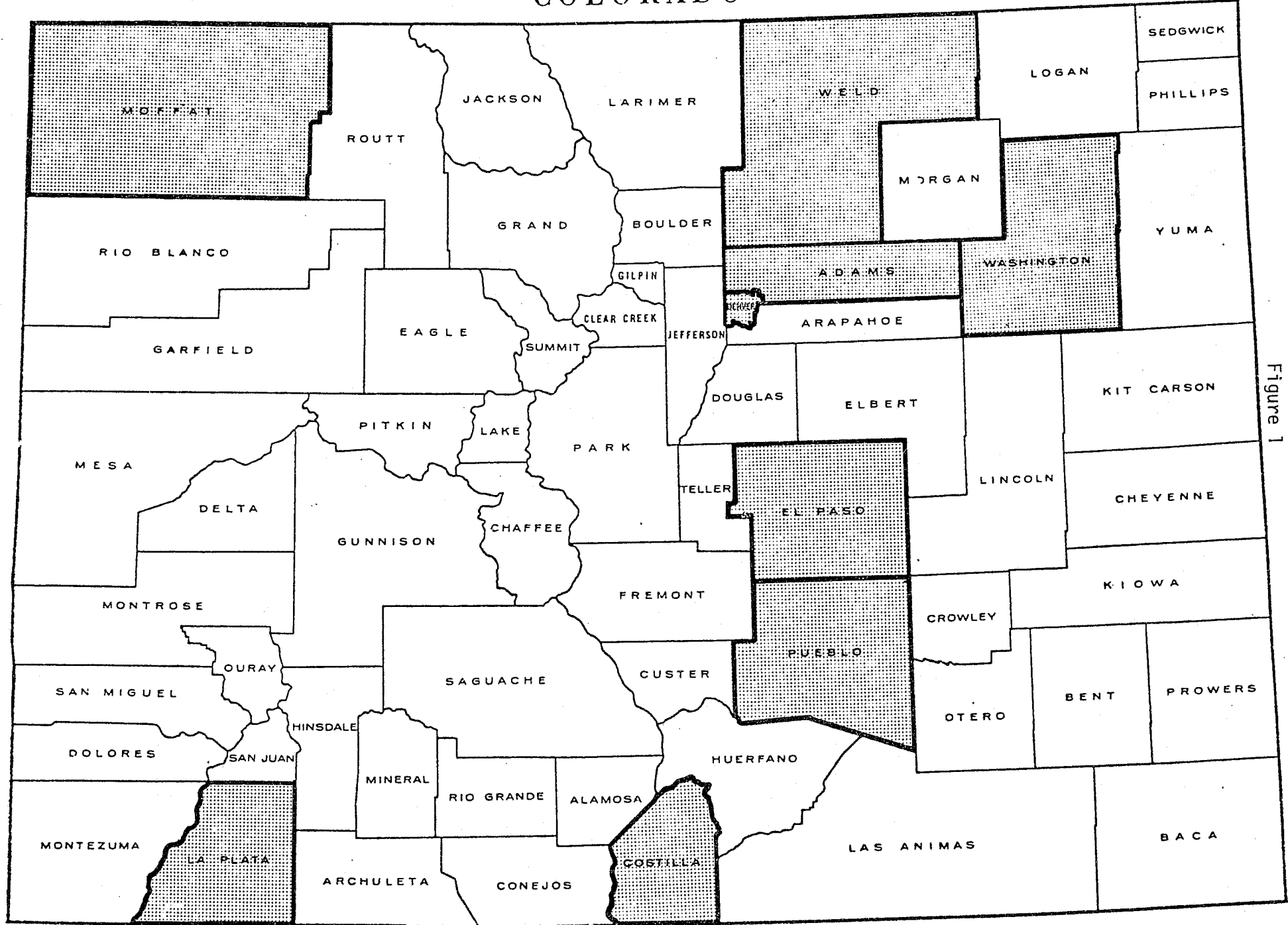


Figure 1

11

Map of Colorado showing Congressional Districts (1st through 22nd) and associated counties and cities.

- 1st:** DENVER
- 2nd:** BRIGHTON, ADAMS
- 3rd:** LAS ANIMAS
- 4th:** COLORADO SPRINGS, EL PASO
- 5th:** EAGLE, BRECKENRIDGE
- 6th:** MONTEZUMA, DURANGO
- 7th:** MONTROSE
- 8th:** LARIMER, FORT COLLINS
- 9th:** RIO BLANCO
- 10th:** PUEBLO
- 11th:** CHAFFEE, SALIDA
- 12th:** SAGUACHE
- 13th:** AKRON, YUMA
- 14th:** MOFFAT, CRAIG
- 15th:** LAMAR, PROWERS
- 16th:** LA JUNTA, OTERO
- 17th:** ARAPAHOE, LITTLETON
- 18th:** KIOWA, ELBERT
- 19th:** WELD
- 20th:** BOULDER
- 21st:** GRAND JUNCTION, MESA
- 22nd:** MONTEZUMA, DURANGO

Counties and Cities labeled on the map include: MOFFAT, CRAIG, MEeker, RIO BLANCO, GARFIELD, GLENWOOD SPRINGS, GRAND JUNCTION, MESA, DELTA, MONTROSE, OURAY, SAN MIGUEL, TELLURIDE, DOLORES, DOVE CREEK, MONTEZUMA, CORTEZ, LA PLATA, DURANGO, PAGOSA SPRINGS, ARCHULETA, CONEJOS, SAN LUIS, COSTILLA, ALAMOSA, DEL NORTE, RIO GRANDE, MINERAL, CREEDE, SAGUACHE, SALIDA, CHAFFEE, GUNNISON, PITKIN, ASPEN, FAIRPLAY, PARK, LEADVILLE, LAKE, SUMMIT, BRECKENRIDGE, CLEAR CREEK, GEORGETOWN, GILPIN, CENTRAL CITY, GOLDEN, JEFFERSON, CASTLE ROCK, DOUGLAS, KIOWA, ELBERT, HUGO, LINCOLN, CHEYENNE, CHEYENNE WELLS, EADS, KIOWA, CROWLEY, ORDWAY, LAS ANIMAS, BENT, SPRINGFIELD, BACA, TRINIDAD, WALSHEBURG, HUERFANO, CUSTER, WESTCLIFFE, CANON CITY, FREMONT, SAGUACHE, SAGUACHE, LAKE CITY, OURAY, SAN JUAN, SILVERTON, HINSDALE, TELLURIDE, DOLORES, DOVE CREEK, MONTEZUMA, CORTEZ, LA PLATA, DURANGO, PAGOSA SPRINGS, ARCHULETA, CONEJOS, SAN LUIS, COSTILLA, ALAMOSA, DEL NORTE, RIO GRANDE, MINERAL, CREEDE, SAGUACHE, SALIDA, 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CHAFFEE, GUNNISON, PITKIN, ASPEN, FAIRPLAY, PARK, LEADVILLE

Figure 2

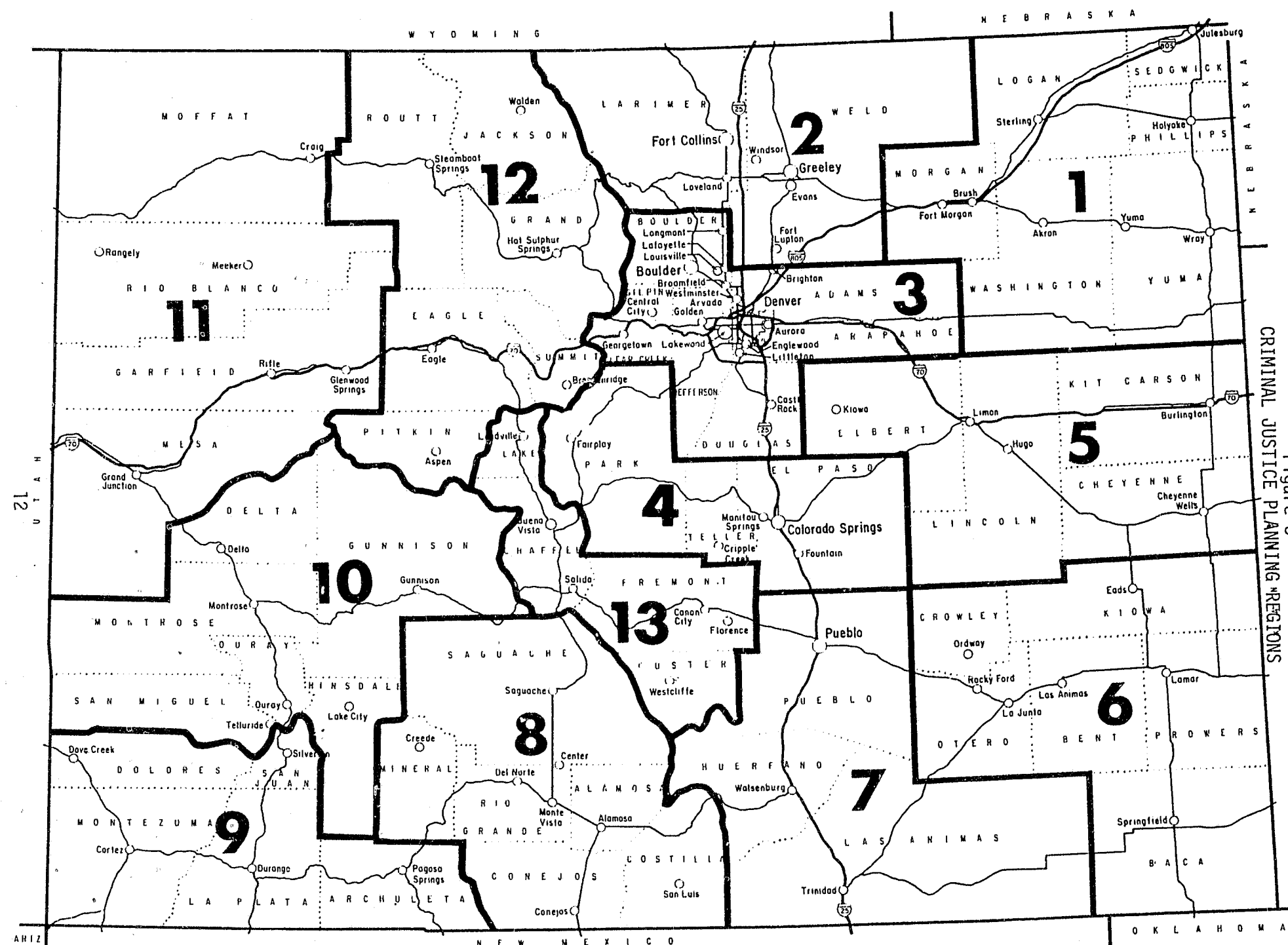


Figure 3
CRIMINAL JUSTICE PLANNING REGIONS

CHAPTER 1: DESCRIPTION OF THE COLORADO CRIMINAL JUSTICE SYSTEM

The adult criminal justice system in Colorado consists of state, county and municipal law enforcement agencies and personnel: justices and judges; prosecutors and probation; public defenders and private attorneys; jailers and correctional officers; administrators, planners, statisticians and computer experts; social service professionals, medical doctors, psychologists and psychiatrists; educators and many others.

At the state level, most of the executive branch agencies providing criminal justice services on a statewide basis are located in departments not exclusively responsible for criminal justice functions. Problems associated with the delivery of criminal justice services as identified by the Criminal Justice System Study, therefore, can be better understood within terms of Colorado's complex and fragmented system. Figure 4 on the following pages indicates the current organization of Colorado state government and identifies agencies having criminal justice or related service responsibilities. Agencies below the level of a department interacting with the adult criminal justice system are not shown on the chart. The various agencies responsible for providing law enforcement, court, corrections, systemwide criminal justice planning services and related services are described in the following five sections of this chapter.

LAW ENFORCEMENT SERVICES

Executive branch agencies providing statewide law enforcement services are administratively located in the following departments: Local Affairs, Highways, Administration and Law. Six other departments contain units providing law enforcement services within those departments but which may or should interact with other law enforcement agencies. In addition, sixty-two county law enforcement jurisdictions are administered by sheriffs and more than 140 law enforcement jurisdictions are administered by municipal governments.

STATE LAW ENFORCEMENT AGENCIES

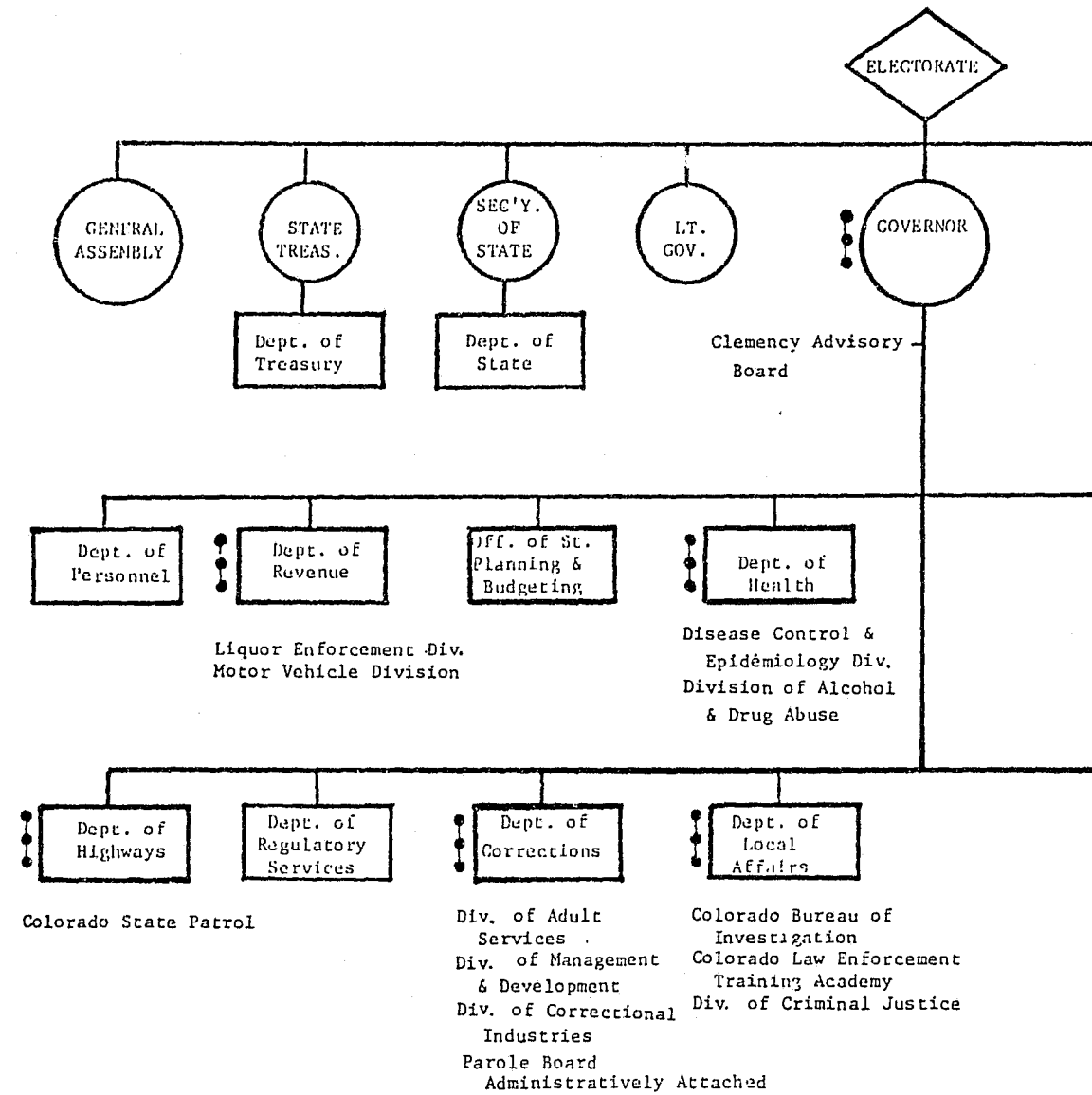
COLORADO BUREAU OF INVESTIGATION DEPARTMENT OF LOCAL AFFAIRS

The Colorado Bureau of Investigation and the Colorado Law Enforcement Training Academy are administratively located in the Department of Local Affairs established under the Administrative Organization Act of 1968 as the cabinet level liaison between state and local government. Other agencies located in the Department of Local Affairs include the Divisions of Commerce and Development, Criminal Justice, Housing, Planning, Local Government, Property Taxation, Mineral and Energy Impact and the Office of Rural Development and the Board of Assessment Appeals.

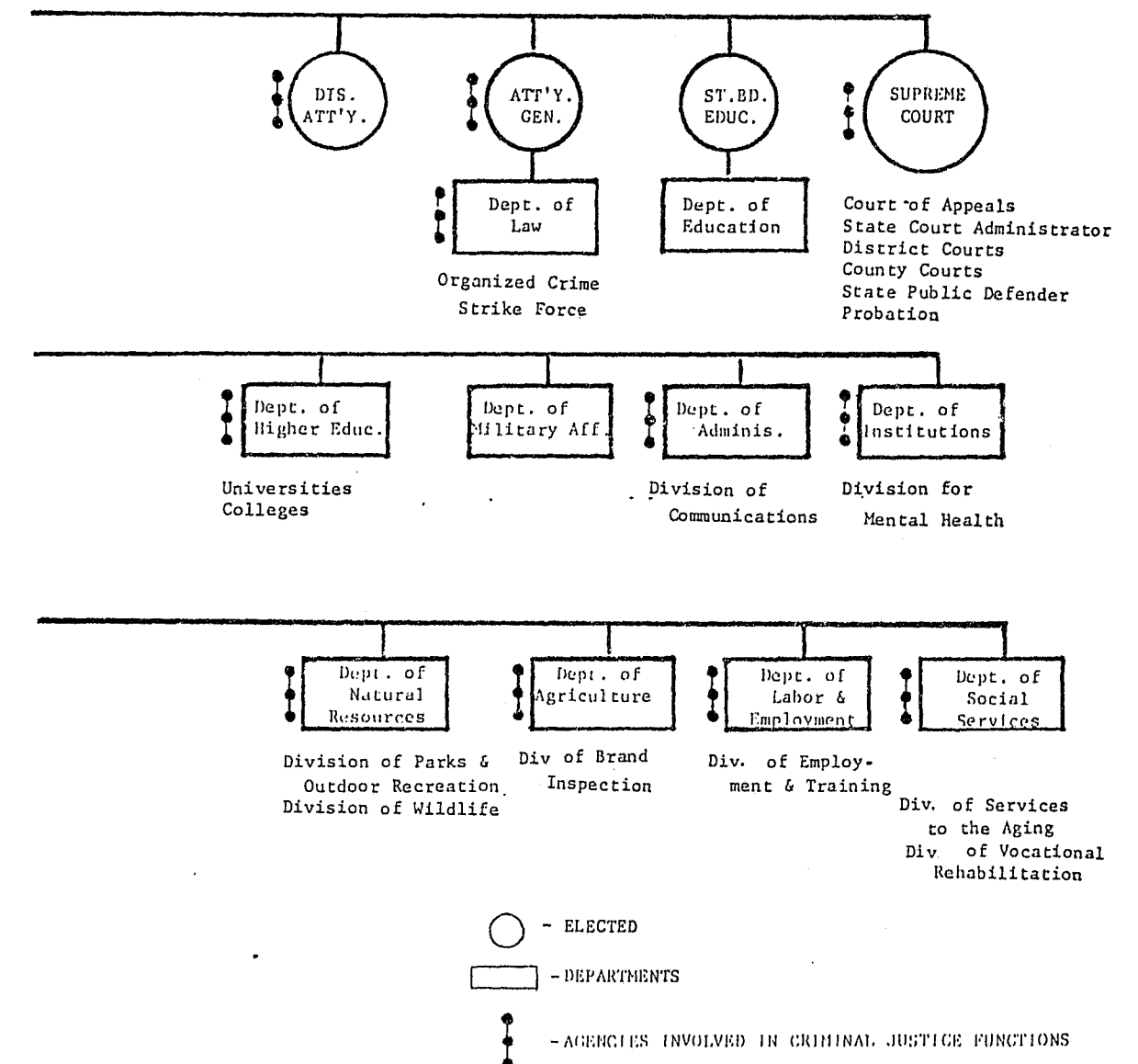
The Colorado Bureau of Investigation (CBI) originally was created as a separate agency in July 1967 and then transferred to the Department of Local Affairs in 1968. The FY 1979-80 CBI budget was \$2,981,015 and the agency employed 80.5 staff. Section 24-32-412, C.R.S. 1973 (1978 Supp.) outlines CBI's numerous responsibilities. The agency assists local law enforcement in investigations; assists district attorneys in preparing case prosecution where CBI did the investigation; provides laboratory services through three regional offices (Den-

Figure 4

CURRENT ORGANIZATION OF
INDICATING AGENCIES WHICH HAVE



COLORADO STATE GOVERNMENT
SOME CRIMINAL JUSTICE FUNCTIONS



ver, Pueblo and Montrose); investigates suspected criminal activity at the direction of the Governor; and, investigates organized crime. In addition, the Medicaid Fraud Unit was transferred from the Attorney General's Office to the CBI in early 1979.

CBI also maintains the Colorado Crime Information Center (CCIC) where the two basic components are the fingerprint and identification files and the Colorado Criminal History files. Data include arrest, identification and dispositional information generated from law enforcement, courts, corrections and the Division of Motor Vehicles. The CCIC interfaces with the National Crime Information Center (NCIC) to facilitate and expedite the exchange of information.

COLORADO LAW ENFORCEMENT TRAINING ACADEMY
DEPARTMENT OF LOCAL AFFAIRS

The Colorado Law Enforcement Training Academy (CLETA) originally was established in 1963 under the supervision of the Colorado State Patrol. CLETA was transferred to the Department of Local Affairs in 1968 but, as provided in section 24-32-602, C.R.S. 1973, continues to be supervised by the Chief of the Colorado State Patrol. CLETA is charged with providing basic training to peace officers who are defined in section 24-32-603(4), C.R.S. 1973 (1978 Supp.) as "any undersheriff, deputy sheriff, other than one appointed with authority only to receive and serve summons and civil process, police officer, state patrol officer, town marshal, or investigator for a district attorney or the attorney general, who is engaged in full-time employment by the state, a city, city and county, town, judicial district or county within this state." Basic 8 week training classes are conducted at the Academy in Golden, at the Western Slope Academy and through ten local CLETA certified academies located in Colorado Springs, Aurora, Denver, Lakewood, Jefferson County, Boulder County, City of Boulder, Eagle County, Pueblo and the City of Greeley. CLETA also provides some in-service training to peace officers.

Of the \$473,351 appropriated to CLETA for FY 1979-80, \$305,951 were general funds and \$167,400 were LEAA funds. Slightly over \$90,000 of the general fund monies were set aside to reimburse local law enforcement training academies. In FY 1979-80 CLETA had 6.5 general fund staff and six staff paid under LEAA grants including five staff assigned to the Outreach Training Program. Because CLETA cannot keep pace with statewide training demands by using only the central academy at Golden, an Outreach Training Program was established to expand in-service training instruction. Outreach provides a resource to address local law enforcement needs by offering training that is coordinated, relevant and cost effective.

The CLETA Advisory Board also was established in 1963. The Attorney General serves as the chair for the nine member advisory board, which also includes the special agent in charge of the Denver F.B.I. office, three chiefs of police, three sheriffs and a lay member. All board members are appointed by the Governor. They are not salaried but are reimbursed for their expenses. Section 24-32-605, C.R.S. 1973 describes the responsibilities of the CLETA Advisory Board:

- 1) To establish reasonable standards for training, training academies and instructors.

- 2) To establish procedures for determining whether or not a peace officer meets the standards which have been set.
- 3) To certify qualified peace officers and withhold or revoke certification in the manner provided.

COLORADO STATE PATROL
DEPARTMENT OF HIGHWAYS

Like CBI and CLETA, the Colorado State Patrol is located in an executive branch department predominantly composed of non-law enforcement agencies. The Colorado State Patrol is located in the Department of Highways established under the Administrative Organization Act of 1968. In accordance with provisions of section 24-1-126, C.R.S. 1973, the Department of Highways also contains the State Highway Commission, the Division of Highways and the Division of Highway Safety. Three other divisions, Administration, Transportation and Planning, and the Office of Management and Budget, have been created administratively.

The Colorado State Patrol originally was created as a separate agency in September 1935 and transferred to the Department of Highways in 1968. Section 43-5-113, C.R.S. 1973 classifies State Patrol officers as peace officers. The functions of the State Patrol are to enforce state laws pertaining to motor or other vehicles, check paperwork on shipments of livestock or agricultural products, promote safety, protect human life, make arrests for highway violations, enforce auto theft laws, control traffic and investigate reported thefts of vehicles. Upon an order of the Governor, the Colorado State Patrol is empowered to aid local law enforcement officials in emergency situations. The state patrol, in accordance with section 43-5-117, C.R.S. 1973 (1978 Supp.) also provides, at the Governor's discretion, security for the Governor's family and for the Lieutenant Governor.

In addition, the Colorado State Patrol operates the state radio broadcasting and teletype system "subject to the review and approval of the state communications coordinator," located in the Division of Communications, Department of Administration. In compliance with section 43-5-124, C.R.S. 1973 (1978 Supp.), the communications system serves the Colorado State Patrol, Department of Highways, Division of Markets, Department of Agriculture, State Board of Stock Inspection Commissioners, Division of Wildlife, Division of Parks and Recreation, the state penitentiary, sheriffs, municipal police, Colorado Bureau of Investigation, and any other agency applying for service and approved by the state communications coordinator. Radio technicians, dispatchers and other necessary personnel are trained and paid by the Colorado State Patrol.

Under section 43-5-103, C.R.S. 1973, "power, authority and responsibility are vested in the State Highway Commission to approve policies governing the activities of the Colorado State Patrol..." The commission is a nine member board comprised of persons appointed by the Governor who hail from every geographic area of the state. For FY 1979-80, the Colorado State Patrol was authorized 773.5 staff and a budget of \$17,922,254 by the Appropriations Bill. The general fund provided \$237,351 for security for the Governor and Capitol. Cash or federal funds provided monies for the balance of the authorized budget. Patrol officers accounted for 441 of the staff, 115 more were dispatchers and the remaining 217.5 were administrative and civilian support personnel.

DIVISION OF COMMUNICATIONS
DEPARTMENT OF ADMINISTRATION

The Division of Communications in the Department of Administration is closely integrated with statewide public safety functions. Approximately 80% of its duties are public safety related. Other statutory divisions of the Department of Administration are Accounts and Control, Archives and Public Records, Hearing Officers, Automated Data Processing, Purchasing and Central Services. Divisions created administratively include Management Services, General Government Computer Center and Capitol Buildings.

The functions of the present Division of Communications were transferred from the Colorado State Patrol to the Department of Administration in 1970, under section 24-30-901, C.R.S. 1973, for the purpose of meeting the "present and future demands for the economical development and optimum use of present and future requirements of communications for the state government of Colorado which will provide a cohesive influence among its many departments, institutions and agencies..." The division is responsible for making recommendations and administering current and long-range communications planning for state and local agencies. Other activities include review of all existing and proposed communications systems, and plans and approval of all acquisitions of communications equipment. The Division plans installation of communications equipment, and the Colorado State Patrol operates the state system once it is established. Agencies authorized to use the state communications system already have been enumerated in the preceding Colorado State Patrol section.

During FY 1979-80, the Division of Communications had a budget of \$5,232,233 and 60 employees. Regional maintenance offices are located in Denver, Pueblo, Greeley, Grand Junction and Alamosa.

ORGANIZED CRIME STRIKE FORCE
DEPARTMENT OF LAW

A full description of the Department of Law is presented in the Prosecution section of this chapter. The Department of Law is included here because one of its entities, the Organized Crime Strike Force, is involved in a statewide law enforcement function. The Organized Crime Strike Force was established in 1969 with the mandate to investigate and prosecute organized crime in the state. The authority for the Attorney General to establish an agency to prosecute organized crime is by way of legislative fiat giving the Attorney General the responsibility for combating crime in Colorado.

Section 20-1-201, C.R.S. 1973 (1979 Supp.) allows all district attorneys to use staff of the Attorney General's office to prosecute cases in their districts. When both district attorney and Attorney General staff have investigated a particular organized crime case, a joint decision is made by the entities involved to determine which agency will prosecute. Currently, these decisions are made on a cooperative basis since there are no legal guidelines for such decisions.

The Organized Crime Strike Force FY 1979-80 budget was \$394,831 and paid from general funds. A staff of ten can be augmented by an additional 19 staff on a loan basis as required from the following law enforcement agencies: Denver, Colorado Springs, Pueblo, Arapahoe County, Arvada, Northglenn, Adams County, Lakewood, Aurora, Colorado State Patrol and CBI. The total staff of 29 consists of 21 investigators, four attorneys and four clerical staff. Of the investigative staff, two are located in Pueblo, two in Colorado Springs and one in Grand Junction.

INSTITUTIONAL LAW ENFORCEMENT
DEPARTMENT OF HIGHER EDUCATION

The Department of Higher Education is authorized by section 24-7-101, C.R.S. 1973 to hire security officers within institutions of higher education "to protect the property of the institution, agency, or department employing such officer and to perform such other police and administrative functions as may be deemed necessary." The department also contains two statutorily mandated divisions, the State Council on the Arts and Humanities and the State Historical Society. Administratively included in this department are the following entities: Regents of the University of Colorado, State Board of Agriculture, Board of Directors of the Auraria Higher Education Complex, Board of Trustees for the University of Northern Colorado, Board of Community Colleges and Occupational Education, Board of Trustees for the Consortium, and the Colorado Commission on Higher Education.

Security personnel employed by the Department of Education are granted, in accordance with section 24-7-103, C.R.S. 1973, the powers of peace officers when on state owned or leased property, including the carrying of weapons. Section 24-7-102, C.R.S. 1973 places institutional security officers "under the control and supervision of the governing authority or head of the employing state institution...(which) may permit its security officers to hold and receive...other law enforcement commissions or appointments as are appropriate to carry out their duties." As stated in section 24-7-104, C.R.S. 1973, state property is not exempt from local law enforcement jurisdiction, but law enforcement officers from local jurisdictions are to coordinate their efforts with institutional security officers except when emergency situations do not permit. In addition, governing boards of the state institutions of higher education are authorized to cede jurisdiction for the enforcement of traffic laws to local law enforcement agencies if such is mutually agreeable. Because of these various statutory provisions, governing boards of state higher education institutions have fairly wide discretion in determining the jurisdiction and functions of their campus security personnel. Campus security staff are classified employees of the state and are granted the right to attend CLETA training under section 24-7-105, C.R.S. 1973.

No budget figures for the various institutional security offices employed by the Department of Higher Education are available as they are not separate line items in the State Appropriations Bill.

INSTITUTIONAL LAW ENFORCEMENT
DEPARTMENT OF INSTITUTIONS

The Department of Institutions was created in 1968 under the Administrative Organization Act. Currently, the department contains the Division of Juvenile Parole, established by statute, and the following three divisions created administratively: Youth Services, Developmental Disabilities and Mental Health. The functions of the Division of Mental Health in relation to the adult criminal justice system will be discussed in the Related Services section of this chapter.

The Department of Institutions, as a state agency, employs institutional security staff in accordance with statutory provisions which also apply to the Department of Higher Education. Security units within the Department of Institu-

tions are located at the Colorado State Hospital in Pueblo, the Fort Logan Mental Health Center in Denver, the state home and training facilities in Denver, Grand Junction and Pueblo which are operated by the Division of Developmental Disabilities, and, facilities operated by the Division of Youth Services.

No appropriation figures were available for these security services as there is no separate line item for institutional security included in the Appropriations Bill.

DIVISION OF LIQUOR ENFORCEMENT DEPARTMENT OF REVENUE

The Divisions of Liquor Enforcement and Motor Vehicles provide law enforcement services to the Department of Revenue. Statutorily, the Department of Revenue, created in 1968 under the Administrative Organization Act, contains the Divisions of Port of Entry and Inheritance and Gift Tax. The Department also contains administratively created Administrative and Data Processing Divisions.

The Division of Liquor Enforcement, established in accordance with section 24-1-117, C.R.S. 1973, enforces compliance with state liquor laws. Liquor Enforcement inspectors are vested with the powers of peace officers, including those of arrest or issuing summons while enforcing the licensing, tax enforcement and unlawful acts provisions of section 12, articles 46 and 47, C.R.S. 1973, 1978 Repl. Vol. (1979 Supp.). Staff of the Division of Liquor Enforcement obtain some training through CLETA.

The FY 1979-80 funding for the Division of Liquor Enforcement was \$603,657 from the general fund. This appropriation provided for 28 employees, including 18 field officers, three supervisors and seven administrative and support staff.

DIVISION OF MOTOR VEHICLES DEPARTMENT OF REVENUE

The Division of Motor Vehicles also is established under section 24-1-117, C.R.S. 1973 and is statutorily charged by section 42-2-118, C.R.S. 1973 (1978 Supp.) to maintain records on driving applications granted or denied, names of individuals with suspended or revoked drivers licenses and driver histories, i.e. court convictions and accidents. The relationship of the Division of Motor Vehicles to law enforcement is its record-keeping function. The Division estimates about 15% of its time is spent in criminal justice related duties. All Division of Motor Vehicles information is made available upon request to the State Patrol, the Colorado Bureau of Investigation, the courts, county clerks and state and local law enforcement agencies. This information is available to the CBI through a computer interface and by teletype to some of the other law enforcement agencies. The Division of Motor Vehicles also provides certification records on driver status to other requesting agencies such as district attorneys.

The FY 1979-80 budget for the Division of Motor Vehicles was \$6,653,365 in cash funds and a staff of 440 was employed.

DIVISION OF BRAND INSPECTION DEPARTMENT OF AGRICULTURE

The Department of Agriculture was created in 1968 under the Administrative

Organization Act. Within the Department of Agriculture, the statutorily created Division of Brand Inspection performs some law enforcement functions. In addition to the Division of Brand Inspection, the Department of Agriculture is composed of the following statutorily established divisions: Markets, Plant Industry, Animal Industry, Administrative Services, Inspection and Consumer Services and the Colorado State Fair and Industrial Exposition.

The duties of inspectors employed by the Division of Brand Inspection, as set forth in section 35-53-102, C.R.S. 1973, are to inspect the brands and earmarks of any cattle, horses or mules being transported and to provide certificates of ownership. Transporting these animals without such an inspection is a misdemeanor which becomes a class 5 felony on the third offense. As provided in section 35-53-128, C.R.S. 1973, a brand inspector "is authorized to ride the ranges, pastures, and other localities within the state to protect the livestock industry of the state from depredations and theft." Brand inspectors, in the exercise of their statutory duties, are vested with all the powers of arrest, with or without a warrant, conferred upon peace officers as set forth in section 16-3-101, C.R.S. 1973. The State Board of Stock Inspection Commissioners also may authorize brand inspectors to carry arms. However, the Commission has not exercised its power to authorize brand inspectors to carry arms because brand inspectors do not have access to CLETA and their inhouse training does not include the use of firearms.

The State Board of Stock Inspection Commissioners is established by section 35-41-101, C.R.S. 1973 (1978 Supp.). The Board is a five member body appointed by the Governor and is reimbursed for expenses only. The Board, part of the Division of Brand Inspection, has two primary duties: to appoint the Brand Commissioner, who is a civil service employee; and, to make the rules and regulations concerning the manner of inspecting brands and livestock.

Regional offices of the Division of Brand Inspection are located in Burlington, Fort Collins, Denver, La Junta, Sterling, Brush, Lamar and Greeley. The FY 1979-80 budget was \$1,313,289 in cash funds. The 75 staff employed included 66 brand inspectors and nine support staff.

DIVISION OF WILDLIFE DEPARTMENT OF NATURAL RESOURCES

Conservation officers of the Division of Wildlife in the Department of Natural Resources perform law enforcement functions related to wildlife protection. Other divisions of the Department of Natural Resources, also created by the Administrative Organization Act of 1968, are Water Resources, Water Conservation Board, Soil Conservation Board, Mines, Oil and Gas Conservation Commission, Colorado Geological Survey, Parks and Outdoor Recreation, Natural Areas Program, and, State Board of Land Commissioners. The administratively created Division of Administration and Division of Mine Land Reclamation also are located within the Department of Natural Resources.

In accordance with section 33-6-101, C.R.S. 1973 (1979 Supp.), Division of Wildlife conservation officers may conduct searches and make arrests when a violation of the wildlife laws, rules or regulations occurs. District attorneys normally prosecute Division of Wildlife cases although section 33-6-129, C.R.S. 1973 allows the Division to hire special counsel for this purpose. The FY 1979-80 Long Bill appropriated \$83,344 for payments to the Department of Law for prosecution services. Wildlife conservation officers receive training through

their own division and do not attend CLETA.

The FY 1979-80 budget for the Division of Wildlife was \$18,002,590 of which \$14,784,968 were cash funds, \$3,100,041 federal funds and \$117,581 general fund monies. The budget included 596 staff, of which 248 were wildlife conservation officers.

DIVISION OF PARKS AND OUTDOOR RECREATION
DEPARTMENT OF NATURAL RESOURCES

Officers of the Division of Parks and Outdoor Recreation have the same peace officer powers of search and arrest, under section 33-6-101, C.R.S. 1973, as do the wildlife conservation officers. Parks and Outdoor Recreation officers are responsible for upholding the laws of the state related to control and limitation of fires, use of motor vehicles and boats, sanitation, health and safety measures. Under the same statute, Parks and Outdoor Recreation officers cooperate with the Division of Wildlife in the enforcement of wildlife laws, rules and regulations.

The Division of Parks and Outdoor Recreation also has the authority to hire special counsel to prosecute its cases under section 33-6-129, C.R.S. 1973. Of its FY 1979-80 budget, \$27,000 was set aside for the Department of Law for purchase of services.

Parks and Outdoor Recreation officers, like wildlife conservation officers, receive training through their own division and do not attend CLETA.

Of the \$5,441,098 appropriated for the FY 1979-80 Parks and Outdoor Recreation budget, \$2,533,439 was cash, \$1,237,002 was federal and \$1,670,657 were from general funds. The Division's FY 1979-80 employees included approximately 100 field officers out of a total staff of 155.

LAW ENFORCEMENT AND SECURITY SERVICES
DEPARTMENT OF CORRECTIONS

A complete description of the Department of Corrections is presented in the Corrections section of this chapter. However, the Department is mentioned here because certain staff under specific conditions perform a law enforcement function.

Correctional staff are defined as peace officers in section 18-1-901(3)(1), C.R.S. 1973. Correctional officers have the power of arrest on grounds owned or leased by the Department of Corrections in accordance with the provisions of section 17-20-103, C.R.S. 1973. In addition, in the event of an escape by an inmate sentenced to the Department, the staff of the facility may pursue and arrest the escapee under the provisions of sections 16-3-101, 102, and 106, C.R.S. 1973. Staff pursuing escaped inmates are authorized to carry weapons both by section 17-20-122, C.R.S. 1973 and by departmental directive.

The Department of Corrections has four investigators who perform duties in the areas of surveillance and investigations for Department of Corrections institutions. Much of the work is done within the facilities, but circumstances may require the investigators to perform their functions beyond the confines of state property in conjunction with other state and local law enforcement agencies.

Parole violators may be arrested by parole officers or an assistant director or the director of the Division of Adult Services in accordance with section 17-2-103(1), C.R.S. 1973. Parole officers also are designated as peace officers under section 18-1-901(3)(1), C.R.S. 1973.

Staff of the Department of Corrections are not eligible to attend CLETA training.

COUNTY LAW ENFORCEMENT AGENCIES

OFFICE OF THE SHERIFF

The position of county sheriff is established within the Colorado Constitution. With the exception of Denver, the sheriffs in the other 62 counties of the state are elected officials who serve four year terms. In Denver, the Sheriff's Department is part of the Department of Safety and is responsible to the Manager of Safety rather than to an elected sheriff. The Manager of Safety is a mayoral appointee. The sheriff's department is supervised by the Director of Corrections who also serves as the undersheriff and warden of the Denver County jail. There are no qualifications for the position of sheriff other than being a qualified elector of the state. In accordance with section 30-10-504, C.R.S. 1973, the sheriff "shall appoint an undersheriff" to serve at the pleasure of the sheriff. The undersheriff assumes the duties of the sheriff anytime a vacancy occurs in that position until a new sheriff can be appointed or elected as provided in section 30-10-505, C.R.S. 1973. The sheriff also may appoint as many deputies as deemed proper in accordance with section 30-10-506, C.R.S. 1973 (1978 Supp.).

The budget for a sheriff's department and jail are set by the county commissioners and, in Denver, by the city council. The sheriffs' salaries are set by the General Assembly except in Denver where the salary of the Director of Corrections is set by the city council.

The duties and responsibilities of the sheriff are outlined in section 30-10-511 to 16, C.R.S. 1973 as follows: charge and custody of the county jails; acting as fire warden; extinguishing forest or prairie fires; transporting prisoners to the penitentiary or elsewhere; executing writs and serving courts of record in the authorized county; and, preserving the peace and enforcing the laws.

OFFICE OF THE CORONER

The position of coroner is established in the Colorado Constitution. Coroners are elected in every county for a term of four years. There are no statutory requirements for eligibility for the coroners office other than being a qualified elector. Coroners may appoint a deputy coroner. They receive no salary, but are reimbursed at the rate of \$25.00 per day for each day spent in making death investigations or in holding inquests. Coroners also may be paid for mileage incurred in the performance of their duties.

Section 30-10-604, C.R.S. 1973 provides that when there is no sheriff in a county, "it is the duty of the coroner to exercise all the powers and duties of the sheriff of his county until a sheriff is appointed or elected and qualified; and when the sheriff for any cause is committed to the jail of his county, the coroner shall be keeper of such jail during the time the sheriff remains a

prisoner." In practice, the coroner is likely to authorize the undersheriff to assume these obligations.

The coroner, in compliance with section 30-10-606, C.R.S. 1973, must immediately notify the district attorney and make proper inquiry respecting the cause of death of any person in that jurisdiction who dies from external violence, unexplained cause, under suspicious circumstances, where no physician is in attendance, or where the physician in attendance is unable to certify the cause of death. The same statute provides that the coroner may request a physician to conduct a postmortem examination and the coroner may conduct an inquest.

The coroner also is authorized, statutorily, to issue subpoenas and warrants, to make an arrest and take that person before the county court. Section 30-10-615, C.R.S. 1973, establishes the warrant of a coroner as equal in authority to that of the county courts.

MUNICIPAL LAW ENFORCEMENT AGENCIES

OFFICE OF THE CHIEF OF POLICE

Section 31-4-112, C.R.S. 1973 provides "the...chief of police shall execute and return...all writs and processes directed to him by the municipal judge in any case arising under a city ordinance. The...chief of police...shall suppress all riots, disturbances, and breaches of the peace, shall apprehend all disorderly persons in the city, and shall pursue and arrest any person fleeing from justice in any part of the state. He shall apprehend any person in the act of committing any offense against the laws of the state or ordinance of the city..."

The office of the chief of police is an appointed one. In municipalities where the governing body consists of a mayor and city council, the chief of police is appointed by the city council in accordance with section 31-4-107(2)(a), C.R.S. 1973 (1978 Supp.). In municipalities having the position of a city manager, the city manager is appointed by the city council and, in turn, appoints the chief of police as provided in section 31-4-211(1), C.R.S. 1973 (1978 Supp.).

OFFICE OF THE TOWN MARSHAL

In statutory municipalities, administrative authority is vested in a mayor and a board of trustees. The board of trustees appoints a marshal for the town. A marshal has the same statutory authority as a chief of police under section 31-4-112, C.R.S. 1973, but in addition, has the same power that sheriffs have by law, coextensive with the county in cases of violation of town ordinances and for offenses committed within the limits of the town.

OTHER PEACE OFFICERS

Under section 18-1-901, C.R.S. 1973, there are several other types of practitioners classified as "peace officers," most of which will be addressed in other sections of this chapter. These practitioners are: district attorney, assistant district attorney, deputy district attorney, an investigator for a district attorney or the attorney general, probation officer, and a member of the Colorado National Guard while acting under call of the Governor in cases of emergency or civil disorder.

PROSECUTION SERVICES

DEPARTMENT OF LAW

The Department of Law, created by the Administrative Organization Act of 1968, is headed by the Attorney General who is elected by the voters of the state to a four year term.

There are thirteen divisions within the Department of Law, whereby two of these divisions, the Division of Legal Affairs and the Administrator of the Uniform Consumer Credit Code, are established by statute under sections 24-31-102, C.R.S. 1973 and 5-6-103, C.R.S. 1973 (1979 Supp.) respectively. Administrative divisions include the Grand Junction, Pueblo, Administrative and Planning, Antitrust, Appellate, Consumer Affairs, Human Resources, Legal Services, Litigation and Natural Resources Divisions as well as the Organized Crime Strike Force.

The department has the statutory responsibility of providing legal counsel to all state agencies. In addition, the Attorney General's staff prosecutes and defends all civil or criminal actions involving the state including appeals. Moreover, this agency provides written opinions on legal questions submitted by other state agencies. Other activities include the investigation of organized crime, preparation of contract drafts, and defense of state employees in civil actions or administrative procedures brought about as a result of discharge of duties other than those actions brought about by an employer.

In FY 1979-80 the department employed 166.6 staff and operated under a budget of \$5,490,206 of which \$3,360,429 were from general funds, \$1,963,292 from cash funds and \$166,485 from federal funds.

DISTRICT ATTORNEY

The position of district attorney is established by section 13, Article VI of the Colorado Constitution. A district attorney is elected for a term of four years in each of the state's 22 judicial districts. The district attorney must be a qualified elector, be a resident of the judicial district represented, be a member of the Bar and have practiced law in Colorado for at least five years.

The district attorney is responsible for appearing in district court as a prosecutor on behalf of the state and the counties of that particular judicial district. In accordance with sections 20-1-102 to 106, C.R.S. 1973, the district attorney must appear in cases of habeas corpus, appellate review and cases involving change of venue, appear at coroner's inquests, provide legal opinions on questions of law to city and county officials, and appear before and advise grand juries "in their respective districts."

The district attorney may appoint deputy district attorneys, chief deputy district attorneys, assistant district attorneys, investigators and other employees as outlined in state statutes.

Under 20-1-306, C.R.S. 1973, 80% of the salary of a district attorney is paid by the state with the balance of the district attorney's salary and the other salaries and expenses of the district attorney's office paid by the counties within that particular judicial district. "The proportion of each county's

payment shall be determined in October of each year based on the case load data prepared by the Judicial Department for the preceding fiscal year."

In FY 1979-80 there were 645 personnel in the state attached to district attorney offices: 22 district attorneys; 242 deputy, chief deputy and assistant district attorneys; 101 district attorney investigators; and 280 support staff.

OFFICE OF THE COUNTY ATTORNEY

As provided in section 30-11-118, C.R.S. 1973, the board of county commissioners may appoint a county attorney employed primarily as the legal advisor for the county commissioners. A county attorney must be a member of the Colorado Bar and at least 25 years of age. The county attorney plays no part in the initiation or conduct of ordinary criminal proceedings, and for this reason, county attorneys were not included in the Criminal Justice System Study.

OFFICE OF THE CITY ATTORNEY

As provided in section 31-4-107, C.R.S. 1973 (1979 Supp.), city attorneys are appointed by the city council, and in accordance with section 31-4-208, C.R.S. 1973 (1979 Supp.), must be attorneys-at-law licensed to practice in the state of Colorado. City attorneys may employ deputies and other personnel.

City attorneys appear in municipal court on behalf of the city and prosecute all cases before the municipal judge including municipal ordinance violations and traffic cases.

PUBLIC DEFENSE SERVICES

OFFICE OF THE STATE PUBLIC DEFENDER

The public defender's office organizationally is located within the Judicial Department. Until recently, the Public Defender was appointed by the Supreme Court. Under H.B. 1396, effective July 1, 1979, a five member commission is established by the Supreme Court to appoint the Public Defender. Section 21-1-101, C.R.S. 1973 (1979 Supp.) states: "Three of the members of the commission shall be attorneys admitted to practice law in this state and two shall be citizens of Colorado not admitted to practice law in this state. In making appointments to the commission, the supreme court shall consider place of residence, sex, race, and ethnic background. No member of the commission shall be at any time a judge, prosecutor, public defender, or employee of a law enforcement agency." The statute also provides that no more than three members of the commission "shall be from the same political party." The public defender is appointed for a five year term and may be reappointed for one or more subsequent terms. The public defender must be a qualified attorney who has practiced law in Colorado for at least five years.

In compliance with section 21-1-103, C.R.S. 1973, "The state public defender shall represent as counsel, without charge, each indigent person who is under arrest for or charged with committing a felony." Under the same statute, the public defender is to represent indigent persons charged with misdemeanors; juveniles upon whom a delinquency petition has been filed; persons held in any institution against their will; and, persons charged with municipal code violations. Clients are determined to be indigent by the public defender, subject

to review by the court. The public defender also prosecutes any appeals if satisfied there is arguable merit to the proceeding.

The public defender may hire assistant and deputy public defenders, investigators and other necessary employees subject to the approval of the Supreme Court, as provided in section 21-1-102, C.R.S. 1973, and may establish such regional offices as deemed necessary.

There are 19 regional public defender offices in the state and an appellate office in Denver. The average percentage of court terminations represented by public defenders from 1974 to 1977 was 66.7% of felony cases, 26.9% of juvenile cases and 5.5% of misdemeanor and traffic cases. The average caseload is 164.7 cases per attorney.

The public defender's office was composed of 149.5 staff in FY 1979-80 where 86 were attorneys and investigators and 63.5 were support staff. FY 1979-80's budget totalled \$3,622,957: \$3,407,883 from general funds, \$61,741 from cash funds and \$153,333 from federal funds.

COURT APPOINTED ATTORNEYS

Section 21-1-105, C.R.S. 1973 states "For cause, the court may, on its own motion or upon the application of the state public defender or the indigent person, appoint an attorney other than the state public defender to represent the indigent person at any stage of the proceedings or on appeal. The attorney shall be awarded reasonable compensation and reimbursement for expenses necessarily incurred, to be fixed and paid by the court from state funds appropriated therefor."

Such attorneys have been appointed when a public defender was unavailable or overloaded with other cases or when there was a conflict of interest. A court appointed attorney has the same responsibilities in a case as a public defender. The current rate of reimbursement for court appointed attorneys is \$35 per hour for court time and \$25 per hour for preparation time. Funding to the Judicial Department in the fiscal year FY 1979-80 for court appointed counsel for criminal cases was \$865,039 from general funds and \$288,346 from cash funds. This total appropriation of \$1,153,385 is allocated as follows: conflict of interest \$903,975; public defender overload \$228,690; and, public defender unavailable \$20,720.

JUDICIAL SERVICES

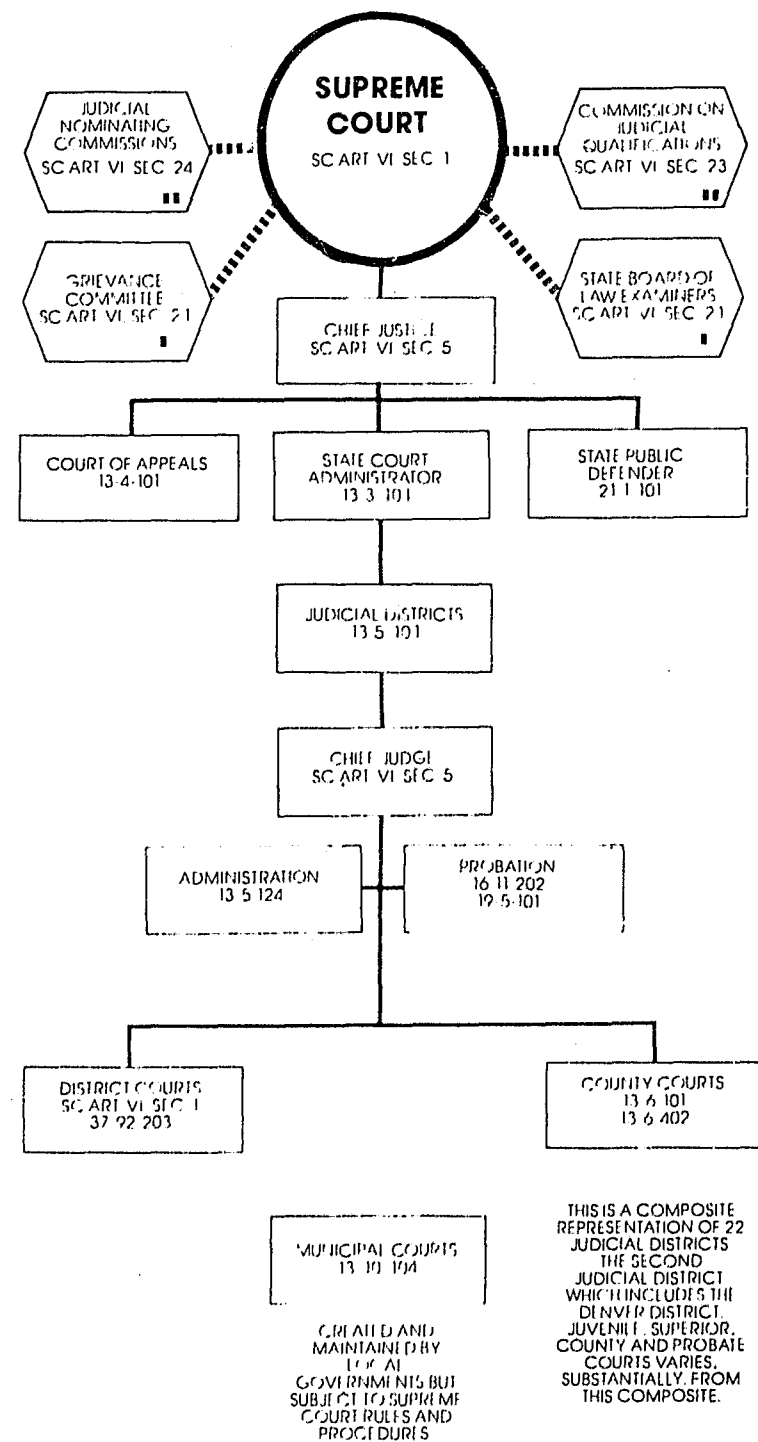
Colorado's consolidated (unified) state court system, established by a Constitutional change in 1962, includes: the Colorado Supreme Court; Court of Appeals; Office of the State Court Administrator; Office of the State Public Defender; District Courts, and in Denver, the Superior, Probate and Juvenile Courts; County Courts; and Probation. Municipal courts are not a part of the consolidated state court system. The organization of Colorado's court system is shown in Figure 5.

Judges of any court of record in the state, except county judges in the City and County of Denver, are appointed by the Governor from a list of names submitted by the appropriate nominating commission. Upon the expiration of the appointed term, as provided in sections 20 and 25, Article VI of the Colorado

Figure 5

JUDICIAL

SC ART. VI, SEC. 1



..... AUTONOMOUS OR SEMI-AUTONOMOUS BODIES

Constitution, the electors then determine whether the judge should be retained in office for a subsequent term. The qualifications, terms of office and selection process for county judges in Denver are established in the charter and ordinances of Denver.

Staffing, budget and caseload figures for the various components of Colorado's judicial system (excluding the Office of the Public Defender) are shown in Figures 6 and 7 at the end of the section on Judicial Services.

COLORADO SUPREME COURT

The Supreme Court is established in section 1, Article VI of the Colorado Constitution. Its jurisdiction, as outlined in sections 2 and 3 of the same Article, is both appellate and original in nature. Appellate review by the Supreme Court of every final judgment of the district courts, the probate court in Denver, and the juvenile court in Denver is a matter of right. Original jurisdiction is restricted to original and remedial writs as may be provided by rule of court with authority to hear the same.

As provided in section 7, Article VI of the state constitution, there are seven justices on the Supreme Court who serve ten year terms. Qualifications of the justices are described in section 8, Article VI. A Supreme Court justice "must be a qualified elector of the state who has been licensed to practice law in Colorado for at least five years." As stated in section 5(2), Article VI, "the Supreme Court shall select a chief justice from its own membership to serve at the pleasure of a majority of the court, who shall be the executive head of the judicial system." Section 21, Article VI authorizes the Supreme Court to establish the rules of both civil and criminal procedure and the rules and forms of practice, process and record-keeping for the courts. Sections 13-2-108, 109 and 110, C.R.S. 1973 (1979 Supp.) implement this authorization. The Supreme Court also appoints the state court administrator pursuant to section 5(3) of Article VI. This position is discussed further in the State Court Administrator section of this chapter.

COURT OF APPEALS

The Court of Appeals is established by section 13-4-101, C.R.S. 1973, in accordance with legislative prerogative pursuant to section 1, Article VI of the Colorado Constitution and is located in Denver although a division of the court may sit in any county seat to hear oral argument. The same statute establishes the Court of Appeals as a court of record.

Section 13-4-102, C.R.S. 1973 (1978 Supp.) states: "Any provision of the law to the contrary notwithstanding, the court of appeals shall have initial jurisdiction over appeals from final judgments of the district courts, superior courts, the probate court of the city and county of Denver, and the juvenile court of the city and county of Denver." The Court of Appeals also hears matters connected with issues of worker's compensations, unemployment compensation, charters for new banks and other civil cases.

There are ten judges on the Court of Appeals who serve eight year terms. There are three divisions of the Court, consisting of three judges each who are assigned to a division by the chief judge of the Court of Appeals. The chief judge is appointed by the chief justice of the Supreme Court. Judges of the Court of Appeals must have the same qualifications as justices of the Colorado

Supreme Court: they must be qualified electors of the state and licensed to practice law in the state for at least five years.

The Court of Appeals may certify any case before it to the Supreme Court for its review and final determination if it feels the case does not lie within its jurisdiction or for other cause as outlined in section 13-4-109, C.R.S. 1973 (1978 Supp.).

OFFICE OF THE STATE COURT ADMINISTRATOR

The State Court Administrator is appointed by the Supreme Court and performs duties as specified in section 13-3-101(1), C.R.S. 1973. These duties include: establishing standards to insure proficiency in court reporting in the various courts; keeping records of judicial decisions related to felony cases; making a continuous survey of the conditions of court dockets and the business of the courts of record (and making reports and recommendations to the Chief Justice); preparing the annual budget request; preparing the capital construction budget request; developing the procedures to be used in the preparation of budget requests; disbursement of funds appropriated by the legislature; and purchasing and fiscal administration of the department. Regulations pertaining to budgetary and fiscal procedures and forms and the disbursement of funds are developed in consultation with the state controller in accordance with section 13-3-106, C.R.S. 1973 (1978 Supp.).

DISTRICT COURT

Colorado's district courts are established by section 9, Article VI of the Colorado Constitution. Section 13-5-101, C.R.S. 1973 authorizes the establishment of 22 judicial districts indicated on the map in Figure 2 of the Methods and Procedures Section, each containing a district court. The boundaries of a judicial district, the number of districts in the state, and the number of district court judges all may be increased or decreased by a two-thirds majority vote of both houses of the General Assembly in accordance with section 10, Article VI of the state constitution. Currently there are 102 district court judges in the 22 judicial districts. District judges serve six year terms.

District courts are Colorado's trial courts of general jurisdiction. A district court has, pursuant to section 9, Article VI of the state constitution, original jurisdiction in domestic relations, civil, juvenile, probate, mental health and criminal cases, except in the City and County of Denver, where probate and mental health matters are heard by the Probate Court and all juvenile matters by the Juvenile Court. Except in the City and County of Denver where the appellate court is Denver Superior Court, district courts have appellate jurisdiction over all final judgments in county court.

The qualifications of district court judges as provided in section 11, Article IV of the Colorado Constitution are: a qualified elector of the appropriate judicial district; have practiced law in Colorado for at least five years; and, be a resident within that particular district during the term of office. The position of chief judge of the district court is mandated constitutionally by section 5(4), Article IV. The chief judge is appointed by the chief justice of the Supreme Court and has administrative authority over all judges of all courts within that particular judicial district.

A district court judge temporarily may be assigned by the chief justice to a court in another judicial district to assist with caseloads.

DENVER PROBATE COURT

The Denver Probate Court is established in section 1, Article VI of the state constitution adopted November 6, 1962 and effective January 12, 1965. Probate Court's jurisdiction as noted in section 9 of the same article is exclusive in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators and administrators and settlements of their accounts, and the adjudication of the mentally ill for the City and County of Denver.

Section 13-9-104, C.R.S. 1973 provides one judge for Probate Court. The probate court judge serves a term of six years and the qualifications are the same as for a district court judge.

Appeals from the Probate Court are made to either the Court of Appeals or the state Supreme Court.

DENVER JUVENILE COURT

The Denver Juvenile Court also is established in section 1, Article VI of the Colorado Constitution. Under section 13-8-103, C.R.S. 1973 (1979 Supp.), the Juvenile Court has exclusive jurisdiction over juvenile matters for the City and County of Denver, including delinquency, dependency and neglect, children in need of supervision, adoption, paternity and support and relinquishment.

Section 13-8-104, C.R.S. 1973 provides three judges for the Juvenile Court. Denver juvenile judges serve for six year terms and the qualifications are the same as for a district court judge.

Appeals from the Juvenile Court are made to either the Court of Appeals or the state Supreme Court.

DENVER SUPERIOR COURT

The Superior Court for the City and County of Denver is mandated by section 13-7-101, C.R.S. 1973, which provides "In all counties or cities and counties of this state having a population of three hundred thousand or more inhabitants, there is hereby established a court of record to be called a superior court." Jurisdiction of Denver Superior Court is concurrent with the District Court in civil actions where the amount involved is more than \$1,000 and less than \$5,000. In addition, the Superior Court has appellate jurisdiction over cases from the Denver County Court.

As provided in section 13-7-105, C.R.S. 1973, there is one judge of the Denver Superior Court who has the same qualifications as a district court judge.

COUNTY COURT

County courts are established by section 16, Article VI of the Colorado Constitution and are located in each of Colorado's 63 counties. As provided in section 13-6-105, C.R.S. 1973, the County Court is a court of limited jurisdiction. Section 13-6-104(1), C.R.S. 1973 (1979 Supp.) describes this jurisdiction as "concurrent original jurisdiction with the district court in civil actions, suits and procedures in which the debt, damage or the value of the personal property claimed does not exceed \$1,000."

As provided in section 13-6-104(2), C.R.S. 1973 (1979 Supp.), the County Court also has concurrent original jurisdiction with the District Court in petitions for change of name, in cases of forcible entry, forcible detainer or unlawful detainer, or, if the value of the monthly rental or the total damages claimed is less than \$1,000. Parties may file civil actions in the Small Claims Division of the County Court providing the debt, damage, tort, injury or value of personal property does not exceed \$500.

Furthermore, as described in section 13-6-106, C.R.S. 1973, the County Court has concurrent original jurisdiction with the District Court over misdemeanors and in the issuance of warrants, conduct of preliminary examination, issuance of bindover orders and the admission to bail in felonies and misdemeanors.

Section 13-10-116, C.R.S. 1973 (1979 Supp.) designates the County Court as the appeals court for municipal courts. Appeals from County Court are heard in District Court or Superior Court (Denver only) under Section 13-6-310, C.R.S. 1973.

In accordance with section 13-6-205, C.R.S. 1973 county judges serve four year terms. Qualifications are established by section 13-6-203, C.R.S. 1973, in accordance with a classification system described in section 13-6-201, C.R.S. 1973 (1979 Supp.). In Class A and B counties (Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, El Paso, Jefferson, La Plata, Larimer, Mesa, Pueblo and Weld) county judges must be attorneys licensed to practice law in Colorado and must serve full time. In all other counties, which are either Class C or D, county judges must be high school graduates or the equivalent. All county court judges must be qualified electors of their counties.

Sections 13-5-102 through 122, C.R.S. 1973 (1979 Supp.) outline the counties and number of judges for each of the 22 judicial districts. During the 1980 second regular session of the General Assembly, S.B. 100 increased the number of county judges in Boulder County from 3 to 4. This increase brought the total number of county judges in Colorado to 109.

MUNICIPAL COURT

Municipal court costs are borne by the municipality and revenues generated by these courts go into the general fund of the municipality. Section 13-10-105, C.R.S. 1973 (1979 Supp.) authorized the governing body of a municipality to appoint judges of the municipal court for terms of at least two years. Municipal judges may be reappointed.

Section 13-1-106, C.R.S. 1973 (1979 Supp.) specifies the qualifications of municipal judges as follows: possession of a high school diploma or its equivalent; preference for persons trained in the law or licensed to practice law in Colorado; and, the municipal governing body may require that the candidate be a qualified elector of the municipality or of the county where the municipality is located.

The jurisdiction of municipal courts is limited to municipal ordinance violations. Section 13-10-116, C.R.S. 1973 (1979 Supp.) states that appeals of municipal court rulings may be taken to the county or superior court if the municipal court is not a court of record (does not keep verbatim transcripts and the judge has not been admitted to the Colorado Bar) or to superior or district court if the municipal court is a court of record.

PROBATION

As provided in section 16-11-202, C.R.S. 1973, a court may grant a defendant probation. This referenced statute is the basis for the creation of the probation function. On January 1, 1970 the state began to fund district court probation for all courts of record except for municipal courts and Denver County Court. Probation departments are located in each judicial district and are directly answerable to the judges of that particular district. The State Court Administrator's Office performs a coordinating and advisory function by assisting each department on request.

The two primary functions of probation officers as outlined in section 16-11-209, C.R.S. 1973 are the supervision of probationers and the preparation of presentence or other reports for the court. Probation functions are described in Colorado's 1978 Comprehensive Community Corrections Plan as follows: "During the time between conviction and sentencing, the judge must decide among various sentencing alternatives...The primary source of sentencing information for judges is the presentence investigation report. Probation departments supervise offenders who have been placed on probation and may supervise those who receive deferred prosecution, deferred sentencing or community corrections."

Probation officers also have the function of collecting restitution for victims from offenders if restitution is a condition of probation. In FY 1978-79, slightly over \$1.5 million was collected from adult and juvenile probationers in the form of victim restitution.

In FY 1979-80, there were 220 probation officers, 60 probation administrators and 80 probation support staff in the state.

FIGURE 6

TYPES OF CASES IN COURT CASELOAD (1977-78)

<u>Appellate Courts</u>	
(Supreme Court and Court of Appeals)	876 civil
	436 criminal
	2,196 other
	<u>3,508</u> TOTAL
<u>District Courts</u>	
(including Probate, Juvenile & Superior)	64,934 Domestic
	64,999 Civil (excluding water cases)
	28,040 Probate
	37,697 Juvenile
	4,311 Mental Health
	26,890 Criminal
	<u>226,871</u> TOTAL
<u>County Courts</u>	
(including Denver)	68,475 Civil
	14,222 Small Claims
	210,934 Traffic
	41,935 Misdemeanor
	<u>335,566</u> TOTAL (does not include felonies)

PROBATION WORKLOAD (1977-78)

<u>Probation Supervision Caseload</u>	<u>Probation Investigations</u>
23,409 Adults	15,403 Adults
10,385 Juveniles	19,641 Juveniles
33,794 TOTAL	35,044 TOTAL

FIGURE 7

STAFFING, BUDGET AND CASELOAD - JUDICIAL SYSTEM

Staffing, budget and caseload figures for the various components of the judicial system (excluding the Office of the Public Defender) follow. Figures were drawn from the Annual Statistical Report of the Colorado Judiciary (July 1, 1978 to June 30, 1979).

<u>ENTITY</u>	<u>1979/80 STAFFING</u>	<u>1979/80 BUDGET</u>	<u>1978/79 CASELOAD</u>	<u>CASELOAD INCREASE/DECREASE OVER 1977/78</u>
Supreme Court	7 justices 28 support	\$ 955,265	1,291	+ 5.1%
Court of Appeals	10 judges 31 support	1,009,251	2,217	+10.7%
District Court (inc. Superior, Juvenile and Probate)	105 judges	26,612,004*	226,871	+ 7.4%
County Court (exclud. Denver)	92 judges		290,857**	+ 5.7%
Denver Co. Court	16 judges 875 support*		44,709**	unknown
Court Administrator	45 staff	4,544,901		
Probation	220 prob. off. 60 adminis. 80 support	6,826,920	33,794	+ 9.6%
TOTALS	1569 staff	\$39,948,341		

* For District and County Courts combined

** Does not include felony cases

CORRECTIONS SERVICES

At the state level, the corrections component of Colorado's criminal justice system includes state correctional institutions, parole services, the parole board, the executive clemency (pardon) board, and state operated community corrections programs. The Department of Corrections administers the correctional institutions, community corrections programs and parole services. The parole board is an adjunct to the administrative office of the Department of Corrections and has full policy-making responsibility as provided by statute. The executive clemency board is an advisory body accountable directly to the Governor.

Adult corrections services provided by local units of government include county and municipal jails and community corrections programs. Some community corrections programs also are operated by nongovernmental agencies such as private nonprofit organizations, corporations and associations.

SERVICES PROVIDED BY THE DEPARTMENT OF CORRECTIONS

The Department of Corrections, formerly the Division of Correctional Services under the Department of Institutions, was created by statute on August 1, 1977 according to the provisions of section 17-1-101, C.R.S. 1973, 1978 Repl. Vol. (1979 Supp.). The department contains four divisions. The Divisions of Adult Services and Correctional Industries are statutory, the Divisions of Management and Development and Community Services were established administratively.

The purpose of the Department of Corrections beyond that of incarceration is not specifically set out in the statutes. One partial mandate may appear in section 17-1-103, C.R.S. 1973, 1978 Repl. Vol., duties of the Executive Director, which states in part "...to improve, develop, and carry forward programs of counseling and parole supervision to the end that persons now dependent upon tax-supported programs may be afforded opportunity and encouragement to be restored to productive independence..." and later in the same section "...To the extent practical, to develop industries within the institutions which have a rehabilitative value for inmates and which also will serve the purpose of supplying necessary products for state institutions..."

A second statute which has some bearing on the function of the department is section 17-40-102, C.R.S. 1973, 1978 Repl. Vol., establishing the diagnostic unit: "The primary function and purpose of the program shall be to provide a diagnostic examination and evaluation of all offenders sentenced by the courts of this state, so that each such offender may be assigned to a correctional institution which has the type of security and, to the extent possible, appropriate programs of education, employment, and treatment available, which are designed to accomplish maximum rehabilitation of such offender and to prepare an offender for placement into as productive an employment as possible following imprisonment."

DIVISION OF ADULT SERVICES

The Division of Adult Services, created under section 17-1-101, C.R.S. 1973 (1979 Supp.), contains three management areas: 1) institutional services, including the Reception and Diagnostic Center, Canon City Correctional Facility, Fremont County Correctional Facility, Buena Vista Correctional Facility

and Colorado Women's Correctional Facility; 2) offender services, which include case management, classification and records; and 3) program services, which include mental health, medical and educational services.

DIVISION OF CORRECTIONAL INDUSTRIES

The Division of Correctional Industries also created under section 17-1-101, C.R.S. 1973, contains four management areas: services which have nonprofit functions within the facilities and include vocational education programs; marketing; programs and control; and, production, including the profit-making industries such as the tag plant (license plates), dairy, print shops, ranch and office partition manufacture.

DIVISION OF MANAGEMENT AND DEVELOPMENT

The Division of Management and Development was created by administrative directive October 1, 1972 and includes the functions of staff training, management information systems, research and evaluation, grants management, personnel and fiscal and budgeting functions.

DIVISION OF COMMUNITY SERVICES

The Division of Community Services, the newest division in the Department of Corrections, was created administratively November 1, 1979. The division contains parole services; the three minimum security facilities at Delta, Rifle and Golden; community corrections programs operated by the state at Bails Hall and Ft. Logan in Denver and local and nonprofit corrections facilities contracting with the Department of Corrections to provide services. The Division of Community Services has regionalized its services for the areas of Denver, north-eastern Colorado, southeastern Colorado and the western slope.

INSTITUTIONAL FACILITIES

The Department of Corrections operates a total of nine correctional facilities plus the Reception and Diagnostic Center.

Reception and Diagnostic Center - This facility is located at the Canon Correctional Facility and has a capacity of 118 inmates. All inmates are assigned to this facility upon their receipt by the department. Men are housed in the facility and women are brought to the facility on a daily basis for diagnosis and initial classification. This diagnostic process is designed to last about nine days and includes psychological testing, vocational testing, intelligence testing and screening for drug or alcohol abuse problems. At the conclusion of this process, inmates are then assigned a security classification and transferred to one of the correctional facilities.

Canon Correctional Facility - This institution is located in Canon City and has a capacity of 961 male inmates. There are five housing units connected with this facility. Four basic types of inmates are currently housed in this facility: workers, protective custody cases, inmates classified by the Diagnostic Unit but unable to be transferred to their assigned facility because of overcrowding and disciplinary cases. Inmates sentenced to the death penalty are located here as well as mental patients from the Colorado State Hospital who have been management problems there. Approximately 400 inmates at this facility are not involved in either work or educational programs.

Fremont Correctional Facility - This institution is located a few miles east of Canon City and has a capacity of 539 male inmates. Inmates are either housed in a cellhouse or dormitory within the fenced area or at the Industrial Training Center located outside the fence on the grounds of the facility. All inmates at this facility are engaged in either work or educational programs.

Buena Vista Correctional Facility - This facility is located a few miles outside Buena Vista and has a capacity of 545 male inmates. The facility is divided into four housing wings. Inmates sentenced here are generally the younger, less hardened offenders. All inmates at this facility are engaged in either work or educational programs.

Colorado Women's Correctional Facility - This institution is located on the eastern edge of Canon City and has a capacity of 96 female offenders. The facility contains three housing wings and serves female offenders sentenced by the state as well as women from outside the state placed there on contract with the Federal Bureau of Prisons. All inmates sentenced to this facility are involved in either work or educational programs.

Delta Correctional Facility - This facility is located about eight miles south of Delta, Colorado and has a capacity of 99 male inmates. Inmates placed here are all involved in either educational or work programs. Many of the work programs are in conjunction with state and federal agencies in the areas of parks and recreation, wildlife and forestry.

Rifle Correctional Facility - This facility is located about twelve miles north of Rifle, Colorado and has a capacity of 100 male inmates. All inmates located at this facility are involved in either work or educational programs. Again, many of the work programs are in the areas of parks and recreation, forestry and wildlife projects.

Colorado Correctional Center - This center is located on the grounds of Camp George West in Golden, Colorado and has a capacity of 71 male inmates. Inmates at this facility provide maintenance and food services for CLETA, located at Camp George West, and for programs in forestry and parks and recreation with federal and state agencies.

Bails Hall - This community corrections facility is located in Denver and has a capacity of 40 male offenders. It is primarily a work release program and is operated by the Department of Corrections.

Ft. Logan Community Corrections Center - This program is located on the grounds of the Ft. Logan Mental Health Center in Denver. It has a capacity of 26 male and female offenders. This is the only coeducational program operated by the department and serves as both a work release and an educational release facility.

The Department is currently constructing new maximum security and close security facilities which should be ready for occupancy during the first quarter of 1981. The move from the current maximum security facility to the two new facilities will result in an 80 bed reduction in total capacity. A bed shortage of over 200 beds is projected by January 1981.

DIVISION OF COMMUNITY SERVICES

In addition to the central office located in Denver there are four regional parole offices. Parole offices are located in Denver, Lakewood, Pueblo and Grand Junction. Parole offices also are located at the various correctional facilities operated by the Department of Corrections.

In FY 1979-80 there were 35 parole officers and seven parole supervisors and administrators plus support personnel serving the parole function. Some of these support personnel operate the crime victims restitution program. The average caseload for a parole agent is approximately 85 cases.

Parole agents located at the institutions assist inmates in preparing their parole plans. Pre-parole investigations are conducted by parole agents for the use of the Parole Board in making its decisions.

Parole officers supervise not only persons paroled from Colorado institutions, but also those from other states who parole to Colorado. In addition, parole agents supervise persons on probation who came to Colorado from other states. Currently, there are about 1900 persons being supervised by parole agents.

Parole agents are responsible for providing counseling, assistance and supervision to persons placed on parole by the Parole Board. Parole agents have the power to arrest or cause to be arrested any parolee when they have reasonable grounds to suspect that a parolee has violated the conditions of parole.

DEPARTMENT OF CORRECTIONS BUDGET AND STAFF

Excluding the State Board of Parole, the Department of Corrections had, in FY 1979-80, an operating budget of \$37,344,036 and employed 963 staff. Of the funds appropriated, \$22,591,501 were general funds, \$14,541,260 were cash funds and \$211,275 were federal funds. The staffing and funding of each of the major entities of the department are as follows:

	<u>Staffing</u>	<u>Funding</u>
Central Administration (including Division of Management and Development)	35	1,069,334
Division of Adult Services		
Canon City complex	389	8,193,862
Buena Vista complex	118	2,913,463
Central Office	8	5,815,054
Diagnostic Unit	26	583,416
Division of Correctional Industries	242	13,966,642
Division of Community Services		
Delta	15	368,829
Rifle	13	274,029
Golden	11	220,044
Parole	80	1,692,484
Community Corrections - state operated*	23.3	409,582
purchase of service	3	1,839,297

*Includes Grand Junction State Facility for 8 months through February 29, 1980. On that date Grand Junction ceases to be a state operated facility.

STATE PAROLE BOARD

The State Board of Parole, created by section 17-2-201, C.R.S. 1973 (1979 Supp.), consists of five members appointed by the Governor. The board members are salaried and devote full time to their duties as members. Qualifications for board members are: a knowledge of parole, rehabilitation, correctional administration and the functioning of the criminal justice system; and, five years experience or education in corrections, parole, probation, law, psychology, education or related fields. Members are appointed for six year terms and may succeed themselves. The Parole Board is administratively attached to the Department of Corrections, but is accountable to the Governor. The Governor appoints a chairperson and vice-chairperson of the Board. The chairperson performs the administrative duties of the board.

Before enactment of Colorado's determinate sentencing bill (H.B. 1589) the Parole Board had sole power to grant or refuse parole and to fix the condition and set the duration thereof. In accordance with section 17-2-201(3)(a-d), (5)(a), C.R.S. 1973, Parole Board members were required to promulgate rules and regulations governing the granting and revocation of parole from state penal and correctional institutions. They were also required to meet as often as necessary every month at these institutions to consider applications for parole. Providing the inmate had served the minimum sentence less any possible time for good behavior, the responsibility for determining whether the inmate met the statutory requirement of demonstrating "a strong and reasonable probability" that the inmate would not thereafter violate the law belonged to the Parole Board members.

Effective July 1, 1979, however, "the power of the state board of parole to grant parole and establish the duration of the term of parole" applies only to persons sentenced for conviction of a felony committed prior to July 1, 1979, persons sentenced for conviction of a misdemeanor or a sex offense, as defined in section 16-13-202(5), C.R.S. 1973, persons sentenced for conviction of a class 1 felony and, pursuant to section 16-13-101(2), C.R.S. 1973, persons sentenced as habitual criminals.

Although persons sentenced for conviction of a class 2, 3, 4 and 5 felony committed on or after July 1, 1979 are, under the new legislation, punished by the imposition of a definite sentence within a presumptive range set by section 18-1-105(1)(a-b), C.R.S. 1973 (1979 Supp.), provision is made for "good time" and "earned time" deductions from a convicted felon's sentence. The Parole Board is required to review at least annually (semiannually if inmate has 1 year or less of the sentence remaining to be served) the record of each inmate and to grant, if warranted, an earned time deduction from the sentence imposed.

EXECUTIVE CLEMENCY ADVISORY BOARD

The Colorado Constitution (section 7, Article IV) gives the Governor the "power to grant reprieves, commutations and pardons after conviction for all offenses except treason, and except in case of impeachment." Section 16-17-101, C.R.S. 1973, authorizes the Governor to commute the sentence in capital cases to imprisonment for life or a term of not less than 20 years at hard labor.

In an Executive Order dated February 13, 1975, the Governor established the Executive Clemency Advisory Board to perform the function of "making recommen-

dations to the Governor relative to reduction or modification of sentences of convicts...and in making recommendations concerning applications for pardon, reprieve or commutation."

The Clemency Advisory Board has nine members including the Executive Director of the Department of Institutions, who is the chairperson; the Executive Director of the Department of Corrections, who is the vice-chairperson; one member of the State Board of Parole; a representative of the Attorney General's office; and, a representative of the Office of the Public Defender. Four other members also appointed by the Governor constitute the remainder of the Board.

The Board meets monthly at the correctional facilities to review cases and also meets at least once annually to review policies and procedures. Members are not salaried but receive travel and per diem costs. FY 1979-80 funding was \$1500 from the Office of the Governor.

COUNTY JAILS

Except in Denver, county jails are administered by the sheriff of each county in accordance with the provisions stated in section 17-26-101 through 129, C.R.S. 1973 (1979 Supp.). Sixty of Colorado's 63 counties have fully operational jails. The jails in Park, Ouray and San Juan counties have been closed by the Department of Health. These counties transport prisoners held for more than 72 hours to jails in other counties.

In Denver, the Sheriff's Department of the City and County of Denver is a component of the Department of Public Safety. The Sheriff's Department is supervised by the Director of Corrections who also serves as undersheriff and warden of the Denver County Jail.

The statutory mandate (17-26-101, C.R.S. 1973) governing a jail in each county does not compel the erection of jails in counties having a population of less than 2,000 or "when the county owns a jail erected in any other place in the county." When there is no sufficient jail in any county, "any person charged with any criminal offense and ordered to be committed to jail may be sent to the jail of the county nearest having a sufficient jail" in accordance with section 17-26-119, C.R.S. 1973.

A statewide moratorium on jail construction has been in effect since 1974. The Division of Criminal Justice and its Jail Advisory Committee, mandated by S.B. 55, C.R.S. 17-2-110, enforce this moratorium. The Jail Advisory Committee reviews requests for construction of new or expanded jail facilities and is authorized to approve such construction. The moratorium on new construction is in effect until July 1, 1981.

Currently, Colorado is one of only six states not having statewide standards governing the operation of county jails. A Jail Standards/Criteria Planning Commission was created on October 3, 1979 by Governor Richard D. Lamm through an executive order to develop jail standards. Draft standards have been developed and as of the writing of this report are being reviewed. The only state inspection of county jails is conducted on an irregular basis by the Department of Health.

MUNICIPAL JAILS

In addition to the county jails, there currently are 45 fully operational municipal jails in Colorado. Section 31-15-401, C.R.S. 1973, grants to governing bodies of municipalities the power "to establish and erect jails, corrections centers and reform schools for the reformation and confinement of loiterers and disorderly persons and persons convicted of violating any municipal ordinance..." Subsection (k) of the same statute allows municipalities "to use the county jail for the confinement or punishment of offenders subject to such conditions as imposed by law, and with the consent of the board of county commissioners." Municipalities generally are billed by county commissioners for incarceration services provided by county jails to municipalities requesting such services.

COMMUNITY CORRECTIONS SERVICES PROVIDED BY LOCAL AGENCIES

Through section 17-27-101, C.R.S. 1973, 1978 Repl. Vol., the General Assembly has encouraged the development of community corrections programs in the state. In addition to the Bails Hall and Ft. Logan programs operated by the Department of Corrections, there are 15 other community corrections facilities operated either by local units of government or by nongovernmental agencies.

The locations of these other community corrections programs are as follows:

Boulder	Empathy House
Colorado Springs	COM-COR
Denver Metro Area	Adams Community Corrections Program Center for Creative Living Community Responsibility Center Denver Community Corrections Center Emerson House Freedom Ministries Independence House Family OASIS of Chandala (nonresidential) Williams Street Center
Durango	Southwest Community Corrections Center (Hilltop House)
Ft. Collins	Larimer County Community Corrections Project
Grand Junction	Grand Junction Work Release Center
Pueblo	Pueblo Area Work Release Center (Our House)

Community corrections programs are defined in section 17-27-102, C.R.S. 1973, 1978 Repl. Vol., as "...a community-based or community-oriented facility or program...which may provide residential accommodations for offenders; and which provides programs and services to aid offenders in obtaining and holding regular employment, in enrolling in and maintaining academic courses, in participating in vocational training programs, in utilizing the resources of the community in meeting their personal and family needs and providing treatment, and in participating in whatever specialized programs exist within the community."

A residential program is one in which the offender lives at the facility, whereas nonresidential programs do not provide room and board for the offender.

Community corrections programs may either be operated by a local unit of government or the local unit of government may contract with another agency to provide services. Community corrections programs may have a community corrections board, either advisory or functional in nature, as provided in section 17-27-103(2), C.R.S. 1973, 1978 Repl. Vol. The governing board of any local unit of government may delegate powers to the community corrections board. The community corrections board may establish and enforce standards for the operation of its community correctional facilities and programs and for the conduct of offenders. Acting in conjunction with either the judicial district or the Department of Corrections, it will establish procedures for screening offenders accepted into the program. Community corrections boards must consent to the placement of offenders into programs on a case by case basis.

Community corrections facilities may accept two basic types of offenders: those in diversion programs and those in reintegration programs. Offenders in diversion programs are placed in a community corrections program by the courts as an alternative to being sentenced to the Department of Corrections. These offenders may include those found guilty of nonviolent misdemeanors or felonies, those on deferred sentencing or deferred prosecution for nonviolent misdemeanors or felonies, persons awaiting sentence, and those whose conditions of probation include participation in such a program. Section 17-27-103(3), C.R.S. 1973, 1978 Repl. Vol. gives corrections boards the right to "accept, reject, or reject after acceptance the placement of any offender in its community correctional facility or program..."

The Department of Corrections also may contract with local community corrections programs for the placement of offenders who have been incarcerated and for whom the program would be beneficial as a reintegration orientation. Such contracts are authorized by section 17-27-106(4), C.R.S. 1973, 1978 Repl. Vol. (1979 Supp.). Community corrections programs must meet certain minimum standards set by the Department of Corrections before they may accept offenders from the department.

Under current statute, reimbursement is paid to the community corrections programs at a rate not to exceed \$25 per day for each offender. The Department of Corrections pays for offenders placed both by the department and by the judicial system. In FY 1979-80, these funds were \$1,773,900 plus \$63,397 to the Department of Corrections for administering the program. Section 17-27-109, C.R.S. 1973 requires both the Division of Criminal Justice and the Department of Corrections to provide technical assistance and advice to community corrections boards as needed.

At the time of the writing, there were 363 offenders in community corrections programs, and 31 federal offenders, including 61 offenders located at Bails Hall and Ft. Logan Community Corrections Center.

SYSTEMWIDE CRIMINAL JUSTICE PLANNING

DIVISION OF CRIMINAL JUSTICE DEPARTMENT OF LOCAL AFFAIRS

The Division of Criminal Justice, originally created by Executive Order of the

Governor in 1968, was established statutorily (section 24-32-502, C.R.S. 1973) July 1, 1971 as a Type Two division within the Department of Local Affairs. In compliance with Federal PL 93-88, the statute describes the following duties of the Division of Criminal Justice:

"...In cooperation with other agencies, to collect and disseminate information concerning crime and criminal justice for the purpose of assisting the general assembly and of enhancing the quality of criminal justice at all levels of government in this state;

(b) To analyze Colorado's activities in the administration of criminal justice and the nature of the problems confronting it and to make recommendations and to develop comprehensive plans of action...for consideration and implementation by the appropriate agencies of state and local government...the division shall draw upon the planning capabilities of other agencies...

(c) To advise and assist law enforcement agencies...to improve their law enforcement systems...

(d) To act as the state planning agency under Public Law 93-83...

(e) To do all things necessary to apply for, qualify for, accept, and distribute any state, federal, or other funds made available or allotted under ...Public Law 93-83 and under any other law or program designed to improve the administration of criminal justice, court systems, law enforcement, prosecution, corrections, probation and parole, juvenile delinquency programs and related fields;

(f) To administer a statistical analysis center for the purpose of collecting and analyzing statewide criminal justice statistics."

Also included within the Division of Criminal Justice is the State Jail Advisory Committee created under Section 24-32-508, C.R.S. 1973 (1978 Supp.). This committee consists of 13 members including four county commissioners, four sheriffs, one judge, two architects and two citizens who are appointed for terms of two years by the director of the DCJ. Committee members are not salaried, but receive reimbursement for expenses. The duties of the Advisory Committee are to review and provide written comments concerning plans submitted to the director of the DCJ for the expansion of existing jails or the construction of new jails. They also develop guidelines for the construction and operation of jails. Currently, DCJ staff funded by a grant from the National Institute of Corrections are conducting a study of the jails in Colorado with a report due in October 1980.

Under the FY 1979-80 appropriation, the Division was authorized a staff of 26.5 people. Its appropriation was \$6,787,542, of which \$6,159,285 was spending authority for LEAA grant disbursements. \$397,147 of LEAA funds, matched with \$231,110 from the general fund were authorized for the administration of the Division.

STATE COUNCIL ON CRIMINAL JUSTICE

The State Council on Criminal Justice was created by section 24-32-504, C.R.S. 1973, (1978 Supp.) and consists of 25 members. Eight of these members are ex-officio members of the Council: the Attorney General, the Chief Justice of the Supreme Court, the State Public Defender, the Director of the Colorado Bureau of Investigation, the Executive Director of the Department of Corrections, the Director of the Division of Local Government (DOLA), the State Court Administrator, and the Chief of the Colorado State Patrol. Fifteen other members

of the Council are appointed by the Governor in accordance with statutory guidelines to insure that the members represent a diversity of criminal justice practitioners and interested citizens. Of such fifteen members, one shall be a trial judge selected by the Governor from a list of not less than three trial judges submitted by the Chief Justice; one shall be a judge who is a member of the judicial planning committee appointed pursuant to the federal "Crime Control Act of 1976"; two shall be police chiefs; one shall be a sheriff; one shall be a district attorney; and nine shall be citizens of the state of which two shall represent the state at large, one shall be a correctional line officer, one shall be involved with a public agency serving youth directly related to prevention and control of juvenile delinquency, one shall be involved with a private agency or person serving youth directly related to prevention and control of juvenile delinquency, and at least four shall be county commissioners or members of governing bodies of municipalities. One member shall be a state senator appointed by the president of the senate, and one member shall be a state representative appointed by the speaker of the house of representatives. Members serve for two year terms and may be reappointed. Persons appointed as elected officials serve only as long as they retain that office. Council members receive necessary expenses, but are not salaried.

The duties of the Council include advising the Division of Criminal Justice and its director in the performance of their duties; reviewing and approving rules and regulations, procedures and policies for the application for and the distribution of funds from LEAA or any other law or program related to criminal justice; reviewing and approving the state criminal justice plans; and reviewing and approving rules, regulations, procedures and policies concerning applications for LEAA or other federal funds and giving consideration to community corrections programs. Staff to the Council is provided by the Division of Criminal Justice.

CRIMINAL JUSTICE ADVISORY COUNCILS AND REGIONAL PLANNING UNITS

Section 24-32-506, C.R.S. 1973 (1979 Supp.) states that regions designated by the Division of Planning in the Department of Local Affairs may develop regional criminal justice plans. There are 13 such regions in the state, as shown in Figure 3 in the Methods and Procedures Section. Separate county or municipal plans also may be developed as necessary. Denver has formed its own planning unit, the Denver Anti-Crime Council, making a total of 14 criminal justice planning regions. Several regions share planners or have only part-time planners.

These regional planning units are funded using a combination of local and LEAA funds to provide staff and operating expenses necessary to perform the planning function. Staff of these planning units are hired by the regional Councils of Government, except in Denver, where they are hired by the City and County of Denver, and in regions nine and ten, where the Criminal Justice Advisory Council hires the staff.

The regional criminal justice planners prepare the annual criminal justice plan specific to the needs of their particular region. Regional planners also develop LEAA project proposals and provide technical assistance to LEAA projects and to agencies in their regions which request technical assistance.

Under the above referenced statute, the director of the Division of Criminal Justice appoints a regional criminal justice board in each region, called a Criminal Justice Advisory Council (CJAC). The CJACs are comprised of criminal

justice practitioners, elected officials and community representatives. The CJACs approve all regional criminal justice plans developed by the regional planning units, establish priorities for programs and review all LEAA grant proposals originating from the region. The CJACs in three regions, the City and County of Denver, Region III (Denver Metro area) and Region IV (Colorado Springs area) approve the grant proposals. The grant proposals for the balance of the state and state agencies are approved by the State Council on Criminal Justice.

After the regional criminal justice plans have been approved by the appropriate CJAC, they are forwarded to the Division of Criminal Justice where they are integrated into the annual state plan and submitted for approval to the State Council on Criminal Justice before being sent to LEAA in Washington. The funding of state and local criminal justice projects by LEAA and the approval of grants to the various entities by the State Council are both based upon the needs expressed and the projects proposed to meet those needs as outlined in the annual criminal justice plan.

RELATED NONCRIMINAL JUSTICE SERVICES

DIVISION OF DISEASE CONTROL AND EPIDEMIOLOGY DEPARTMENT OF HEALTH

The Department of Health, created in 1963, has three statutory divisions: Administration, Alcohol and Drug Abuse and the Water Quality Control Commission. In addition, it has eight divisions created administratively: Air Pollution Control, Disease Control and Epidemiology, Radiological Health and Hazardous Wastes, Community Health Services, Laboratory, Medical Care Licensing and Certification, Emergency Medical Services and Family Health Services. The Division of Disease Control and Epidemiology and the Alcohol and Drug Abuse Division provide services to the criminal justice system.

Section 25-1-107(1)(n), C.R.S. 1973 (1978 Supp.) mandates the Department of Health, through the Division of Disease Control and Epidemiology, to "establish sanitary standards and make sanitary, sewerage and health inspections and examinations for charitable, penal, and other public institutions, and, with respect to the state institutions under the Department of Institutions specified in section 27-1-104, C.R.S. 1973 or under the Department of Corrections specified in section 17-1-104, C.R.S. 1973 (1979 Supp.), such inspections and examinations shall be made at least once each year. Reports on such inspections of institutions under control of the Department of Institutions or the Department of Corrections shall be made to the executive director of the appropriate department for appropriate action, if any." The correctional institutions referred to in section 17-1-104 are the Colorado state penitentiary at Canon City, the Colorado state reformatory at Buena Vista, and the women's correctional facility at Canon City.

The division has prepared a set of Sanitary Standards and Regulations in conjunction with its statutory duties. One section of these standards specifically addresses penal institutions. Statutorily, however, the division has no authority to close either a state institution or a local jail for failure to meet these standards.

Four staff within this division spend approximately 10% of their time examining

jails, penal institutions and facilities operated by the Division of Youth Services and Social Services.

In FY 1979-80, the division was authorized 54.5 staff and had an operating budget of \$2,132,175. Of these funds, \$1,283,474 were federal funds, \$755,438 were general funds, \$57,445 were general revenue sharing funds and \$35,818 were county funds for tuberculosis treatment for residents of those particular counties.

ALCOHOL AND DRUG ABUSE DIVISION
DEPARTMENT OF HEALTH

As provided by section 25-1-102(2)(b), C.R.S. 1973, the Division, with the advice and recommendation of the State Alcohol and Drug Abuse Advisory Council, is statutorily mandated to formulate a state plan for alcohol and drug programs including surveys to include adequate health facilities, educational programs, the need for professional personnel, training programs for personnel, a review and update of the state plan at least annually, and supervision of administration of the state plan.

The Alcohol and Drug Abuse Division may award grants from funds derived from either governmental or private sources to approved public programs. The division also purchases services from public or private nonprofit agencies and may establish rules and regulations relevant to record-keeping, eligibility for grants and requirements for purchase of services.

In addition, by Executive Order of the Governor, the division is designated as the state planning agency in accordance with section 409, PL 92-255 as the single state agency for drug abuse, and is also designated by the Governor to carry out licensing and regulatory functions related to methadone programs.

Section 25-1-311, C.R.S. 1973 (1979 Supp.) provides for involuntary commitment of alcoholics to the Alcohol and Drug Abuse Division by court order if a hearing proves the person is incapacitated by alcohol or that the person is likely to inflict physical harm on someone else.

The Alcohol and Drug Abuse Division uses a management information system called the Drug/Alcohol Coordinated Data System (DACODS) to collect data on client demographics, treatment flow and treatment outcome. Treatment programs are contractually bound to specific process and outcome objectives, and the division performs four site visits each year to each program.

A 17 member State Alcohol and Drug Abuse Advisory Council was created by section 25-1-208, C.R.S. 1973 (1978 Supp.). Council members are not salaried. Duties include advising the Alcohol and Drug Abuse Division in the formulation of the state plan, reviewing the state plan, making recommendations to the division in carrying out the plan, reviewing grant applications, recommending priorities for fund allocation, and designating a qualifications committee to recommend standards for drug and alcohol counselors to participate in public programs or to provide purchased services to the division.

In 1979-80 the division had 108 staff and a budget of \$11,192,769. Of these funds, \$7,720,747 were general funds, \$2,939,500 were federal funds and \$532,522 were cash funds. Of this total amount, \$6,814,307 was designated for alcohol treatment, \$2,866,497 for drug treatment and \$590,677 in the form of alcohol and drug abuse federal grants.

DIVISION OF MENTAL HEALTH
DEPARTMENT OF INSTITUTIONS

The Department of Institutions has been discussed previously in this section in its relation to institutional security personnel. The other entity within this department interfacing with the adult criminal justice system is the Division of Mental Health.

Section 27-10-101, C.R.S. 1973, mandates the Division of Mental Health "(a) To secure for each person who may be mentally ill such care and treatment as will be suited to the needs of the person and to insure that such care and treatment are skillfully and humanely administered...(b) To deprive a person of his liberty for purposes of treatment or care only when less restrictive alternatives are unavailable and only when his safety or the safety of others is endangered; (c) To provide the fullest possible measure of privacy, dignity, and other rights to persons...(d) To encourage the use of voluntary rather than coercive measures to secure treatment and care..."

Treatment at a mental health facility may be either voluntary or involuntary. An emergency procedure for involuntary commitment may be invoked in one of two ways. A peace officer (sheriff or police officer under the definition) or a professional person (certified psychologist or medical doctor) who has reason to believe a person is mentally ill and may be an imminent danger may take the person into custody and place that person in a facility designated by the Executive Director of the Department of Institutions for a 72 hour period of treatment and evaluation. Such a commitment also may occur by court order based upon an affidavit sworn to before a judge. At the end of the 72 hour period (excluding Saturdays, Sundays and holidays unless treatment personnel are available) there are three options: (1) the person can be discharged based upon a finding that no serious mental health problems exist; (2) the person who is suffering from mental illness can voluntarily sign a statement agreeing to further treatment; or (3) the facility can certify to the court that the person is suffering from mental illness. Whenever such certification occurs, the court appoints an attorney to represent the person so certified. If the person is found to be mentally ill, that person may be certified for short term (less than three months) or long term treatment. In localities where no designated facility is nearby, persons may be held in a jail for a period of up to twelve hours under the emergency conditions until transportation can be arranged to a designated facility.

The Division of Mental Health also is mandated under section 27-1-203, C.R.S. 1973 to purchase community health services from the 24 mental health clinics in the state. These may include in or outpatient services, emergency services or consultative or educational services. The Executive Director of the Department, through the Division, promulgates standards, rules and regulations for such clinics in accordance with the statutes. These services from community mental health clinics can also be purchased by courts, local or state government entities and other political subdivisions under section 27-1-207, C.R.S. 1973.

The Colorado State Hospital in Pueblo and the Ft. Logan Mental Health Center in Denver are also administered by the Division. The State Hospital was established for treatment and care of the mentally ill (including those in state institutions) and for those requiring medical care and treatment for alcohol or drug abuse. Section 27-13-109, C.R.S. 1973 (1978 Supp.) provides that persons committed to the Department of Corrections requiring the type of care or treatment available at the State Hospital may be transferred there for treatment of medical, mental health or substance abuse problems. Thus, mental health treatment

is available to all offenders statutorily whether they are institutionalized or not.

In FY 1979-80 the Division had a staff of 1893 persons and a budget of \$53,268,533. Of these funds, \$37,108,118 were general funds, \$25,278 grant funds, and \$16,135,137 cash funds.* The four major programs of the Division were staffed and funded as follows:

Administration	29 staff	\$ 1,390,883
Community Mental Health	N/A	16,396,141 (pass through)
Colorado State Hospital	1349 staff	25,273,649
Ft. Logan Mental Health Ctr	514 staff	10,207,860

* The majority of these funds are payments for services or funds appropriated from state and federal agencies.

DIVISION OF SERVICES TO THE AGING
DEPARTMENT OF SOCIAL SERVICES

The Department of Social Services was created in its present form in 1968 by section 24-1-120, C.R.S. 1973. At this time the state board of public welfare was transferred to the Department as the State Board of Social Services.

The Department of Social Services is mandated to exercise powers and perform duties relating to public assistance, welfare and vocational rehabilitation. It is administered by an executive director and the nine member State Board of Social Services and includes the following five other statutory boards and councils which are advisory in nature: Colorado Board of Veteran's Affairs, Colorado Commission on Aging, Advisory Committee on Licensing Child Care Facilities, State Medical Assistance and Services and Merit System Council. In addition, the Department of Social Services includes nine nonstatutory divisions: Child Support Enforcement, Field Operations, Food Assistance, Income Maintenance, Medical Assistance, Services to the Aging, Special Services, Vocational Rehabilitation and Veteran's Affairs. The Division of Services to the Aging and the Division of Vocational Rehabilitation provide assistance to adult criminal justice agencies.

In compliance with section 26-1-108, C.R.S. 1973 (1979 Supp.), the executive director of the Department is responsible for the internal administration of the state and various county departments of social services; the Board is responsible for rules, regulations and policies governing program scope and content; requirements, obligations and rights of persons receiving and providing social services and other matters the Board deems to be matters of public policy.

The Division of Services to the Aging is primarily an administrative body for the purpose of providing federal funds to Colorado's 13 local area agencies on aging (AAAs) and an adjunct to the Colorado Commission on Aging mandated by section 26-11-105, C.R.S. 1973, to conduct and encourage studies and programs on behalf of the elderly. The Council of Governments in each of Colorado's planning regions sponsors programs for the aging by serving as the pass-through funding agency for AAA programs including crime prevention.

The Division of Services to the Aging operates currently with a staff of 13 full time employees and a budget of \$4,462,379: \$260,547 from general funds and \$4,201,832 from federal funds.

DIVISION OF VOCATIONAL REHABILITATION
DEPARTMENT OF SOCIAL SERVICES

The Division of Vocational Rehabilitation was created by section 26-8-101, C.R.S. 1973 to carry out the Department of Social Services' statutory responsibility for coordinating and strengthening programs for rehabilitation of disabled and nondisabled persons "to the end that they may attain their maximum potential in employment, self-care, and independent living." The Division of Vocational Rehabilitation interacts with offenders and ex-offenders in this regard through counseling, education and medical services. The division also provides instructors for Correctional Industries programs and is a member of the Colorado Consortium for Correctional Vocational Services described in the Department of Labor and Employment section of this chapter.

The Division of Vocational Rehabilitation had 383 full time employees in FY 1979-80 and a total budget of \$16,537,228: \$2,138,815 from general funds, \$818,495 cash funds and \$13,579,918 federal funds.

DIVISION OF EMPLOYMENT AND TRAINING
DEPARTMENT OF LABOR AND EMPLOYMENT

The Department of Labor and Employment was established in its present form in 1977 by section 24-1-121, C.R.S. 1973 (1978 Supp.) and consists of three statutory agencies: Employment and Training, Labor and the State Compensation Insurance Fund. The three entities within the Department most closely related to the adult criminal justice system are the Division of Employment and Training; the Office of Manpower Planning and Development, which reports to the Executive Director; and, the Office of the Executive Director itself.

This Division was established by section 8-71-101, C.R.S. 1973 (1978 Supp.) and statutorily contains the Local Government Advisory Council, Colorado State Employment Service and the Unemployment Compensation Section. As stated in section 8-72-106, C.R.S. 1973, the Colorado State Employment Service "establishes and maintains free public employment offices" and also is charged to "take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, re-training, and vocational guidance; ...to promote the reemployment of unemployed workers throughout the state...and...to carry on investigations and research studies..."

It accomplishes its goals through 32 job centers around the state. Employment services provided include formulating employability development plans, employment counseling services, and referral to training or jobs. Division of Employment and Training (DET) staff also provide assistance in diagnostic and vocational testing to institutionalized inmates.

The DET interacts with the Colorado Consortium for Correctional Vocational Services by operating placement services for offenders. The CCCVS will be described later in this section. All of the funds for this division are federal funds (WIN, Job Corps, CETA, etc.). Funding for CETA prime sponsors (the counties of Adams, Arapahoe, Boulder, Denver, El Paso, Jefferson, Larimer, Pueblo and Weld) is administered through this division. The purpose of CETA funds is to provide training, employment and counseling services for low income or unemployed persons in the state.

The Division had 1167 employees in FY 1979-80 and a budget of \$39,931,860 in federal monies. The Division of Employment and Training also contains a small Public Employees Social Security Section which has five employees and, in FY 1979-80, had a budget of \$129,749 in cash funds.

OFFICE OF MANPOWER PLANNING AND DEVELOPMENT
DEPARTMENT OF LABOR AND EMPLOYMENT

The Office of Manpower Planning and Development (OMPD) was established by Executive Order on May 8, 1974 in compliance with federal CETA legislation (PL 93-203) to improve coordination of all vocational service providers; staff the State Advisory Council on Vocational Services; demonstrate new methods in vocational services; address "unmet" needs with Governor's CETA Discretionary funds; and assist in the development of policy or determination of state reactions to federal proposals, legislation and regulations. It provides coordination and review for the CETA Prime Sponsors (the nine counties mentioned under the section on the Division of Employment and Training) and the Balance of State CETA program, providing services in the other 54 counties in the state. The OMPD administers the Governor's Discretionary CETA funds, providing grants to agencies or programs in accordance with priorities established by the Governor's Office. It also monitors and evaluates projects which contract with the Division. This agency is also a member of the Colorado Consortium for Correctional Vocational Services.

The Office of Manpower Planning and Development is funded with approximately \$3 million in federal monies and had ten staff employed in FY 1979-80. About \$250,000 of these funds were for the administrative costs of the agency.

OFFICE OF THE EXECUTIVE DIRECTOR
DEPARTMENT OF LABOR AND EMPLOYMENT

The Colorado Balance of State CETA Prime Sponsor is attached to the Executive Director's Office in the Department of Labor and Employment by Executive Order. The Balance of State (BOS) program operates in the 54 counties in Colorado not served by the CETA Prime Sponsor program. Its function, as with the other CETA programs, is to assist unemployed, underemployed, economically disadvantaged persons through on-the-job training, vocational training, work experience, public service employment, and occupational counseling programs. The main thrust of the BOS programs is to provide training for employment.

This program is entirely federally funded and has three regional advisory councils which develop their own regional plans, which are then combined into one state plan by the State Advisory Council. An allocation formula is used to determine the funding level for each region.

The FY 1979-80 staffing level for the BOS program was 32 and the program had funding of approximately \$14,000,000. Administrative costs amounted to about \$1,680,000 of these funds.

COLORADO CONSORTIUM FOR CORRECTIONAL VOCATIONAL SERVICES

As can be seen from the agency profiles in vocational services, this delivery system is fragmented and the potential for duplication of services among these agencies exists. Practitioners in the vocational training and job counseling

field recognized this fact some time ago. Faced with federal guidelines which precluded consolidation, the agencies formed the Colorado Consortium for Correctional Vocational Services (CCCVS) in 1978 in the Denver area. This group, informally known as the labor consortium, includes the following agencies: Department of Corrections; Department of Labor and Employment; Division of Criminal Justice; Division of Employment and Training; Division of Vocational Rehabilitation; Employ-Ex, Inc.; Denver Employment and Training Administration; Occupational Education Division; State Board of Community Colleges and Occupational Education; Colorado Springs Manpower Administration; National Alliance of Business (Denver); and, Pueblo Manpower Administration. The goal of the CCCVS is to minimize fragmentation and duplication while providing the support services and continuity necessary in the employment system for offenders and ex-offenders.

CHAPTER II: PROBLEMS AND RECOMMENDATIONS

The Criminal Justice System Study was designed to examine organizational and coordination problems in the criminal justice system. The interviews with practitioners and public officials focused on issues which affect the inter-relationships between agencies in the system and between state and local agencies. Primary emphasis was on the state agencies, how they relate to each other and the adequacy of their service to local agencies. Comments on the internal organization and management of agencies were solicited only as they related to services provided to other agencies.

This chapter discusses the problems and issues identified in the study and presents the recommendations made by both the practitioners who were interviewed and by the State Council on Criminal Justice. Discussion of several issues identified did not result in recommendations. The State Council dealt primarily with systemwide issues but will continue to analyze and make recommendations on the issues not yet addressed. Many of the issues were referred to other agencies for resolution.

In the following sections systemwide criminal justice problems are discussed first, followed by law enforcement, prosecution, public defense, judicial, corrections and related services.

SYSTEMWIDE CRIMINAL JUSTICE SERVICE DELIVERY

ORGANIZATION

Statement of the Problem

- 1. There is no coordinating agency for Colorado's law enforcement functions at the state level.
- 2. The organizational location of the Division of Criminal Justice, the Public Defender's Office and Probation Services within state government may be inappropriate for the most efficient delivery of services.

Description of the Problem

At the state level, law enforcement functions are found in the following ten departments: 1) the Colorado Bureau of Investigation (CBI) and the Colorado Law Enforcement Training Academy (CLETA) in the Department of Local Affairs; 2) the Colorado State Patrol (CSP) in the Department of Highways; 3) the Division of Communications in the Department of Administration; 4) the Organized Crime Strike Force in the Department of Law; 5) institutional law enforcement services in colleges and universities administered by the Department of Higher Education; 6) law enforcement services in the Department of Institutions; 7) the Divisions of Liquor Enforcement and Motor Vehicles in the Department of Revenue; 8) the Division of Brand Inspection in the Department of Agriculture; 9) wildlife conservation enforcement for the Division of Wildlife and parks and outdoor recreation security for the Division of Parks and Outdoor Recreation in the Department of Natural Resources; and, 10) institutional and community corrections and parole services in the Department of Corrections.

The current administration of CLETA is typical of state law enforcement organizational fragmentation. Although CLETA is a division in the Department of Local Affairs, the Academy is supervised by the Chief of the Colorado State Patrol located in the Department of Highways. Statutorily, the CLETA Advisory Board is chaired by the Colorado Attorney General who directs the Department of Law. CLETA, therefore, must report to three supervisors representing three separate departments.

The Colorado State Patrol operates an auto theft investigation unit although the Colorado Bureau of Investigation is mandated to assist local law enforcement in investigations. The State Patrol operates the state radio broadcasting and telephone system maintained by the Division of Communications in the Department of Administration.

The Colorado Bureau of Investigation is mandated to investigate organized crime. However, the Organized Crime Strike Force which also investigates and prosecutes organized crime in the state is located in the Department of Law.

Colorado's judicial services are combined and coordinated to some extent by a unified court system including the Supreme Court, an intermediate state Court of Appeals, district courts, county courts and separate Denver Superior, Probate and Juvenile courts. Probation and public defender services are also included in the unified state court structure. Although probation and public defender services provide services to the courts, they do not perform the same type of functions as the courts.

The Division of Criminal Justice is organizationally located with the Department of Local Affairs. The Division provides services to both state and local criminal justice agencies. An issue of location has been raised because the Department is primarily a noncriminal justice agency.

Survey Findings

The Criminal Justice System Study respondents who indicated where they believed various state criminal justice functions should be located organizationally, demonstrated some support for relocating the functions of the state law enforcement agencies, Public Defender, Probation and Division of Criminal Justice. The responses are shown in the table below:

Agency	Department	% Wanting Function Moved from Dept.	% Wanting Function Placed In a New Agency
State Patrol	Highways	44.2	30.5
CBI	Local Affairs		
-Criminal History (UCR)		45.8	31.9
-Laboratory Analysis		44.6	30.5
-Criminal Investigation		50.2	31.2
CLETA	Local Affairs	51.2	32.9
Organized Crime Strike Force	Law	20.1	20.6
Probation	Judicial	50.6	8.9
Public Defender	Judicial	36.3	30.0

The criminal justice practitioners surveyed, as well as state patrol personnel, view the Colorado State Patrol as a law enforcement agency because it patrols county roads and state highways, maintains an auto theft investigation unit, operates the radio broadcasting and teletype system and because its chief is the supervisor of CLETA. Although the majority of the respondents did not want the State Patrol to become a state police force, many local law enforcement respondents expressed a need for expanded services when requested. The State Highway Commission by statute is vested with the power of authority and responsibility to approve policies governing the activities of the State Patrol. Many respondents felt that the State Patrol, as a law enforcement agency, was not appropriately placed in the Department of Highways.

The survey showed that in general, criminal justice practitioners who use the services provided by CBI were satisfied with the quality of service, but rated response time low for investigative services, information from Colorado Crime Information Center (CCIC) and lab work. Of the respondents, 75.8 percent felt that more regionalized services for local law enforcement would result in better service delivery. CLETA was also rated low by survey respondents (41.8 percent) in timeliness of services and relevance of the training. There are often delays of up to one year in getting new officers trained. Survey respondents from the Divisions of Fish and Game, Liquor Enforcement and Motor Vehicles; and Public Defender and Department of Corrections investigators, brand inspectors, institutional law enforcement officers and coroners expressed a desire to attend training at CLETA. Although these people perform law enforcement duties, they are not statutorily eligible to receive CLETA training.

As indicated in the previous table, 36.3% of the criminal justice practitioners interviewed believed that public defense services should not be supervised by the Supreme Court. Of the public defenders interviewed, 80% believed public defense services should be relocated. The reason given most often was concern that the present location of the Public Defender's Office represents a conflict of interest since the Supreme Court hears appeals brought to it by public defenders.

The survey results showed that just over 50% of the respondents felt that the current location of probation services under the authority of the Supreme Court is inappropriate. However, 72% of the judicial and probation personnel felt that probation is appropriately placed.

Several of the questions on the survey dealt with organizational issues. The majority of the respondents indicated the following general philosophies be adopted:

1. More centralized public safety programs.
2. More centralized data collection and reporting among agencies.
3. Improved and more centralized criminal justice training.
4. More centralized research and evaluation of the criminal justice system.
5. More centralized planning capability for the system.
6. Regionalized support services for local criminal justice agencies.

State Council Discussion

The State Council on Criminal Justice discussed the issue of organizational location of the law enforcement agencies, probation, public defender's services and the Division of Criminal Justice.

State Council members reviewed the survey results, looked at the location of these types of functions at the federal level and in other states and requested input from the affected agencies and other interested parties.

The CJSS staff requested and analyzed information from six states of similar size regarding their state's organization of criminal justice functions. The states analyzed were Arizona, Iowa, Kansas, Kentucky, Montana and New Mexico. The following chart shows the organization of criminal justice functions in the five states with umbrella agencies:

Functions Included in Public Safety Umbrella Agency

<u>Agency</u>	<u>Arizona Dept. of Public Safety</u>	<u>Iowa Dept. of Public Safety</u>	<u>Kentucky Dept. of Justice</u>	<u>Montana Dept. of Justice</u>	<u>New Mexico Dept. of Justice</u>
Crime Lab	X	X	X	X	X
Investigation	X	X	X	X	X
State Patrol	X	X			
Corrections			X		X
Probation			X		X
Parole			X		X
Public Defense			X		X
Training				X	
State Planning			X	X	X

At the federal level, the following agencies are located within the Justice Department under the direction of the Attorney General: the Bureau of Prisons, U. S. Parole Commission, Pardon Attorney, Law Enforcement Assistance Administration (LEAA), FBI, U. S. Marshal's Service, Drug Enforcement Administration, U. S. Attorneys, and Immigration and Naturalization Services.

The Council discussed the advantages and disadvantages of various organizational models for criminal justice activities. A department of criminal justice including the present Department of Corrections was discussed. However, the Council felt many dissimilarities in philosophy, operation and goals exist between the law enforcement and corrections functions. Also, the Department of Corrections was established only three years ago and combining it with law enforcement agencies could create unnecessary hardship on corrections and law enforcement functions and reduce the visibility of each.

Since the Judicial Department is in the judicial branch of government and the agencies in the balance of the system are in the executive branch, judicial functions could not be combined into one department with other criminal justice agencies.

Unlike law enforcement, the corrections and judicial functions are organizationally located within separate departments, administered by a cabinet level director or head of a branch of government. The survey showed the greatest amount of dissatisfaction with law enforcement services. The Council accepted input from various interested parties regarding the agencies or functions which should be included in a department of public safety.

There was general agreement that the State Patrol, CBI and CLETA should be included in a new department. The Organized Crime Strike Force currently located within the Department of Law was discussed. Plans were being made at that time to transfer the investigators to the new CBI. Therefore, the function would be included in the proposed transfer to the new department.

The Council also discussed the functions and location of the Division of Communications indepth. Prior to the reorganization of the executive branch of state government in 1968, the public safety function of the Division of Communications was supervised by the Colorado State Patrol. An anticipated benefit of relocating the Division of Communications in the Department of Administration was to improve the system services by coordinating all communications systems in one agency. Division of Communications staff reported to the State Council that its workload is about 80% public safety related and, according to staff estimates is about two years behind schedule in the installation of microwave equipment. Division of Communications staff also reported the implementation of new radio and microwave channels for public safety communication has not increased appreciably since 1970. As a result, some units of local government have contracted with private firms for the purchase and installation of communications equipment.

Originally, the State Council discussed the advantages of removing the radio and microwave functions from the Division of Communications and relocating it in the proposed new umbrella Public Safety Department. Additional testimony from practitioners and further research by some State Council members resulted in concurrence that it could be counterproductive to leave the telephone communications function in the Division of Communications and transfer the radio and microwave section to the proposed new Department of Public Safety. Interaction between the telephone and microwave functions is an important consideration, particularly in light of plans to use the microwave for long distance instate telephone service. Because of the extreme importance of radio and microwave and interacting telephonic functions to public safety agencies, the State Council concluded the entire Division of Communications should be transferred to the proposed Department of Public Safety. Data gathered from other states during the Criminal Justice System Study indicate communications functions are usually located in umbrella departments of public safety or criminal justice.

Other state level law enforcement functions include brand inspections, wildlife conservation enforcement, liquor enforcement and vehicle registration. Law enforcement is not the primary responsibility of these offices, therefore, relocation in a department of public safety appears to be inappropriate.

Institutional law enforcement personnel in the Departments of Higher Education and Institutions are, on the other hand, involved solely in law enforcement activities. However, their functions are specialized and jurisdiction is limited, thus direct accountability to the departments served seems appropriate. Because the proposed department would include primarily law enforcement activities, the Council felt that the inclusion of the Public Defender, Probation and Division of Criminal Justice would not be appropriate.

At the time of the CJSS interviews, H.B. 1396, creating a five-member commission established by the Supreme Court to appoint the State Public Defender, had not been passed. H.B. 1396 was approved April 25, 1979 prior to the Council discussion of the issue. Section 21-1-101 (3), C.R.S. 1973, 1978 Repl. Vol. (1979 Supp.), implementing H.B. 1396 stated: "The public defender commission shall appoint and discharge, for cause, the state public defender, who shall be appointed to a term of five years ... [and]... may be reappointed for one or more subsequent five-year terms. Vacancies...shall be filled by the public defender commission..." Paragraph 3 of this statute provides no more than three members of the public defender commission shall be members of the same political party and three "shall be attorneys admitted to the practice of law in Colorado, and two shall be citizens of Colorado not admitted to the practice of law in this state." The statute also provides in paragraph 3: "No member of the commission shall be at any time a judge, prosecutor, public defender, or employee of a law enforcement agency."

Because of the General Assembly's enactment of H.B. 1396, the State Council on Criminal Justice felt the conflict of interest issue regarding the public defender's location had already been addressed.

The advantages and disadvantages of combining probation services with parole was discussed. Both agencies are state funded and provide services and supervision to offenders on a regional basis. There are four regional parole offices in the state and probation offices are located in each of the 22 judicial districts. There are some similarities in skills and resources used by the probation and parole officers. However, Council members and other interested parties felt the purposes of each function differ and are not compatible. Rehabilitation is the purpose of probation, whereas, enforcement is the purpose of parole.

If the CBI and CLETA were transferred to the proposed new Department of Public Safety, the Division of Criminal Justice (DCJ) would remain as the only criminal justice agency in the Department of Local Affairs. State Council discussion considered the fact that DCJ serves three branches of state government as well as local units of government. Although DCJ originally was placed in the Department of Local Affairs because of the Division's ties with local government, DCJ also was statutorily established to improve the statewide administration of criminal justice "regardless of whether the direct responsibility for action lies at the state level or with the many units of local government". Because of this diverse users group, the Council did not feel that placement within the proposed Department of Public Safety was appropriate.

With reductions the last several years in LEAA funds available to the state, the role and functions of the Division have been changing. More emphasis has been placed on meeting the planning and technical assistance needs of the criminal justice system in the state than on grant related functions. Council felt that further study of the future functions of the agency was necessary before any recommendations on organizational location could be made.

State Council Recommendations

1. TO CREATE A DEPARTMENT OF PUBLIC SAFETY TO INCLUDE THE COLORADO STATE PATROL, THE COLORADO BUREAU OF INVESTIGATION, THE COLORADO LAW ENFORCEMENT TRAINING ACADEMY AND THE DIVISION OF COMMUNICATIONS. THE COLORADO STATE PATROL, THE COLORADO BUREAU OF INVESTIGATION, AND THE COLORADO LAW ENFORCEMENT TRAINING ACADEMY ARE TO BE TRANSFERRED FROM THEIR RESPECTIVE DEPARTMENTS TO THE PROPOSED DEPARTMENT OF PUBLIC SAFETY AS TYPE ONE TRANSFERS: THE RELOCATION OF THE DIVISION OF COMMUNICATIONS IS TO BE A TYPE TWO TRANSFER.¹

2. TO CONTINUE TO OPERATE THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF LOCAL AFFAIRS.
3. TO APPOINT A COMMITTEE OF THE STATE COUNCIL TO STUDY THE CURRENT AND FUTURE ROLES AND FUNCTIONS OF THE DIVISION OF CRIMINAL JUSTICE.
4. The State Council agreed that further study of the organizational location of probation services would be necessary before a specific recommendation could be made.
5. The State Council felt that the possible conflict of interest situation with Public Defender services location in the Judicial Department had been addressed by the enactment of H.B. 1396 and thus made no recommendation.

Followup Activities

The State Council's recommendation to create a Department of Public Safety was included as one of the three topics on the agenda of the Governor's conference on Crime in Colorado, Challenge for the 80's, January 24, 1980. Conference participants included decisionmakers representing state and local criminal justice practitioners, county and municipal government officials, state agency officials and members of the State Legislature.

The proposed transfer of the investigators from the Organized Crime Strike Force in the Department of Law to the CBI has not been made.

CORONER SYSTEM

Statement of the Problem

The present Colorado county coroner system is inadequate to meet the needs of the criminal justice system.

Description of the Problem

Under the current statute, the coroner is required to perform two distinct functions. One of these functions is medical in nature and is defined in Section 20-10-606, C.R.S. 1973 as performing "all proper inquiry respecting the cause and manner of death of any person...who has died...from external violence, unexplained cause, or under suspicious circumstances (or) where no physician is in attendance, or where, though in attendance...is unable to certify the cause of death" and the statute also authorizes a coroner to contract with a licensed physician to perform a postmortem examination of the body "if he or the district attorney deems it advisable."

The second of these functions is that of a peace officer in performing the duties addressed in Sections 30-10-602 and 30-10-604 et.al., C.R.S. 1973. These sections mandate that when there is no sheriff in a county, the county coroner shall perform the services and exercise the powers of the county sheriff until such time as a sheriff is appointed or elected. Also, the coroner is the only official statutorily authorized to arrest the sheriff.

The only statutory qualification for the position of coroner is that the person be elected. The statutory qualification does not insure that the county coroner will have the education or experience to perform either of the mandated functions. The following list indicates the professional background of the 63 county coroners in Colorado.

Forensic Pathologist	5	Physician assistant	2
Medical doctor	14	Emergency medical aide	1
Nurse	5	Business person	9
Mortician	22	Law enforcement officer	2
Dentist	1	Retired	2

Survey Findings

The system study found that in some Colorado counties there may be no resident physician nor attorney to assist the coroner. However, the services of a forensic pathologist are available in certain other limited areas in the state. Denver has its own medical examiner system located at Denver General Hospital and contracts with several other counties in the metropolitan area. Some autopsy cases from southern Colorado are sent to New Mexico, a state having a medical examiner system.

According to staff responses, the CBI and other criminal justice practitioners, the cause of death is often determined by inspection rather than medical examination of the deceased. Also, it was noted that bodies are sometimes interred before an investigation into the circumstances surrounding a death can be completed.

The coroners interviewed were aware of the constraints to adequately fulfill their office and cited a need for minimum training and qualification requirements, access to forensic pathologist services and salaried reimbursement to upgrade performance. Additionally, county coroners indicated their duties increasingly require more medical, technical and legal expertise in determining cause of death.

Respondents also felt the current coroner system is inadequate in the areas of training, qualifications and equipment in dealing with large scale disasters. This problem became apparent during the Big Thompson Canyon flood in August of 1976 where approximately 140 persons lost their lives. During this disaster, forensic pathology services were provided on an ad hoc basis from Denver and Colorado State University. It is important to note that some criminal justice practitioners feel criminals may often use disaster situations as a cover for criminal activities. There are no statewide procedures or guidelines for managing the forensic aspects of emergency situations.

With respect to the coroner's duties as a peace officer, 37.5% of the coroners interviewed recommended they receive appropriate law enforcement training from CLETA to include training in the area of investigation of deaths. Twenty-five percent of the coroners suggested that the coroner's position be salaried; and 25% of the coroners, including several medically trained coroners and one forensic pathologist, recommended the creation of a state medical examiner's office to provide services and consultation as needed to Colorado's coroners.

State Council Discussion

The State Council on Criminal Justice reviewed the survey findings and recommendations and heard testimony by staff of the University of Colorado School of Medicine, Colorado State University Center of Human Identification, Denver General Hospital and the New Mexico Medical Investigator's Office.

In discussing the county coroner's primary role, the testimony stressed the need to establish a state medical examiner's office to provide service and assistance to county coroners. The system should be adequately staffed and funded, have access to laboratory facilities and expert specialists, have close cooperation and coordination with state and local law enforcement offices and have independence and authority to perform its functions.

The State Council also discussed what other states had done regarding the issue of coroners and medical examiners. The state of New Mexico was discussed as having a state medical examiner's office assisting trained local investigators. The State Council also considered the cost of implementing a medical examiner system. Data was presented indicating the New Mexico system currently costs 85 cents per capita.

It was estimated such a system in Colorado would cost approximately \$1.02 per capita. The City and County of Denver, having a similar medical examiner's office, is experiencing a cost similar to the Colorado projected figure.

The Council discussed three alternative locations for the State Medical Examiner's Office: the Department of Health, the University of Colorado Medical School and the proposed Department of Public Safety. It was recommended to the Council the best placement would be in the University of Colorado Medical Center. Such a location could best serve the system by providing the needed independence, lab and staff facilities and availability of federal research grants.

The State Council does not wish to abolish the current system of county coroners, but discussed the need to improve the system through the assistance and expertise available from a State Medical Examiner's Office. It was recommended the statutes be changed to exclude some persons (i.e., morticians) from being elected county coroners. Additionally, there exists a need to review the current statutes defining the county coroner's duties and qualifications for possible changes. It was recommended that one duty of the medical examiner's office should be the training of the coroners.

The State Council elected not to formally address the need for county coroners to receive law enforcement training, because a separate area of the Criminal Justice System Study is devoted to systemwide criminal justice training needs.

State Council Recommendation

TO CREATE A STATE MEDICAL EXAMINER'S OFFICE, DECENTRALIZED FOR OPERATING PURPOSES AND INVESTED WITH THE AUTHORITY NECESSARY TO PERFORM ITS FUNCTIONS. THE MEDICAL EXAMINER'S OFFICE COULD BE LOCATED ADMINISTRATIVELY IN THE UNIVERSITY OF COLORADO MEDICAL CENTER.

The State Council emphasized the recommendation in no way implied elimination of the coroner system, and to succeed in its mission to assist coroners in particular and the criminal justice system in general, the State Medical Examiner's Office must be adequately funded and located where it can have convenient, consistent access to medical research resources and be relatively free from possible vested interest groups.

CRIMINAL JUSTICE STAFF EDUCATION AND TRAINING

Statement of the Problem

Training and education available to criminal justice personnel in Colorado is inadequate in terms of availability, resources and relevance.

Description of the Problem

Approximately 11,000 people work in the criminal justice system in Colorado at the state and local level. Providing basic and inservice training for this number of people is both difficult and expensive.

According to statute, the duties of the Colorado Law Enforcement Training Academy (CLETA) Advisory Board are:

1. To establish reasonable standards for training academies and instructors.
2. To establish procedures for determining whether or not a peace officer meets or has met standards.
- 3) To certify qualified peace officers and withhold or revoke certification in the manner provided by rules and regulations adopted by the Advisory Board.

Although law enforcement officers are required to be certified, the waiting list to get into CLETA is often long. As a result, officers may be on the streets for up to one year without any training. In FY1978-79 applications for CLETA basic training numbered 404; CLETA was able to train only 285 officers at the facility at Golden and the Western Slope Academy. In January, 1980, the waiting list was 137.

The following personnel perform law enforcement functions but are not eligible for CLETA training: brand inspectors, correctional officers, liquor enforcement officers, fish and game enforcement officers and coroners. Security officers employed at a state institution of higher education are now defined as peace officers eligible for CLETA training, but because of the long waiting list are unable to get into classes. Other institutional law enforcement and security officers such as those employed at the Department of Institutions are not included in the CLETA peace officer statute.

Training for other criminal justice personnel is not statutorily mandated, although some agencies have orders, rules and procedures to insure certain levels of training. Most personnel in the judicial branch of government are required by Supreme Court directive to receive regular training.

The American Correctional Association (ACA) has set the following standards for correctional personnel training:

Standard 4090 requires that all new employees receive 40 hours orientation prior to job assignment and an additional 40 hours of training during the first year of employment.

Standard 4091 requires that all employees continue to receive a minimum of 40 hours of training each year after the first year.

Standard 4092 requires that all employees who work in direct and continuing contact with inmates receive 80 additional hours of training in their first year of employment and 40 additional hours each year thereafter. This training covers, at a minimum, security procedures, supervision of inmates, report writing, inmate rules and regulations, rights and responsibilities of inmates, fire and emergency procedures, first aid, communications skills, special needs of minorities, women and ex-offenders, and problem-solving and guidance.

Standard 4903 requires that the institution's administrative and managerial staff receive at least 40 hours of additional training each year. This training covers, at a minimum, administrative and management theory and practice, decision-making processes, labor law, employee-management relations, the interaction of elements of the criminal justice system and relationships with other service agencies.

Standard 4096 requires all personnel who work with inmates in disciplinary detention and administrative segregation and with special needs inmates to receive specialized training.

Standard 4097 requires all personnel authorized to use firearms to be trained in weaponry on a continuing, inservice basis. Such personnel are required to qualify annually.

In April 1979, the Department of Corrections estimated that Colorado correctional training is only about 10% in compliance with these standards. The Department of Corrections has been unable to meet these standards because of limited resources and relief staff. In April 1980, the Department of Corrections reported that one facility (Buena Vista Correctional Facility) has met accreditation standards and one facility (Colorado Women's Correctional Facility) has not quite met standards based upon recent site visits. However, the reports from the accreditation teams for both facilities noted staff training was inadequate.

The recent Ramos case decision, against the State of Colorado, made some specific references to staff training. On page 25 of the Memorandum Opinion and Order dated December 20, 1979, Judge John Kane noted, "Given the cultural differences [among inmates], the need for staff training is accentuated. Yet staff personnel receive no continuing training. Initial training was only recently instituted and, while it is laudable, it is grossly inadequate. No staff training meets any known professional or occupation standards."

Training for jailers, community corrections staff and juvenile justice personnel is not statutorily mandated and has been very limited.

Resources for criminal justice training in Colorado have been inadequate. Available to a large extent through Law Enforcement Assistance Administration (LEAA), these funds averaged \$700,000 to \$800,000 annually over the past several years. Rough estimates of projected training needs required to meet minimum standards were obtained by a survey of criminal justice practitioners in December 1979. According to figures provided in most cases from the agency representing each component of the system, resources available for criminal justice training should be increased by approximately 68%. The estimated cost of meeting minimum training needs is between \$4,500,000 and \$5,000,000. This is approximately two million dollars more than is currently available from local, state and federal sources.

Survey Findings

The criminal justice practitioners surveyed expressed concern about the availability of adequate training, the relevance of the course offered and the lack of resources to attend training. Fifty percent of those interviewed rated their access to state sponsored training as unsatisfactory or very unsatisfactory.

Approximately 42% were dissatisfied with the relevance of available training and 53.3% felt resources to attend training were inadequate.

The following chart shows the satisfaction with training by components of the system. Law enforcement practitioners were more satisfied with training than practitioners in other components of the system. This can be explained in part by the fact that minimum levels of training are statutorily mandated for law enforcement.

	Availability		Relevance		Resources	
	*S	**U	S	U	S	U
Law Enforcement	52.3	37.3	44.8	37.3	29.0	43.4
Probation	50.0	40.0	60.0	40.0	22.2	66.6
Prosecution	34.4	50.0	32.3	45.1	30.4	33.4
Criminal Justice Planners	9.1	54.6	4.5	50.0	36.3	36.3
Parole	21.4	64.3	21.4	64.3	0.0	100.0
Corrections	8.1	67.5	13.5	67.5	5.7	82.8
Public Defenders	21.4	42.8	50.0	28.6	20.0	60.0
Judges	34.5	48.4	43.4	23.3	19.4	51.6

Enforcement officials for the Department of Corrections, Fish and Game, Liquor Enforcement, Department of Motor Vehicles, public defender investigators, brand inspectors, coroners and institutional law enforcement officers requested access to CLETA training. Respondents felt the CLETA Outreach program should be expanded. And, several practitioners perceived CLETA training to be more relevant to large law enforcement agencies and to the State Patrol than to the smaller municipal law enforcement agencies.

Many respondents expressed a need for more specialized courses. Law enforcement respondents requested specialized training in homicide, burglary and felony investigations, fingerprint I.D., human, minority and public relations, crisis intervention, bombs, hostage management and issues geared to small town problems. Law enforcement personnel also requested case development training for district attorneys. District attorneys and investigators expressed a need for additional training in welfare fraud, crime scene photography and trial techniques. They also felt a need for training regarding legal opinions by the Attorney General's Office.

Department of Corrections respondents noted at the time of the study that 140 staff working at the Canon Correctional Facility (CCF) had never received any formal training and approximately 35-40% of the CCF staff had not received training in hostage management. Department of Corrections personnel felt a need for specific training in mental health and drug and alcohol problems, basic supervisory skills, psychology, upper and mid-management and treatment of female offenders. Judicial personnel expressed a need for specific training in sentencing, research and evaluation, treatment of offenders and inservice training for judges and staff. Parole personnel requested training in legal services, investigation, psychological and diagnostic evaluations, confidentiality and drug and alcohol diagnosis.

*S=Satisfactory
**U=Unsatisfactory

The study determined that the only formal training for local jailers was being provided through an LEAA grant. Prior to this project, some sheriffs' offices sent their jailers, when funds were available, to the crisis intervention course offered by the Department of Corrections. Study data indicated that jailers' duties often are more correctional than law enforcement oriented.

Community corrections program staff reported their training has been minimal because their austere staffing patterns allow line personnel to attend a training program for very short periods of time if at all.

State Council Discussion

The State Council discussed the problems related to adequate criminal justice training, analyzed the survey results and reviewed the recommendation from the Education and Training Conference held August 17-18, 1979, in Monument, Colorado. State Council discussion centered around the advantages and disadvantages of statutorily mandated training to insure minimum levels of training are provided for all criminal justice personnel.

The Education and Training Subcommittee of the State Council recommended an "umbrella" mechanism to provide coordinated training. This training mechanism would be similar to a university concept with "colleges" for law enforcement, judicial and corrections training. An entity of this type would have the advantage of preserving the autonomy of each agency's training program while providing general administrative support. It would include all courses offered in a single catalogue, eliminating duplication and opening up all courses to other people in the system who could benefit from the course. This should result in a cost savings to the system while providing for more efficient and effective delivery of training.

State Council members also reviewed alternatives for funding as presented by the Education and Training Committee. These alternatives are as follows:

1. Use a portion of the trainee's salary to pay for basic training.
2. Increase court costs in county or district court and forward the additional revenue to the state treasurer for credit to a special criminal justice training fund.
3. Impose a penalty assessment fine following a criminal conviction and place the proceeds in a state criminal justice training fund.

The State Council felt adequate funding was an important consideration in any recommendation concerning training. State Council members expressed a need for an indepth analysis of various models for coordinated training and alternative sources of funding prior to making a recommendation for legislative consideration.

State Council Recommendation

TO EXAMINE VARIOUS MODELS FOR COORDINATING TRAINING RESOURCES. TO PROVIDE ACCESS TO ALL PHASES OF TRAINING WITHIN THE CRIMINAL JUSTICE SYSTEM AND ENSURE THAT NO AREAS ARE EXCLUDED OR DUPLICATED. A STRUCTURE SHOULD BE DETERMINED TO IMPLEMENT THIS CONCEPT.

Followup Activities

"Criminal Justice Training Problems in Colorado" was one of three topics of discussion on the agenda of the Governor's Crime in Colorado, Challenge of the 80's Conference, held at the State Capitol, January 24, 1980.

A \$50,000, 12-month LEAA grant to develop coordinated models for criminal justice staff education and training was approved by the State Council at its February 15, 1980 meeting and the state match required for the grant was approved by the Governor's Office. The study will examine possible alternative organizational models for coordinated delivery of training and alternative sources of funding criminal justice training.

CRIMINAL JUSTICE INFORMATION MANAGEMENT SYSTEM

Statement of the Problem

Key data elements needed by criminal justice practitioners are not always available or are not available in a timely, convenient and accurate manner from the manual and the computerized segments of the criminal justice information network.

Description of the Problem

Major computerized information systems are operated by the Colorado Bureau of Investigation (CBI), the Department of Corrections, the District Attorneys Council and the Judicial Department. Because of the technical complexity of these systems the State Council established a subcommittee, the Criminal Justice Information System (CJIS) Advisory Committee, to assess the level of functioning, pinpoint deficiencies and recommend solutions in the Colorado criminal justice information system. As a part of the Criminal Justice System Study, the CJIS Advisory Committee contracted with HMB Associates of Falls Church, Virginia to assist with this portion of the project. HMB Associates were to locate the points at which the individual computer systems and the existing links among the systems are breaking down; analyze the reasons for any such breakdowns; specify any additional links to be established; and, develop procedures for establishing those links so the availability of data elements for management and comprehensive planning and research can be assured.

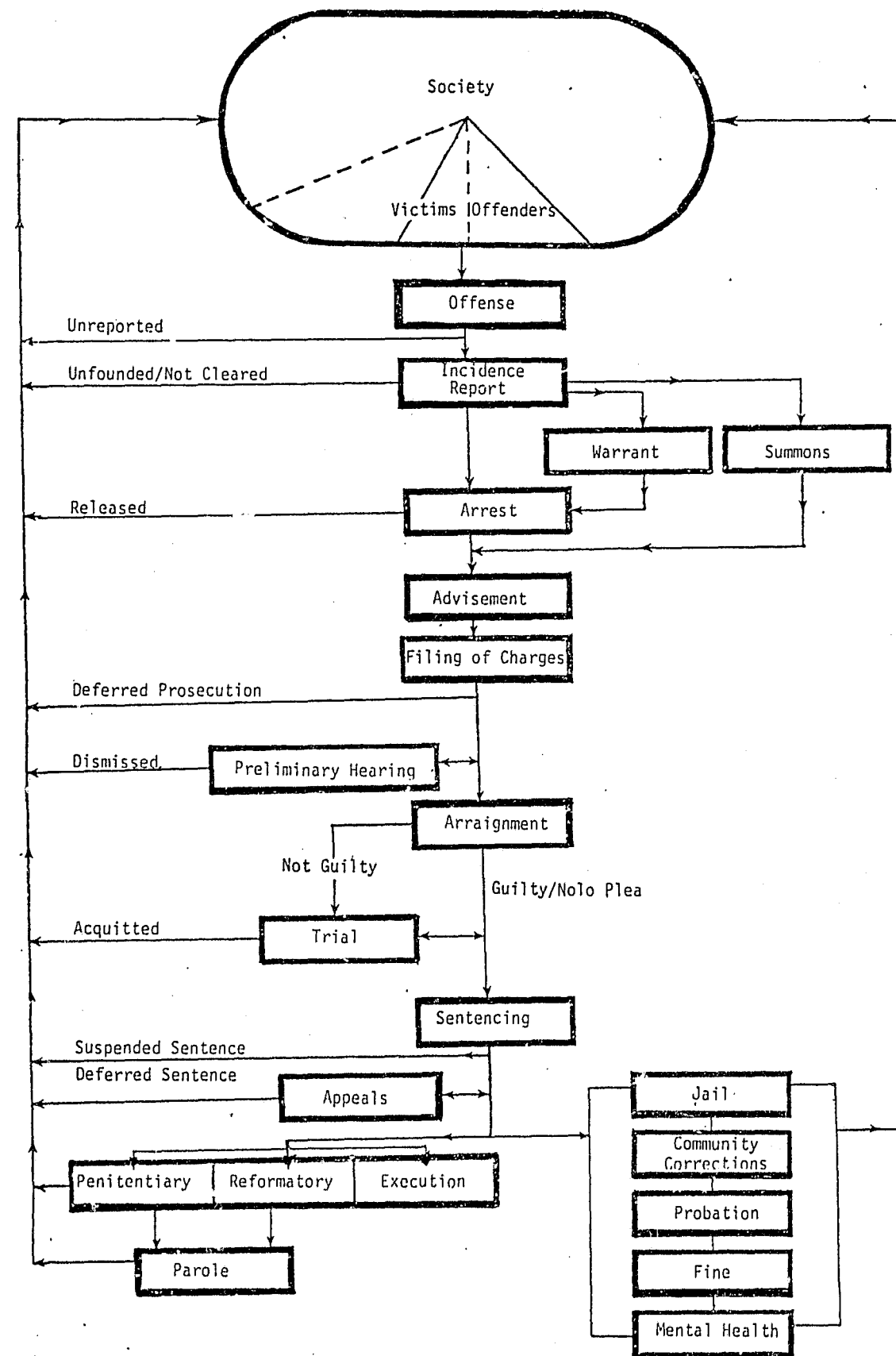
Problems identified by the CJIS study relate to substantive content of files maintained on arrestees and convicted offenders, physical procedures required to capture and transfer data throughout the criminal justice system and policy regarding the sharing of such information among the components of the criminal justice system. Findings of the CJIS study are presented under the following four subheadings: Background, Content Problems, Procedural Problems and Policy Problems.

BACKGROUND The primary stages through which felony offenders are processed through the criminal justice system and the current offender information processes used by Colorado's criminal justice agencies are described here as background for discussion of problems related to content, procedure and policy.

Once an incident is reported to or observed by law enforcement officials, a series of actions is set into motion, as illustrated by Figure 10. First, a report of the incident is generated and leads to an investigation, a case must be developed against the alleged felon and an arrest made where possible. The case is then turned over to the district attorney who determines whether the evidence is adequate to prosecute. If so, the appropriate charges will be brought against

Figure 8

COLORADO CRIMINAL JUSTICE FELONY OFFENDER FLOW



the alleged offender. If the district attorney determines adequate evidence exists for prosecution, a case is then filed; a preliminary hearing and arraignment are conducted and a trial and sentencing ensue.

At each stage in the complex process, data are collected and stored, and selected information is passed on with the offender to the next stage. Each agency coming in contact with an offender must obtain enough information to process the offender properly. If the information is not passed on from the agency previously adjudicating the case, it must be collected by each successive agency processing the case. The potential for duplication in collection and maintenance of the same information is extremely high.

Historically, each jurisdiction has developed its own process to ensure records are maintained within criminal justice agencies and information transferred among agencies. Efforts to develop procedures for sharing information across jurisdictions have been undertaken in the past with varying success. Such efforts include the development of a computerized Colorado Crime Information Center (CCIC) at CBI; a computerized Judicial Management Information System (JDMIS) at the Judicial Department; a computerized Offender Database System (ODB) at the Department of Corrections; a computerized Prosecutors Management Information System (PROMIS) through the District Attorneys Council for nine front range counties; and, a Pilot Disposition Reporting Project in Jefferson County.

To best meet the need for systemwide information, each individual record system also should be able to transfer key information to a central repository. The CCIC at CBI is the designated central repository for Colorado. This central repository should be accessible by criminal justice agencies to obtain data for operational purposes; for example, criminal histories of arrestees and case disposition by individual and by charge. The central repository should also make accessible to criminal justice agencies summary data such as the number of arrests, filings, dispositions and length and location of incarceration.

The Colorado Criminal Justice Information System study identified the following information content, procedure and policy problems during its assessment of Colorado's criminal justice information management and services.

Content The primary problem identified is the substantial duplication of data in the manual and computerized information systems maintained by the various components of the criminal justice system. Findings of the CJIS study revealed duplication of data in local law enforcement agency, judicial and corrections records and in offender diagnostic workups.

Local law enforcement agencies maintain as many as three separate manual record systems to meet internal and external reporting requirements with as much as 60% of the data duplicated in each record system. Local courts maintain manual systems for docketing information and submit the same information to the Judicial Department computer. The Department of Corrections maintains three separate computer based information systems which to varying degrees maintain common data elements. Information obtained in workups on persons detained pending trial or transfer to state correctional facilities often is not recorded in files accompanying the offender; consequently, multiple workups must be done at each stage in the adjudication process.

In addition, adequate quality checks do not exist in all the computerized information systems.

Procedure The CJIS study identified inadequate procedures related to the supply and transfer of offender identification numbers, documentation of existing computer programs, fingerprinting identification and timeliness of offender information. Inadequate procedures exist for supplying identification numbers and their transfer with case data into the Colorado Criminal History (CCH) files at the CBI computer. Proper incident and tracking numbers are not entered consistently on criminal arrest cards by submitting agencies. Therefore, matching arrests with disposition numbers is generally not possible. The Judicial Department computer system has made no special provisions to include universal identification numbers on cases in the files, reporting of dispositions therefore is complicated. The CBI Identification Bureau is unable to process court orders limiting access to records without either the universal identification numbers or detailed information about the subject and the offense. Often, neither is provided. Since universal identification numbers are not included in case files submitted to the Department of Corrections, criminal history information on a sentenced offender is not available to the Department of Corrections until after the offender has been diagnostically classified and placed in a correctional facility or program.

The CBI computer is unable to respond to any request for information by users of Uniform Crime Reporting (UCR) data that does not fit the currently limited format since programs either do not exist or lack the flexibility necessary to respond to such requests.

Inadequate documentation of existing computer programs limits the ability of data processing staff to maintain and upgrade programs for improved delivery of information. Judicial computer users maintain that despite the time and energy consumed putting data into the computer, very little information is provided in return. The problem seems to center around the timeliness and usefulness of existing reports.

The Department of Corrections must use three separate computer systems to be responsive to management needs since the Offender Database providing the information cannot do so in all cases. The Offender Database is currently being restructured to more clearly identify critical data elements and to develop a system which can be reasonably maintained with existing resources and input and user support.

Because only information which has been matched through fingerprints can be entered in criminal history files, otherwise properly identified data cannot be recorded in criminal history files in a timely manner due to a growing backlog in the fingerprint section of CBI. In the Fall of 1979 there was a backlog between 50,000 and 70,000 fingerprint cards and it was growing. Therefore, only violent offenses accounting for roughly 50% of all offenses, were being processed. Criminal history files are incomplete for some proportion of offenders since all arrests may not yet have been recorded. Furthermore, some portion of multiple offenders escape detection if their offenses are not classified as violent.

Finally, information on probationers, parolees and individuals placed in community corrections programs is not retrievable by the existing criminal justice information system in a timely manner.

Policy Findings of the Criminal Justice Information System (CJIS) study indicate the inadequate coordination existing among the various criminal justice information systems is related to two policy problems. First, there is no viable organizational structure to establish intersystem policies, provide assistance in system changes and assure coordinated, efficient development. Second, there is no provision for the audit of both manual and computerized information systems to assure compliance with state and federal privacy security requirements.

Additional problems related to information management include the availability of presentence reports and lack of training regarding criminal history files and the criminal records law. Section 16-11-102[1], C.R.S. 1973, 1978 Repl. Vol. (1979 Supp.) requires the probation officer to make an investigation and written report to the court "following the return of a verdict of guilty of a felony, other than a Class 1 felony,...or upon order of the court in any misdemeanor conviction." However, the same statute also allows the presentence report to be waived by the court with the concurrence of the defendant and the prosecuting attorney.

Staff of the Diagnostic Unit at the Canon City Correctional Facility report approximately 22% of offenders sentenced to the Department of Corrections are received with no accompanying presentence investigation report. The Diagnostic Unit is responsible (under section 17-40-102 C.R.S. 1973 (1979 Supp.)) for performing diagnostic evaluations for new inmates to assign prisoners "to a correctional institution which has the type of security and, to the extent possible, appropriate programs...designed to accomplish maximum rehabilitation". Presentence investigation reports play an important role in the diagnostic process. A 1975 Colorado Supreme Court directive recognizing the importance of presentence investigation reports instructed the court system to transmit any available presentence report, offense report or diagnostic or clinical information to the director of any program to which an offender is sentenced. If no presentence investigation report is received with the new inmate by the Department of Corrections and the offender's mittimus does not indicate a waiver of the report, the Diagnostic Unit must contact the sentencing court to determine the status of the presentence investigation report. If no presentence investigation report has been prepared, a copy of the offender's offense record is requested from CBI. This process can result in delays in completion of the diagnostic evaluation.

Offender information reaching the offender's case file is not uniform and often is not readily available. Part of this problem can be explained by the limited training available for practitioners who must provide the information.

Training regarding the criminal records law is also limited. This law is complex and practitioners require training to adequately implement it. The criminal records law is implemented by section 24-72-308 C.R.S. 1973 (1979 Supp.), which in part provides: "Upon a finding that the harm to privacy of the person in interest or dangers of unwarranted adverse consequences outweigh the public interest in retaining the records, the court may order such records, or any part thereof except basic identification information, to be sealed. If the court finds that neither sealing of the records nor maintaining the records unsealed by the agency would serve the ends of justice, the court may enter an appropriate order limiting access to such records."

Defendants must be notified of their rights under this law at several points in the process: "Whenever a defendant has charges against him dismissed, is acquitted, or is sentenced following a conviction, the court shall provide him with a written advisement of his rights concerning the sealing or limiting the release of his criminal records...Whenever a defendant completes his sentence or

satisfies conditions imposed in lieu of sentence, the person having immediate supervision of the defendant...shall again provide the defendant a written advisement of his right to petition for an order of court sealing or limiting the release of his criminal justice records."

Survey Findings

Data gathered from open responses to study questionnaires provided support for some of the CJIS study findings. Several law enforcement practitioners complained of delays in obtaining information through the Colorado Crime Information Center from the Division of Motor Vehicles. Law enforcement officers rely upon such data for an immediate status check on drivers stopped for traffic offenses or any other probable cause. Some smaller law enforcement agencies must route requests for information through larger law enforcement units. This process causes delays jeopardizing public safety and endangering the lives of the officers.

A frequently mentioned issue among judges at the district and county court concerns the Judicial Department computer processing of trial cases in the major urban courts. Judges commented their clerical staff are overloaded with duties related to the provision of information for the Judicial Department computer. However, the information stored has limited relevance to their individual courts for planning purposes. For example, local courts do not know how long jury trials are taking, how many cases are going to trial or other facts necessary in effective court management. The information on cases currently in the computer system duplicates that in the case files, but is not readily retrievable. Another concern, expressed by 18.1% of Criminal Justice System Study respondents, identified the need to standardize information contained in offender case files. Interviewees mentioned statutes and directives affecting record contact and discrepancies in the flow of offender information as two major aspects of offender case history problems.

Public defender respondents felt that investigation reports are needed for better sentencing alternatives. Public defenders also expressed a desire to have an opportunity to make a greater contribution to these presentence reports. Their work and close association with their clients make them a potentially valuable source of information which should be available for reference when sentencing and treatment service alternatives are being considered. In addition, public defenders reported lack of a computer system hinders their ability to obtain statistics on their cases and to accomplish management planning for the effective delivery of public defense services.

Respondents reported offender information flow breakdowns in other areas. For example, a law enforcement agency holding an offender in jail awaiting trial may fail to report serious offender medical or emotional problems observed during the detention period. If the offender is convicted and sentenced to the Department of Corrections, the staff of the Diagnostic Unit may not be aware that a potential medical or mental emergency situation exists. Community corrections staff reported that although each inmate undergoes a medical and dental examination while in the Department of Corrections Diagnostic Unit, copies of examination records are not always forwarded with the offender to community corrections facilities. Community corrections programs, therefore, must pay to have another examination performed. The Executive Clemency Advisory Board, the Parole Board, and the Department of Corrections classification and community corrections boards, all report wide disparities in the quality and quantity of case management information available to them. Probation staff indicated they find it very difficult to obtain information from the Department

of Correction on ex-offenders who have discharged their original sentences, are now facing new charges and are the subject of new presentence investigations.

Of all study respondents, 28.7% requested further training and technical assistance in interpreting and applying the 1977 Colorado Criminal records law. In particular, judges and Department of Corrections staff expressed concern about compliance with this law as well as addressing problems related to offender case history information. One district judge commented: "The records law has been a nightmare." Another observed: "The criminal records law is a big mess. It's a nuisance and expensive to meet requirements."

Council Discussion

The Criminal Justice Information System (CJIS) Advisory Committee presented its preliminary findings on information content, procedure and policy to the State Council on Criminal Justice in a report entitled Assessment of the Colorado Criminal Justice Information System (HMB Associates, 1979). The report was distributed to members of the State Council at their November 1979 meeting "to provide a mechanism for an exchange of ideas about the direction of the project from this point on and to serve as a catalyst for discussion of the issues presented." State Council expressed concern about implementing any policy decisions regarding the criminal justice information system, particularly regarding the information needs of the criminal justice system versus the protection of security and privacy rights. There was some discussion about the need for a coordinating group to provide linkages among federal, state and local entities. State Council agreed the assessment findings should be included in the Criminal Justice System Study final report.

The recommendations presented to Council and contained in the report of general findings of An Assessment of the Colorado Criminal Justice Information System conducted by HMB Associates for the CJIS Advisory Council are as follows:

CJIS ORGANIZATIONAL STRUCTURE

That the following organizational structure be established for the purpose of coordinating the development of an integrated Colorado Criminal Justice Information System:

1) Establish a criminal justice information systems coordinating body or "Board" consisting of members representing all criminal justice agencies and court system users, the State Legislature and the Office of the Governor. It is suggested, for reasons of manageability, to limit the Board to no more than twelve members.

The criminal justice members should be ranking administrators capable of making binding decisions as to the agencies or courts they represent. Ex-officio but non-voting members might also be included in an advisory capacity. Typically, these latter members might include representatives of the State Planning Agency, the state's Data Processing division, the Director of the Statistical Analysis Center (SAC), representatives of local criminal justice agencies, etc.

Board responsibilities and authority delegated or assigned to the Board could include the establishing of policy for the development, implementation and operation of a statewide criminal justice information system including interrelationships with the various existing systems as appropriate. This data system would include, but not be limited to, criminal history record information with respect

to individuals who are arrested or against whom formal charges are preferred within the state. The Board would also be responsible for insuring compliance with the provisions of Colorado's "Privacy and Security" plan. The Board Chairperson or a designee, would act as a "system" representative where required in matters before the Legislature, the State Council on Criminal Justice and Budget office personnel. The Board would constitute a central coordinating body with policy setting role concerning matters affecting the integrated Criminal Justice Information system.

This Board could be created either through Executive Order with the concurrence of the Chief Justice or by legislation to give it official status. It is fully recognized that "separation of powers" between the Executive and Judicial branches must be observed; thus, full cooperation by all concerned parties is essential to the success of this proposal.

2) Division of Criminal Justice Statistical Analysis Center (SAC). The current personnel should act as staff to the Board, utilizing the "System Analyst" position now assigned to the SAC (currently unfilled) as the lead contact and primary staff.

3) Establish a Technical Committee. This committee would be comprised of system user representatives who are directly involved in the day-to-day operational issues of their own systems. They would regularly meet to resolve operational issues impacting the operation of the integrated CJIS. This committee would also report to the coordinating board and bring before it any policy questions developed at the committee level. Members of this committee might well also serve with members of the SAC staff acting for the Board on special project teams.

One responsibility of the committee would be to review all existing legislation dealing with the collection, maintenance and utilization of criminal history record information.

Privacy and Security Requirements That the following actions be taken to bring Colorado into compliance with the federal regulations and to insure the completeness, accuracy and integrity of the state's criminal history information:

- 1) Obtain an Executive Order and companion Judicial Directive providing for an annual audit of all criminal history record systems.
- 2) Obtain an Executive Order and companion Judicial Directive establishing security standards for criminal history record systems.
- 3) By Executive Order of the Governor, promulgate a comprehensive set of rules and regulations relating to criminal history record information incorporating requirements of the federal regulations and Colorado statutes.

Review and Redefine Need for Information Systems and Statistics That the State review the Comprehensive Data System (CDS) components and redefine the needs of Colorado for information systems and statistics. The master plans for these components should be reevaluated to determine if under the current budget restrictions and system priorities, the CDS concepts are still valid. The development and implementation of the remaining components may not be cost-justified as they are defined due to projected federal funding reductions.

Comprehensive Users Manual and Procedural Manual That a Comprehensive Users Manual and Procedural Manual be developed in a format to serve as training manuals in addition to their primary functions. The Procedures Manual should explain the work and process flow of documents. The manuals should be pro-

duced as a joint effort of the CBI UCR training staff, the Division of Criminal Justice System Analyst and representatives of the local agencies in Jefferson county, including police, sheriff and district attorney personnel.

Restructured CJIS Number That consideration be given to restructuring the CJIS number and a check digit added. The impact of such a change should be evaluated by the Colorado Crime Information Center (CCIC).

Noting CJIS and Universal Tracking Numbers (UTN) on Arrest Cards That procedures for noting CJIS and UTN numbers on arrest cards be incorporated in the Comprehensive Users Manual.

Reporting Final Disposition That the court system be modified to report only the "final" disposition. CCIC should identify which of the various dispositions in the court system are intermediate, which are final and when the disposition is to be provided.

Edit Checks in Court System That the court system be modified to contain field and cross-field edit checks to assure the integrity of the CJIS, Originating Charge by Agency (OCA) and final disposition code and date.

Reduce Pilot Disposition Reporting Project with Statewide Disposition Reporting System That the Pilot Disposition Reporting System be discontinued and replaced with an enhanced disposition reporting system, described earlier. This recommendation, however, does not obviate the need to modify the court system to participate in the CJIS system in the future by providing court disposition data to the Colorado CCH system.

Fingerprint Scanning Equipment That CCIC continue the effort to secure funding for fingerprint scanning equipment so that this remains a viable option open to CCIC.

It is also recommended that alternative solutions be investigated in case the automatic scanning system ceases to be an option.

Disposition Form Accompany Limited Access That, in those jurisdictions where the Pilot Disposition Reporting System is implemented, a copy of the disposition report which contains the required data accompany the limited access order.

Increase Uniform Crime Reporting (UCR) Staff to Implement Statewide Disposition Reporting System That two additional UCR staff positions be committed to implement the disposition reporting system on a statewide basis.

Reduction of Duplicate Reporting That, assuming the disposition pilot reporting system is to be implemented on a temporary basis, an evaluation of the reporting duplication be accomplished with the express purpose of consolidation of forms.

Include CJIS Number in Judicial Department Management Information System (JDMIS) That, after transfer of JDMIS systems to the General Government Computer Center IBM 3033, JDMIS data entry procedures be modified to include the CJIS number for each charge and disposition, preferably through the adoption of the Colorado Disposition Report Form.

Expanded Access to JDMIS Program and Improved Documentation That after conversion of JDMIS to the General Government Computer Center IBM 3033, the capabilities of JDMIS programs be greatly expanded to provide access to all JDMIS data and that full documentation of its programs be developed.

JDMIS Editing and Security Processes That the editing and security process of JDMIS be tightened, with a particular emphasis on protection of the integrity of accurate case data already in the system.

Provide JDMIS Linkages to State CJIS That, in the future development and design of JDMIS, explicit provision be made for linking JDMIS case data to CJIS, preferably by inclusion of CJIS, State Identification Number (SID) and case numbers in each case record.

Inclusion of Probation Data in JDMIS That JDMIS explicitly provide for the incorporation of data on probation success or failure and probation data be linked to CJIS for the maintenance of complete and accurate criminal histories.

CJIS Linkages to DOC That the development of an integrated CJIS provide for linkages to the Department of Corrections providing data on personal identification and background criminal history (instate), as well as CJIS numbers.

Use of State Identification Number (SID) as Primary Identifying Number That the SID Number, at the earliest possible point in time, become the primary identifying number for purposes of system interface with other CJIS components whether or not a separate Department of Corrections number is maintained.

Access to Offender Data Base (ODB) Records Through CJIS That the Department of Corrections status indicator be directly linked in the CJIS system for query purposes and that adequate support and system access capabilities be added to the parole offices of the Department to maintain accurate and timely data in these and other regards.

The State Council on Criminal Justice agreed the entire information system dilemma is of vital importance to proper treatment of offenders and to public safety. Failure to adopt a systematic approach to offender information can lead to duplications in paperwork and investigative activity, inefficient use of staff time and resources, faulty decisionmaking and subsequent misclassification of offenders.

The Council felt the problems identified in this section could be addressed by establishing a mid-management level working committee of practitioners.

State Council Action and Recommendation

TO ESTABLISH A WORKING COMMITTEE COMPRISED OF MID-MANAGEMENT LEVEL STAFF REPRESENTING DISTRICT ATTORNEYS, PUBLIC DEFENDERS, PROBATION OFFICERS, LAW ENFORCEMENT OFFICERS, THE COURTS, PAROLE OFFICERS, COMMUNITY CORRECTIONS STAFF, AND THE DIAGNOSTIC UNIT OF THE DEPARTMENT OF CORRECTIONS TO ADDRESS AND RESOLVE THE ISSUES AND PROBLEMS RELATED TO OFFENDER CASE HISTORIES.

The Criminal Justice Information Systems Board has been charged by the State Council with the responsibility for considering the recommendations of the CJIS study. State Council's restructuring of the CJIS Board in 1979 has changed its function from primarily grant review to concern for managerial problems. Originally created as a user's group, the Board was composed of technician designees and met only intermittently. The Board now has been given authority to address systemwide information management issues and is composed of the following agency administrators: Executive Directors of the Department of Corrections and Department of Institutions; Associate Director for Criminal Justice Affairs, Department of Local Affairs; Director of Division of Automated

Data Processing Division, Department of Administration, a municipal Police Chief; and a judge of the Colorado Court of Appeals is Chairperson of the CJIS Board.

INPUT TO DECISIONMAKERS

Statement of the Problem

Inadequate mechanisms exist for exchange of information among agencies within the criminal justice system.

Description of the Problem

Communication among Colorado's 11,000 criminal justice practitioners in hundreds of local and state agencies, as well as among practitioners in the various support services is an enormous task. Additional problems in this area include: lack of information regarding proposed legislation and policy until after-the-fact; inadequate information and feedback from those in the agency or association with the responsibility for passing on information; and, uncertainty concerning to whom or how input can be made. Currently, there are at least four legislative committees addressing criminal justice issues: Judiciary, Health, Environment, Welfare and Institutions (HEWI); State Affairs; and, the Interim Committee on Corrections. The multi-legislative committee approach to criminal justice issues is often confusing to practitioners who may wish to comment on a problem, but do not know which committee has the appropriate authority to address the problem.

Survey Findings

Approximately 58% of those interviewed rated their opportunity to provide input on policy, procedures and statutes affecting their responsibilities as unsatisfactory.

Sixty-eight percent of the respondents favored the creation of one standing committee of the General Assembly to oversee all criminal justice issues and legislation. Several respondents felt the General Assembly did not have an adequate understanding of the needs and problems of the criminal justice system.

State Council Discussion

The State Council on Criminal Justice reviewed the study findings and responses in the area of interagency communication and input into the legislative process. The State Council felt the interagency communication problem could be improved if all agencies and professional associations such as the sheriffs' and district attorneys' associations made a concerted effort to keep agencies informed of problems, new legislation, policy changes and improved practices.

The State Council recognized the difficulties of keeping informed of activities and coordinating input for the several different subcommittees responsible for criminal justice issues.

State Council Recommendations

The Council members generally agreed a General Assembly standing committee on criminal justice issues would be beneficial to the system as long as the legislators appointed to the committee were interested in and knowledgeable of the

criminal justice system. Members of the State Council agreed that the issues presented in this section should be included in the study report, but made no further recommendation.

ENERGY IMPACT STUDIES

Statement of the Problem

Criminal justice issues have not been adequately addressed by energy impact planning.

Description of the Problem

A review of energy impact funding available to local units of government reveal that only .2% of the funds provided to date have been allocated for criminal justice programs. However, "Crime seems to be one of the most sensitive areas of boom growth", according to a study of development of the oil shale region. Crimes tabulated in the police records of the boom town municipalities of Craig, Rifle and Meeker indicate an increase in crimes against property and persons anywhere from 76.9% to 266.1% during 1976-78. Rapid influx of population into small communities implies more crime and victimization, demographic change enhancing the likelihood of criminal activity and changes in law enforcement practices such as more rigorous enforcement of the law. Recorded incidents reported to Rifle and Meeker police departments also imply, specifically, increases in spouse and child abuse cases, juvenile offenses, alcohol-related accidents, substance abuse and family disturbances.

State Council Discussion

The State Council on Criminal Justice discussed at length the greater demands imposed upon the criminal justice system by rapid growth related to energy development. State Council concurred on the need to include Colorado's criminal justice system in any energy development or rapid growth impact study.

State Council Recommendation

TO INCLUDE THE CRIMINAL JUSTICE SYSTEM IN ANY STATE SPONSORED ENERGY DEVELOPMENT AND OTHER RAPID GROWTH IMPACT STUDIES.

Followup Activities

The Division of Criminal Justice began to gather information on rapid development and its impact on Colorado's criminal justice agencies. Plans include sending a research team into affected areas to ascertain what happens to criminal justice agencies under "boom" circumstances. The final product of this effort will be a comprehensive report that can be used for criminal justice planning in affected areas.

In addition to the ongoing research on energy impact, the Division of Criminal Justice sponsored a conference on the western slope to address impact funding for criminal justice agencies. Energy impact conferences were also held to discuss problems relating to jails and jail construction in affected areas.

LAW ENFORCEMENT

Law enforcement issues identified by the Criminal Justice System Study can be grouped into the following categories: statewide standards for law enforcement operations; clarification of duties, qualifications and authority; and, regionalized law enforcement services. Discussion of specific issues and problems related to each of these general areas of concern is presented in the following subsections.

STATEWIDE STANDARDS FOR LAW ENFORCEMENT OPERATIONS

Statement of the Problem

Great diversity in personnel qualifications, training, salaries, recordkeeping reporting format and procedures exists among the state, county and municipal law enforcement agencies in Colorado.

Description of the Problem

Minimum qualifications for law enforcement officers in Colorado vary in each jurisdiction. Municipalities establish qualifications for police personnel within their jurisdiction. Because the sheriff is an elected official, minimum qualifications are not established by statute. The only qualification for the position of sheriff is that one be a qualified elector of the state.

Although law enforcement officers are required to receive a minimum amount of basic training to qualify for certification, there are no standards for regular inservice training. The laws officers must enforce are changed and techniques and equipment for law enforcement are refined and improved on a continuous basis. The amount of inservice training received by law enforcement personnel varies greatly throughout the state.

Salaries for police chiefs in Colorado vary from a low of \$500 per month to approximately \$3,800 per month. Only about 15 jurisdictions pay their chiefs in excess of \$800 per month. The salaries of the officers also vary, but are somewhat lower than the chiefs. Sheriff's salaries are set by statute (30-2-102, C.R.S. 1973, 1979 Supp.) and range from \$750 per month in Crowley County to about \$2,083 per month in Adams County. Over 75% of Colorado's 62 sheriffs earn between \$816 and \$1,583 per month. In rural areas where the salaries are generally very low, law enforcement agencies are small, often one person departments where officers are on call 24 hours per day. The disparity in salaries results in high rates of personnel turnover in small departments.

Recordkeeping and reporting format also vary among Colorado's law enforcement agencies. In some small police departments, no formal incidence and task records are kept at all and in the event of a vacancy occurring in the police chief's position, the successor has no background information on which to make decisions and formulate policy. Also, researchers assessing the affect of energy and other rapid growth developments on local criminal justice systems, have experienced difficulty collecting valid data on which to base their projections because of differences in recordkeeping methods and policies among "boom" town police departments and sheriff's offices. As a part of the Uniform Crime Reporting Program, every law enforcement agency in Colorado is required by statute (24-32-412 (5) C.R.S. 1973 (1979 Supp.)) "to furnish such information to the bureau [CBI] concerning crimes, arrest, and stolen and

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recovered property as is necessary for uniform compilation of statewide reported crime arrest, and recovered property statistics." However, only 60 of the 63 sheriffs' departments and 161 municipal and other local agencies reported crime statistics to the CBI during 1979. There is also no uniformity in operational procedures among the various agencies. The lack of uniformity in the operations and management of law enforcement agencies can result in differences in the quality of justice in various parts of the state.

Survey Findings

The establishment of statewide standards for law enforcement operations was cited as a need by 89.2% of criminal justice practitioners interviewed during the Criminal Justice System Study. Respondents recommended guidelines for uniformity be developed through the efforts of appropriate professional organizations such as County Sheriffs of Colorado and the Colorado Police Chiefs Association enhanced with technical assistance from criminal justice planners or other law enforcement consultants. These guidelines should be developed in place of enacting statutory standards.

State Council Discussion and Recommendations

State Council members agreed further study of statutory provisions and specific and interrelated functions of law enforcement agencies is required to determine the content and authority for such standards or guidelines.

CLARIFICATION OF DUTIES, QUALIFICATIONS, AND AUTHORITY OF SHERIFFS, STATE PATROL OFFICERS AND INSTITUTIONAL SECURITY OFFICERS

Statement of the Problem

Statutory descriptions of the duties and qualifications of county sheriffs, the duties, authority and jurisdiction of Colorado State Patrol officers and the authority and jurisdiction of institutional law enforcement officers often are vague and result in overlaps and gaps in service.

Description of the Problem

Specific problems related to the need for statute clarification are presented in the following paragraphs:

A sheriff's duties as broadly defined in section 30-1-516, C.R.S. 1973, 1977 Repl. Vol. are: "to keep and preserve the peace...to quiet and suppress all affrays, riots, and unlawful assemblies and insurrections."

This statute also provides: "For that purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they, and every coroner, may call to their aid such person of their county as they deem necessary.:"

However, there is no legislative mandate stating the sheriff's office can perform public safety functions such as patrol and investigations:

Certain specific duties of the sheriff as a county officer are mandated in sections 30-10-511 through 515, C.R.S. 1973, 1977 Repl. Vol. e.g., serving as custodian of the county jail and as county fire warden "in case of prairie or forest fires ; transporting prisoners; and executing writs and attending court."

Sheriffs statutorily are defined as peace officers (section 18-1-901)(3)(1), C.R.S. 1973, 1978 Repl. Vol. However, because they are elected officials, sheriffs are not included among those peace officers mandated by statute (24-32-603 C.R.S. 1973) to receive CLETA certified training.

The sheriff in some counties is the primary law enforcement officer. Deputies serve at the discretion of the sheriff and salaries are set by the sheriff and paid from fees. More than in any other type of law enforcement agencies, the quality, timeliness and appropriateness of services provided depend upon the person in charge. Without statewide clarification or definition of a sheriff's duties and qualifications, there are no guidelines to facilitate at least a minimum level of uniformity in services provided.

The study revealed that sheriffs themselves are concerned about this lack of statewide guidelines, particularly for defining minimum qualifications for the position of sheriff.

The peace officer authority of the Colorado State Patrol troopers is defined by statute (43-5-113(3), C.R.S. 1973) as follows: "in an emergency and with the approval of the Governor...(the Colorado State Patrol is authorized) to assist or aide any sheriff or other peace officer in the performance of his duties upon his request or the request of other local officials having jurisdiction, and, on such occasions while so acting, they have the powers of any sheriff or other peace officer."

Because there is no general description of the powers and duties of local law enforcement officers, there are areas of uncertainty and risk when a State Patrol officer apprehends or arrests a suspect while assisting local law enforcement officers.

Confusion and disagreement caused by an apparent statutorily defined dual jurisdiction on state owned or leased property is the basis for the needs to more clearly describe the authority and jurisdiction of institutional law enforcement agencies. For example, by statute (24-7-103, C.R.S. 1973) institutional law enforcement officers have peace officer powers including the authority to arrest "on state owned or leased property." However, section 24-7-104, C.R.S. 1973 states "nothing...shall be construed to exempt state property from the authority of law enforcement agencies within whose jurisdiction the state property is located, except...such law enforcement agencies shall coordinate their official actions...with the appropriate security officers, except when emergency circumstances preclude such coordination." The apparent overlap in jurisdiction was identified as an undermining influence on cooperative and coordinated law enforcement efforts to prevent crime and protect the public on and adjacent to state owned or leased property.

REGIONALIZED LAW ENFORCEMENT SERVICES

Survey Findings

Several criminal justice practitioners expressed a need for clarification of sheriff's duties and qualifications. Several smaller local law enforcement agency personnel felt the state patrol should be able to assist local law enforcement in emergencies without an order by the Governor. Practitioners interviewed commented upon the current level of Colorado law enforcement interaction between the state patrol and local law enforcement agencies. Respondents were divided on this issue:

- 12.2% wanted less interaction.
- 37.5% were satisfied with the current level of interaction.
- 23.8% wanted more interaction.
- 26.1% stated they were not familiar enough with state patrol-local law enforcement interaction to express an opinion.

Of the institutional law enforcement officers interviewed, 42.6% reported current statutory definitions of their authority and jurisdiction are confusing.

Comments of institutional law enforcement personnel indicated their functions, objectives and needs are not always understood or shared by their governing agencies.

State Council Discussion

State Council members felt clarification of the duties of sheriff and institutional law enforcement personnel as peace officers should be addressed as part of an assessment to revise or expand the general statutory definition of peace officer (section 18-1-901(3)(1) C.R.S. 1973, 1978 Repl. Vol.). The State Council agreed that although to date the actions of the Colorado State Patrol in making arrests on or adjacent to the highways and roads have been upheld, the statutory issues related to the functions of the state patrol are a legitimate concern. State Council and state patrol staff also agreed they would not support any statutory changes which might transform the state patrol into a state police agency.

State Council Recommendations

Members of the State Council agreed that the issues presented should be included among problems for possible future consideration.

Followup Activities

County Sheriffs of Colorado has begun a study of the problems of definition of duties and qualifications of county sheriffs. Members of this professional organization recognize the need to provide a more clearly defined framework for county law enforcement services and to provide the best possible basis for cooperation and coordination between county and municipal law enforcement agencies on a county, regional and statewide basis.

The organization also recognizes the importance of assuring the sheriff's accountability and preserving sufficient flexibility and autonomy of authority to permit the sheriff to deal with individual county law enforcement needs.

Statement of the Problem

1. There is a need for more timely laboratory and investigative service delivery to local law enforcement agencies.
2. There is a need for regionalized communications, records and intelligence gathering.

Description of the Problem

Although the quality of CBI services was identified as excellent, inadequate laboratory and investigative staffing and limited decentralization of services are perceived as causes for service delays. At the time of the study, the monthly backlog in laboratory services equaled twice the monthly intake of new cases.

Communications and recordkeeping procedures, equipment and policies differ among the many law enforcement agencies. In the smaller, rural departments such functions may be performed minimally, casually and often inadequately. Regionalized communications and recordkeeping could facilitate more cost efficient use of resources and provide greater uniformity in service delivery.

Survey Findings

Local law enforcement interviewees (43.8%) rated timeliness of CBI services low. Criminal justice respondents (75.8%) favored more regionalized support services for law enforcement, particularly in the area of communications and records. To better track and apprehend offenders a need for more regionalized intelligence gathering was identified. One program, based in Farmington, New Mexico, already is established in the Four Corners area and cooperates with the Colorado Organized Crime Strike Force. The geography of the Four Corners area makes it relatively easy for offenders to move from one state jurisdiction to another. The cooperation of law enforcement practitioners in the Four Corners area, through this intelligence network enables the agencies of all four states to better track and apprehend offenders.

A regional CBI office, including a laboratory, was opened in Pueblo just prior to the interviewing phase (April and May, 1979) of the Criminal Justice System Study. Practitioners anticipated the new facility would greatly improve service delivery time. On the western slope, practitioners asked the capability of the existing Montrose regional office be expanded, and in La Plata and Moffat Counties, a need to establish additional CBI offices was identified. Such regional services are needed especially for Craig and Durango to meet increased demands for service caused by population influx in these areas.

State Council Discussion and Recommendation

Members of the State Council agreed the issues presented in this section be included in the study report, but made no further recommendation.

PROSECUTION

Criminal Justice System Study data indicated funding sources, guidelines on decisions to prosecute, case disposition information, timeliness of prosecution services and the grand jury process were the areas of concern associated with prosecution services. Discussion of specific issues and problems related to each of these general areas of concern is presented in the following subsections.

FUNDING SOURCES FOR PROSECUTION SERVICES

Statement of the Problem

The reliance upon multiple funding sources for the provision of prosecution services in each of Colorado's 22 judicial districts is a problem.

Description of the Problem

As provided in section 20-1-306, C.R.S. 1973, 1978 Repl. Vol., the elected district attorney's salary is funded 80% by the state and 20% by the county commissioners included in that particular judicial district. Office and salary expenses for the balance of the staff are funded completely by the counties comprising the judicial district.

Each county's proportionate share of its judicial district's funding of prosecution services is also determined by statute: section 20-1-301, C.R.S. 1973, 1978 Repl. Vol. establishes a minimum dollar amount for district attorney salaries and provides "any amount in excess...shall be set by the boards of county commissioners of the county or counties comprising the judicial district or the city council of the respective city and county affected."

The number of counties to which district attorneys must present and justify their budget varies from one to seven counties. This can be a very time consuming process.

Minimum salaries for district attorneys have not been adjusted for four years. Five years ago, the State Official's Compensation Commission recommended a \$37,500 minimum salary for elected officials. At that time, the Colorado General Assembly specified a minimum amount of \$29,000. Any amount in excess of \$29,000 was to be set by the boards of county commissioners of the counties comprising the judicial district affected. In June, 1979 the Colorado District Attorneys' Council estimated that the average annual district attorneys' salary is \$34,000.

In January, 1980, the State Official's Compensation Commission recommended the General Assembly raise the district attorney's salary from the minimum of \$29,000. However, they did not recommend a minimum amount. As of January 1981, the minimum salary for state district attorneys is \$35,000 annually. This salary is low compared to national standards and private defense attorneys.

Over the past five years, several district attorneys in Colorado have filed law suits against counties within their judicial districts in an effort to obtain higher salaries and increase operating funds.

Survey Findings

Interviewees reported funding of prosecution services by several counties in a judicial district causes problems. Some criminal justice practitioners and State Council members expressed concern that current disparity in funding among the district attorney offices in Colorado could result in inadequate prosecution services in some judicial districts.

Specific suggestions by prosecutors concerning the funding issue included: salary increases and equalization, additional equipment for district attorney investigators, state subsidies for complex investigations performed by district attorneys and total funding of district attorney functions by the state. One district attorney interviewed said, "There is a complete lack of motivation for career police and prosecutors because compensation is low, working conditions are bad and training is inadequate."

State Council Discussion and Recommendation

The State Council discussed the possibility of providing more state funding to assure equality and adequacy of prosecution services on a statewide basis, but no recommendation was made on this issue.

GUIDELINES GOVERNING DECISIONS TO PROSECUTE

Statement of the Problem

There are no statewide guidelines governing plea bargaining and district attorney discretion in decisions to prosecute.

Definition of the Problem

The public prosecutor exercises broad discretionary powers in deciding whether or not to prosecute, what charge to bring and whether or not to plea bargain a case and on what terms.

Plea bargaining is the process whereby the state grants sentencing and other concessions in exchange for guilty pleas in criminal cases. There is general disagreement about what plea bargaining should accomplish, what plea bargaining actually does accomplish given the reality of the judicial process and how the existing practice could be modified through guidelines and standards.

The National Advisory Commission on Criminal Justice Standards and Goals called for the elimination of plea bargaining by 1978. The ABA has taken a more equivocal posture, asking for reform not elimination. Chief Justice Burger has informed Congress that "there is increasing knowledge of both the inevitability and the propriety of plea agreements."²

The prosecutor considers a number of factors in the decision to bargain. Studies indicate that most prosecutors consider the strength of a case as an important factor. Seriousness of the offense and the prior record and reputation of the offender are also important considerations. Some studies

have found that caseload and other pressures on the system, such as community attitude, may also enter into the decision.

The advantages of plea bargaining most often set forth are the cost and time savings to the judicial process. The prosecutor benefits from increased convictions. Since a trial is much more expensive than a guilty plea, prosecutor and court resources are saved.

The major objections to plea bargaining are the danger of an innocent person being convicted, inconsistent application among offenders, reduction of the deterrent effect of the law and the penalty for a jury trial is generally longer sentences.

The use of plea bargaining varies among jurisdictions in Colorado. Few jurisdictions have established guidelines or procedures for evaluating and disposing of cases. Such variations could result in a violation of equal justice.

Survey Findings

Although 61.3% of criminal justice practitioners responding to study questionnaires favored district attorney discretion in decisions to prosecute, 67.5% also favored statewide policy and standards for local prosecution and 59.9% favored statewide guidelines governing plea bargaining. According to 47.5% of the respondents, plea bargaining should be used more often. However, as shown in the following table, the responses varied significantly depending on the part of the system the respondent worked in.

	Should Be Less	Continue As Is	Should Be More
Law Enforcement	68.9%	18.0%	4.9%
Prosecution	27.3%	60.6%	9.1%
Public Defense		66.7%	26.7%
Courts	14.7%	73.5%	5.9%
Probation	70.0%	30.0%	
Corrections	64.7%	13.7%	4.0%

State Council Discussion

The State Council discussed the survey findings and also discussed problems related to information flow of plea bargained cases. A State Council representative from the Department of Corrections reported proper placement and treatment of offenders is jeopardized when complete information regarding the original or complete charge on which an offender was arraigned does not accompany the offender to a state correctional facility. State Council members noted efforts by probation, parole and community corrections also may be impeded by the lack of information regarding the charge prior to plea bargaining.

State Council members agreed that unless extreme caution is used in cases that are plea bargained, offender treatment and public safety needs may not be met.

State Council Recommendation

Members of the State Council agreed that the issues presented in this section require further study and made no recommendation at this time.

OTHER PROSECUTION SERVICE ISSUES

The following issues related to prosecution services were identified by survey respondents, but were not discussed by the State Council. These include case disposition information, timeliness of prosecution services and grand jury process.

Case Disposition Information

Data from Criminal Justice System Study questionnaire items designed to identify problems in case disposition information flow is a particular concern of Department of Corrections staff, probation officers, and district attorneys. The Department of Corrections would like a disposition report from the district attorney on each case filed against an inmate committed to a state correctional facility for case management purposes. Probation staff also expressed a need to receive disposition reports on offenses committed by their probationers from the district attorney in a more timely manner. District attorneys report they have difficulty providing timely information of case dispositions as requested by the Executive Clemency Advisory Board. The Clemency Board routinely requests case information data from the district attorneys as part of its decisionmaking process. According to district attorneys, these requests lack uniformity and are not submitted far enough in advance to facilitate a timely response. Several respondents indicated they are hopeful the PROMIS information system, currently being implemented by the district attorneys in nine front range counties, will assist the district attorneys in providing this information.

Timeliness of Prosecution

When asked to evaluate services received from other agencies in the criminal justice system, local law enforcement, parole and fish and game enforcement officers indicated dissatisfaction with the timeliness of prosecution services. These practitioners generally were satisfied with the quality of prosecution services. However, they felt the time between an arrest and the filing of the case to be too long. They viewed this delay in prosecution services as mitigating the effectiveness of their law enforcement efforts.

Grand Jury System

Criminal justice practitioners interviewed during the study were fairly equally divided in their opinions regarding the grand jury system. Of the interviewees, 36.9% felt the criminal justice system could be improved by imposing limitations on the use of grand juries. A district attorney remarked during a study interview, "In rural areas, grand juries are witch-hunts." A probation officer noted, "Current grand jury proceedings are a Star Chamber. The defendant should have his day in court." A private attorney added this contribution: "The grand jury structure is a tool of harassment by the district attorney." Regarding such limitations, 31.3% felt the criminal justice system would be less effective.

Criminal Justice System Study interviewees noted use of the grand jury process varies among the judicial districts. Responses to the grand jury questionnaire item seemed to be influenced by interviewees' perceptions of the manner in which the grand jury process was used in their particular judicial district.

PUBLIC DEFENSE

Statement of the Problem

Funding for the Office of the Public Defender and court appointed private counsel is inadequate.

Description of the Problem

Section 21-1-103, C.R.S. 1973, 1978 Repl. Vol., provides the state public defender shall represent as counsel, without charge, indigent individuals charged with an offense for which they could be imprisoned or involuntarily committed. However, current funding of Colorado's public defense services is inadequate to assure representation of all defendants who are determined by public defender and judicial review and approval to be eligible for representation by counsel at state expense. In the fiscal years 1974-75 through 1978-79, for example, there has been a 37% increase in public defender caseloads, but lawyer staffing has increased only 16% and investigators have increased only 29%. In addition, public defenders report when the General Assembly approved funding for paralegal personnel, it reduced their already inadequate investigative staff by 33%. Currently four of the 19 area public defender offices (Durango, Montrose, Steamboat Springs and Trinidad) do not have investigators on their staff.

There are no public defender offices in four rural judicial districts. However, in the more densely populated Second Judicial District (Denver) there are two offices.

Most states base public defender funding on a national caseload formula of 150 felony-equivalent cases closed per public defender per year as a recommended maximum and no fewer than one investigator to three public defenders. As illustrated in the following table, different types of cases carry different felony-equivalent values:

Type of Case	Felony Equivalent
Felony	1.000
Misdemeanor	.375
Juvenile	.750
Other Proceedings	.375
Appeals	
-Felony and Juvenile	6.000
-Misdemeanor	1.000
Original Proceeding	2.000

Colorado state funding of the public defender's office (FY1979-80) is based on 160-170 felony-equivalent cases closed per public defender per year. The current investigator-lawyer ratio in Colorado is one investigator to five public defenders.

Between the years FY1973-74 and FY1978-79, funding for district attorneys, adjusted for cost of living, increased 80%. The annual Colorado General Appropriation Bill (Long Bill) figures indicate that for the same period state expenditures for public defenders, also adjusted for cost of living, remained the same. An absolute comparison between public defender and

district attorney funding cannot be made because funding sources, jurisdictional organization and statutory obligations are not comparable. However, interviews with public defenders revealed basic items such as office machines, supplies and law libraries and other legal materials often cannot be purchased because of insufficient funds.

State funding of public defense services is complicated by circumstances requiring court appointed private counsel rather than public defenders to represent some indigent clients. Section 21-1-105, C.R.S. 1973, 1978 Repl. Vol., provides the court may, "for cause," appoint an attorney other than the public defender to represent an indigent defendant. The court appoints private counsel under two conditions:

- 1) In conflict of interest cases where there are two or more defendants and there is reason to believe one lawyer cannot adequately represent all the defendants, the public defender is required to withdraw from representing all the defendants. Appointment of private counsel is required regardless of the ability of the public defender's office to meet public defense service needs. These appointments therefore require consistently adequate funding.
- 2) In situations where case filings are sufficient in number to preclude competent public defender representation for all defendants and in situations requiring immediate representation, and a public defender is not available the court will appoint an attorney. Public defender unavailability appointments are few and usually occur in the rural parts of the state when the public defender is appearing in another county, and the court makes the appointment on its own motions.²

Funds to reimburse court appointed counsel and for operation of the public defender's office are appropriated separately within the Judicial Department's appropriation. Judicial Department staff report several problems related to state funding of court appointed private counsel:

- 1) Historically, the Judicial Department has not had the funds, manpower, or data base necessary to adequately administer the function of appointing private counsel.
- 2) Court appointed private attorneys are paid \$25-\$30 per hour by the state, or about one-half the fee private attorneys receive in private practice. Many attorneys are therefore reluctant to accept court appointments.
- 3) Court appointed private attorneys may wait as long as a year for payment by the state and in many cases one-attorney offices must be closed while the attorney is serving on a court assignment. This results in financial difficulties for the attorney.

Another public defense funding problem cited by Judicial Department personnel is the current constitutional 7% limit on increases in state spending forcing the General Assembly to balance funding increases in one area with cutbacks in another. For example, when the General Assembly has approved an increase in the number of public defenders, it has cut back the judicial budget for court appointed private counsel.

Survey Findings

Of those interviewed, 68.6% agreed state resources should be equally available to public defenders and district attorneys.

Of the district attorneys interviewed, 65.7% concurred.

In open responses, 19.4% of the private attorneys and court personnel interviewed felt a need for an improved method of payment and a higher rate of pay for court appointed private counsel. Public defenders noted during the Criminal Justice System Study interviews and State Council discussion that they are forced to establish priorities regarding the types of cases to accept because of inadequate funding and staffing. One public defender commented: "In certain jurisdictions mere volume works against the full rights of the defendant." Another public defender observed: "We function on the constant brink of an ethical crisis."

District attorneys and judicial personnel concurred with the public defenders on the need not only to increase trial lawyer and investigator staffing, but also to assure access to paralegal, psychologist or social worker services essential to the provision of adequate public defense representation.

Some district attorneys who were interviewed felt that funding should be adequate enough to assure public defense counsel solely through the Office of the State Public Defender. One district attorney commented: "We should not have private attorneys as assigned counsel. Public defenders are more skilled." A district judge felt the same way and commented: "The best legal services go to those too poor to hire a private attorney."

State Council Discussion

State Council members agreed that regardless of differences in funding sources, jurisdiction and statutory duties, a better balance of resources available to district attorneys and public defenders is essential if the adversary system of justice is to work. State Council discussion noted that deficiency in public defender staffing has led to some convictions being overturned because of inadequate private counsel. Members of State Council emphasized the need to fund both public defenders and court appointed private attorneys at a level adequate to provide indigent defendants charged with felonies, misdemeanors or juvenile offenses the public defense services required to provide constitutional rights and to comply with statutory mandates.

The problem of taxpayer misunderstanding of the public defender's statutory obligations also was discussed by State Council members. State Council noted that the taxpayer's perception of the public defender's role, particularly in prosecuting appeals, has a possible negative influence on state funding of public defense services. Many taxpayers feel the public defender is unnecessarily increasing his own caseload and causing unwarranted court delays through "frivolous" prosecution of appeals. These taxpayers may be unaware of the following circumstances governing prosecution of appeals filed in public defense cases:

- 1) The defendant has an inherent right to appeal and unless the defendant waives this right, the appeal is considered and usually prosecuted by the public defender or the state court system.

- 2) As authorized in section 21-1-104(2), C.R.S. 1973, 1978 Repl. Vol., the public defender may refuse an appeal "unless the state public defender is satisfied...that there is arguable merit to the proceeding." However, if the public defender refuses to prosecute an appeal, the state court system is required to do so in accordance with sections 2(2) and 17 of article VI of the Colorado Constitution and section 16-2-114(1), C.R.S. 1973, 1978 Repl. Vol.

Judicial staff report that very few cases are without arguable merits. Therefore, most of the appeals represented by counsel at state expense are prosecuted regardless of the public defender's decision.

State Council Recommendation

Although State Council members agreed there is not sufficient data to formulate a recommendation concerning assigned attorneys at this time, they unanimously approved the following recommendation to address the problem of adequate funding for public defense services:

TO INCREASE THE PUBLIC DEFENDER'S OFFICE FUNDING TO REFLECT THE NATIONAL STANDARD OF 150 FELONY EQUIVALENT CASES CLOSED PER PUBLIC DEFENDER PER YEAR AND A PUBLIC DEFENDER-INVESTIGATOR RATIO OF 3:1, PLUS APPROPRIATE OPERATING EXPENSES.

Followup Activities

Increased state appropriations for FY1980-81 and a state court-public defender contract to use funds appropriated to the Judicial Department for public defender overloading will make reduction from the 160-170 case per public defender to 150 per public defender, a strong possibility.

JUDICIAL SERVICES

Judicial structure, procedures, staffing of probation departments and courts, and the preparation of diagnostic reports were identified by the Criminal Justice System Study as concerns related to judicial services.

These issues are discussed in the following subsections.

JUDICIAL STRUCTURE

Statement of the Problem

The unified state court system does not include municipal and special courts. Furthermore, there are overlaps in jurisdiction and function in the current judicial structure.

Description of the Problem

In January 1979, the State of Colorado assumed full responsibility for funding all courts of record with the exception of municipal courts and the Denver County Court. While this consolidation increased coordination and uniformity in court policy and procedure, municipal courts remain excluded from access to the administrative, planning and training resources of the Judicial Department. Municipal courts now rely upon revenues generated by court penalties to fund many of their operating costs.

Since the court structure in Colorado was unified in 1969, few changes have been made in that structure or in the underlying jurisdictional boundaries and the overlapping jurisdiction in the trial courts has not been eliminated. For example, although the district court is Colorado's court of general jurisdiction, the county court's jurisdiction overlaps in money demands up to \$1,000, misdemeanors, change of name, forcible and unlawful detainer. In addition, the Denver Superior Court has overlapping jurisdiction with the district court in money demands from \$1,000 to \$5,000 and with the county court in demands of less than \$1,000. Currently, county courts hear both felony and misdemeanor cases.

In addition, the court system of the City and County of Denver (Second Judicial District) is an entirely separate court structure functioning very differently from other district court systems. Since 1969, the district court in the other 21 Colorado judicial districts has heard all cases relating to civil, criminal, juvenile, probate and mental health matters. In some judicial districts, the district court judge hears all of these types of cases; in other jurisdictions, judges specialize in certain types of cases on a rotating basis. However, in the Second Judicial District, probate and juvenile cases are heard in separate courts in addition to the separate Denver Superior Court.

Because the Denver court system includes a district, probate, juvenile and superior court, four separate clerks' offices and four sets of support staff are required. Efficiency is reduced through fragmentation or duplication. In cases involving child abuse, for example, the custody of the child is processed by the juvenile court, but criminal charges against the parents are filed in district court. These procedures necessitate duplication of staff work, witness testimony and paper work. The parties involved must appear in two separate courts where court decisions are arrived at independently and may not correspond with the best interest of the child.

Survey Findings

Several of the study respondents recommended including the municipal courts in the unified state court system for the expressed purpose of facilitating access to Judicial Department resources. Several of the practitioners interviewed also recommended elimination of existing overlaps in jurisdiction by combining district, county and municipal courts in some manner.

In addition, study interviewees commented that the court system of the City and County of Denver creates a second entirely separate court structure in what is supposed to be a unified court system.

The Judicial Planning Council (JPC) recently conducted a Court Jurisdiction Study funded by a Law Enforcement Assistance Administration (LEAA) grant. One objective of the study is to examine the overlapping jurisdiction of the trial and appellate courts, and in that regard, to delineate three or more alternatives for elimination of such overlapping jurisdictions. The final draft of the study report is scheduled for presentation to the JPC on October 15, 1980.

State Council Discussion and Recommendation

The State Council felt that these issues should be included in the study report, but because the Judicial Department is conducting a Court Jurisdiction Study the State Council made no recommendation.

PROCEDURES

Statement of the Problem

Effective jury management is required to eliminate many of the factors that make jury service a burden and to minimize the aggravating aspects of actual jury service. Simplification of the judicial process is needed to allow cases to be heard in a more timely manner. Some offenses need to be reclassified to facilitate improved management and delivery of judicial services. The traditional bail system imposes too high a human and public cost and gives to bail bondsmen too great an influence in the administration of bail.

Description of the Problem

Section 13-71-116, C.R.S 1973 (1979 Supp.) provides that in any three year period, "a person shall not be required to serve or attend court for prospective service as a petit juror more than ten court days except when necessary to complete service in a particular case, or to serve on more than one grand jury, or to serve as both a grand and petit juror, or as may otherwise be provided by supreme court rule." However, because a panel of prospective jurors large enough to provide an unbiased jury for all trials on the session docket is called, some persons serving jury duty may wait days before being examined for a particular case and then, during examination, may be eliminated as a juror for that case, but have to wait or remain on call for possible duty on another case. Such a situation imposes a burden on persons called for jury service which could be modified by better jury management procedures.

Another problem associated with judicial procedures is that of timeliness in hearing cases. When the time between the charge and the trial is too long preservation of evidence is difficult and witness testimony is less credible. When all cases regardless of their seriousness are treated identically for the purpose of processing through the judicial system, more serious cases often are delayed and failure to provide a speedy trial may force the release of persons dangerous to others.

The Criminal Justice System Study identified a need to reclassify some offenses to facilitate improved management and delivery of judicial services. Crime classification and the companion topic of equity in criminal sentencing have been recognized as major criminal justice issues by legislative and administrative personnel for the past twenty years. Classification of offenses requires continuing review in light of changing correctional philosophy and constitutional protection of rights.

Passage of the Presumptive Sentencing Law in 1977 (H.B. 1589) has made the need to consider changes in crime classification more urgent. The Presumptive Sentencing Law divides felonies into five classes distinguished from one another by the following presumptive penalties which are authorized upon conviction:

<u>Class</u>	<u>Presumptive Sentence</u>
1	Life imprisonment or death
2	Seven and one-half years plus one year for parole
3	Four and one-half years plus one year of parole
4	Two years plus one year of parole
5	Eighteen months plus one year of parole

A person who has been convicted of a Class 2, Class 3, Class 4 or Class 5 felony shall be punished by the imposition of the presumptive sentences unless the court finds that mitigating or aggravating circumstances are present and would justify imposition of a lesser or greater sentence than the presumptive sentence. However, the sentence so imposed shall not vary from the presumptive sentence by more than 20% and shall be for a definite term. If the person to be sentenced has previously been convicted of a felony, the court may increase the presumptive sentence by not more than 50%. In effect, the Presumptive Sentence Law reduces judicial discretion. However, the law also imposes by its nature, in the interest of fairness and prevention of time consuming appeals, an obligation to review classification of offenses.

Colorado's bail bond procedure is still another area of concern identified by the Study. The traditional bail system gives to private business a dominant role in determining whether an individual is entitled to pretrial freedom. A Federal District Court judge has described the problem: "The professional bondsmen hold the keys to the jail in their pockets. They determine for whom they will act as surety and who in their judgment is a good risk. The bad risks in their judgment, and the ones who are unable to pay the bondsmen's fees remain in jail. The court and the commissioner are relegated to the relatively unimportant chore of fixing the amount of bail." 3 Surety for pretrial release in Colorado is in accordance with section 16-4-104, C.R.S. 1973, 1978 Repl. Vol., providing for pretrial release from custody upon execution of a personal recognizance or posting of specifically defined surety bonds. Posting of cash deposit bail directly to the court is not an alternative under current statutes.

Survey Findings

Study findings revealed both criminal justice interviewees and Judicial Department staff believe changes in the jury selection process are needed to improve and expedite judicial services. Changes recommended by judges and attorneys interviewed included: using six-person juries for Class 4 or 5 felony cases; eliminating trial by jury for petty offenses and three- and six-point traffic offenses; and, using a civil type jury selection process for criminal cases.

The Judicial Department conducted the first phase of a one-day/one-trial pilot program for juror utilization and management in Colorado Springs between April 31, 1979 and August 3, 1979. According to the Center for Jury Studies Newsletter of November 1979, 98% of the jurors summoned during this experimental period indicated they preferred the one-day/one-trial procedure over the two-week (10 court days) jury service obligation now prescribed by statute. Judicial personnel also reported from the experiment the importance of establishing a sufficiently large list of prequalified

jurors before instituting a one-day/one-trial system. LEAA grant money awarded for a Judicial Department Juror Utilization and Management Incentive Program which began October 1, 1979 has enabled judicial staff members to proceed with a two-year project to assess all the elements of improved jury management in the pilot program and in other local courts.

To simplify the judicial process and allow cases to be heard in a more timely manner, practitioners interviewed recommended changes which included use of night or weekend courts to hear misdemeanor cases and the use of referees to hear minor civil or criminal cases which could be disposed of at that level. The Judicial Planning Council's Court Jurisdiction Study is also addressing this issue.

In addition, several of the interviewees stated they believe some offenses need to be reclassified to facilitate improved management and delivery of judicial services. Respondents mentioned specifically drug, theft and traffic offenses. The Governor, the Chief Justice and the Speaker of the House have established an Advisory Commission on Crime Classification and Sentencing comprised of representatives of the three branches of government and citizens to study this issue and fulfill the following objectives:

- 1) To review statutory classification of crimes for appropriateness in light of present criminal sentencing statutes in Colorado and to recommend changes in such classifications.
- 2) To review the implementation of criminal sentencing statutes in Colorado and to report periodically on such implementation to the General Assembly, the Governor and the Supreme Court.
- 3) To review proposed changes to criminal sentencing legislation and to make recommendations on such proposed changes to the General Assembly and the Governor.

Respondents concerned about bail bond procedure proposed allowing defendants to post a 10% cash bond to the court to reduce the "human and public costs" of the current system and to eliminate or reduce the influence of the bail bondsman. Research indicated there are two types of deposit bail procedures used to reduce or eliminate the bail bondsman's role in pretrial release determinations. One is a deposit bail system similar to the one instituted in Illinois January 1, 1964. The Illinois Ten Percent Deposit Plan retained the use of bail money as the predominant form of release, but eliminated the commercial bail bondsman by having the 10% bonding fee paid to the court which was then required to release the defendant on less than full bond. The fee paid to the court is refunded, less a small service fee, to the defendant upon completion of the case. The second type of deposit bail is deposit bail option. The option to allow a defendant to post a cash deposit rests with the judge. New Mexico has such a procedure. The defendant may choose to secure immediate release by paying a bondsman's fee rather than wait until a court appearance to be able to post deposit bail. Judges interviewed by study staff indicated Colorado's bail bond statute does not appear to be fulfilling its purpose of guaranteeing the presence of the accused in court. Several judges noted specifically property bonds are being misused. The same property in some instances is posted as bond in several courts; therefore, the value of the property posted may be significantly less than the sums of bond values the property is securing. In 1975, the Colorado

Commission on Criminal Justice Standards and Goals recommended in Standard 1-5.16 the Illinois Ten Percent Deposit Plan as one of three possible money bail plans for Colorado. The other two alternatives were execution of an unsecured bond in an amount specified by the judicial officer, either signed by other persons or not, and the execution of a bond secured by the deposit of the full amount in cash or other property or by obligation of qualified sureties.

State Council Discussion and Recommendation

The State Council agreed that the issues related to judicial procedure should be included in the study report but made no further recommendation.

STATUTORY QUALIFICATIONS

Statement of the Problem

In 53 of Colorado's 63 counties, county judges do not have to be admitted to the practice of law in Colorado.

Definition of the Problem

As defined by statute (section 13-6-203(2), C.R.S. 1973), qualifications for county judges do not include having been admitted to the practice of law in Colorado except in the Class A county of Denver and the Class B counties of Adams, Arapahoe, Boulder, Clear Creek, Douglas, El Paso, Jefferson, La Plata, Mesa, Pueblo and Weld.

Survey Findings

Several of the interviewees stated that the qualifications for all county judges should require having been admitted to the practice of law. Judicial Department staff reported that mandating attorney qualifications for county judges is a problem. For example, county judges must be residents of the county they serve. However, some counties have no resident attorneys or have no resident attorneys who are interested in seeking a county judgeship position. Judicial staff recognized, however, the functional and philosophical desirability of requiring county judges to be as legally qualified as the county's prosecuting attorneys. This issue is being addressed by the JPC in the Court Jurisdiction Study.

State Council Discussion and Recommendations

Members of the State Council agreed that the issue of county judge qualifications should be included in the criminal justice system study report. However, no further recommendation was made.

JUDICIAL AND PROBATION STAFFING

Statement of the Problem

Judicial Department staffing appears to be inadequate in the areas of district court judges and probation officers.

Description of the Problem

The assignment of district court judges is established by statute. Any re-

apportionment of district court judges to address staffing inadequacies would require statutory change. Although the Chief Justice may transfer a judge temporarily to another judicial district to hear cases as necessity demands, the transfer cannot be permanent since a district judge must reside in the district where he serves. Some of these temporary transfers may last for weeks or months and, therefore, can be a hardship on both the judge and that court deprived of the judge's services. County courts find they are increasingly involved in cases transferred from the district court so the impact extends into their jurisdiction as well.

In addition, as illustrated by the following figures provided by the Judicial Department, probation staffing is inadequate.

Probation Staffing Needs FY1978-79 through FY1980-81

<u>FY</u>	<u>Total Workload Units*</u>	<u>FTE Needed</u>	<u>FTE Appropriated</u>
1978-79	466747	244.1	211.1
1979-80	470755	246.2	223.35
1980-81	499228	261.1	225.85

To determine the number of officers needed, the Probation Department uses weighted caseload figures based upon a mathematical formula taking into account the various types of duties probation officers perform.

The following Judicial Department statistics for FY1978-79 help to explain the increase in probation workload units:

There was a 12% increase over FY1977-78 in new adult probationers, and only the fact that officers were able to terminate more cases than they received kept the situation manageable.

As of June 1979, there were 13,424 adults and 4,847 juveniles on probation in Colorado.

Probation officers were required to conduct an additional 868 adult investigations, 581 of which were presentence reports involving detailed investigations into the offender's past history and present status.⁴

Survey Findings

Some practitioners, including judicial administrators, believe a closer examination of the staffing and caseloads of the various district courts is warranted. This issue is also being addressed in the Court Jurisdiction Study.

State Council Discussion and Recommendation

The State Council felt that the issue of inadequate Judicial Department staffing for district court judgeships and probation officers should be included in the study report. However, no further recommendation was approved.

* Workload Units are based on previous year's caseload figures.

DIAGNOSTIC SERVICES TO THE COURTS

Statement of the Problem

Most judges currently sentence an offender based on the information contained in the presentence report, because no diagnostic report is available at the time of passing sentence.

Description of the Problem

In most judicial jurisdictions, diagnosis occurs after an offender has been sentenced to the Department of Corrections (DOC). Because of this constraint, a statute to allow for sentence rehearing (16-11-309(1), C.R.S. 1973 [1979 Supp.]) was adopted by the General Assembly in 1977. The statute provides that the Department of Corrections "shall transmit to the sentencing court a report on the evaluation and diagnosis of the violent offender and the court...may thereupon modify the sentence...". Although the proper time for a diagnostic evaluation is prior to sentencing, in many cases no such report is available at that time.

Judges, probation officers and public defenders may have access in some cases to the computerized inmate profile derived from a computer system used by the Reception and Diagnostic Center of the DOC for psychological test scoring and interpretation. However, the printout represents only a portion of the total diagnostic process. A variety of other evaluative measures such as screening processes related to vocational skills and drug and alcohol abuse, IQ testing, medical and dental examinations and inmate interviews must also be used to prepare a complete diagnostic evaluation. The diagnostic unit, at the Department of Corrections Canon City Correctional Facility, can accommodate 118 inmates at one time and although the length of time inmates stay in the diagnostic unit has been reduced during the last few years from six to less than two weeks, it would be impossible to perform all presentence diagnostic evaluations at that facility.

Survey Findings

Because the issue of presentence diagnostic reports was identified primarily during State Council discussion of problems related to the Department of Corrections and to judicial services, survey findings primarily involve research performed to provide information on possible alternatives to address the need by judges for diagnostic reports prior to sentencing. One such alternative was to send all offenders to the diagnostic unit at the Canon City Correctional Facility for presentence diagnosis. However, this process is highly impractical because it would involve transporting offenders to Canon City from all parts of the state. In addition, the determination of who is responsible for supervision and financial support of these offenders would have to be resolved. Another alternative was to use local mental health units for diagnostic evaluations through a contract with the Division of Mental Health. However, this would be extremely costly as mental health diagnoses cost \$200 to \$250 each. Furthermore, mental health resources vary widely throughout the state. Adequate funding would have to be provided on a statewide basis.

Study data indicate the problem of diagnostic reports is complicated because some non-correctional criminal justice practitioners view the computerized psychological test scoring and interpretation currently used by the Reception and Diagnostic Center as "diagnosis by computer", and tend to place little faith in the process.

State Council Discussion

The State Council discussed alternatives for providing presentence diagnostic reports. The following options were discussed, but rejected because the disadvantages outweighed the advantages:

- 1) Allowing each criminal justice agency to contract with local consultants. However, diagnostic quality might vary widely.
- 2) Assigning probation investigators to perform the function. Staff training would be necessary as well as contracting with specialized backup consultants and hiring more probation officers.
- 3) Allowing probation officers to employ or share psychologist staff with mental health units. However, such high level expertise is not required for all offenders.
- 4) Allowing criminal justice agencies to operate and supervise regional diagnostic centers. This alternative would require staff training and a large expenditure and engenders less credibility and cooperation from offenders.
- 5) Implementing independent, multidisciplinary diagnostic centers. When the central intake unit was operating in Denver, the cost to interpret a Minnesota Multiphasic Personality Indicator (MMPI) was \$100 per offender.

The State Council on Criminal Justice agreed a cooperative effort by all agencies involved in working with offenders is essential to develop a workable, comprehensive plan for providing diagnostic evaluations, prior to sentencing of offenders. The following recommendation was approved.

State Council Recommendation

TO ESTABLISH A TASK FORCE TO DEVELOP A PLAN FOR PROVIDING DIAGNOSTIC EVALUATIONS TO COURTS AND COMMUNITY CORRECTIONS PROGRAMS. THE TASK FORCE SHOULD INCLUDE REPRESENTATION FROM THE DEPARTMENT OF INSTITUTIONS, DIVISION OF MENTAL HEALTH, DEPARTMENT OF SOCIAL SERVICES, DIVISION OF VOCATIONAL REHABILITATION, ALCOHOL AND DRUG ABUSE DIVISION, DIVISION OF HIGHWAY SAFETY, DISTRICT ATTORNEYS, PUBLIC DEFENDERS, THE JUDICIAL DEPARTMENT, DIVISION OF CRIMINAL JUSTICE, COMMUNITY CORRECTIONS PROGRAMS, PROBATION DEPARTMENTS AND THE DEPARTMENT OF CORRECTIONS DIAGNOSTIC UNIT.

CORRECTIONS

The Criminal Justice System Study identified corrections issues and problems relating to planning, jail standards, community corrections and funding. The various specific issues included in these categories are discussed in the following subsection.

PLANNING CAPABILITIES

Statement of the Problem

Current statutes provide only a vague indication of purpose and goals for Colorado corrections services and resources available to the Department of Corrections for research, program planning and evaluation are inadequate.

Description of the Problem

The Colorado Comprehensive Community Corrections Plan states that:

"In Colorado, as elsewhere, the lack of a clear purpose and goals for corrections has resulted in yearly changes in sentencing legislation, increases in funding for both institutional facilities and community corrections programs, and a general lack of direction felt by all those who must work in the correctional system."

The Comprehensive Community Corrections Plan also mentions a clearly defined philosophy of corrections is needed to provide the basis for the essential common definition of success. Without such a definition, a valid comparative effectiveness study of correctional programs and services cannot be conducted.

The following philosophy of corrections was stated in the Colorado Comprehensive Community Corrections Plan as a basis for proposed goals for corrections in Colorado: "A correctional system must maximize public protection in a just and humane manner and afford offenders opportunities for successful reentry into society through the least restrictive means of control necessary." Each new administration brings a new philosophy but in recent years none has stayed long enough to implement the change.

The Department of Corrections planning, research and evaluation staff was sharply reduced when the Research and Planning Unit, funded for the three years 1974-1977 by an LEAA grant, became a state funded operation. Two of the six planning, research and evaluation staff were assigned to statistical and computer research; one is doing facility planning for Correctional Industries; the remaining three were given other assignments in the Department of Corrections. The position of Director of Program Development and Evaluation was eliminated during FY1978-79. Currently, no staff is assigned to program development and evaluation. Program development, monitoring, evaluation and grants management functions now are being shared by various departmental staff who have other fulltime responsibilities.

Survey Findings

Open response study data indicated 20.8% of Department of Corrections staff interviewed were concerned about Colorado's lack of a state philosophy and, 18.2% of community corrections interviewees expressed the same concern.

Because current statutes do not provide stable philosophical guidelines for developing correctional programs and for designing and operating institutional

facilities, Department of Corrections staff interviewed reported planning within the Department is uncoordinated and lacking in continuity. For example, correctional service objectives often must be redefined to meet obligations imposed by frequent changes in state mandates related to correctional functions.

Department of Corrections staff interviewed generally discussed problems within their department rather than problems which might exist in their interactions with other agencies. Conversely, practitioners in other criminal justice agencies seldom mentioned the Department of Corrections or expressed actual disinterest in or a lack of understanding of Department of Corrections functions and operations. Increased planning and coordination would provide Department of Corrections staff with a better understanding of the problems of the entire system and make other components of the system more aware of correctional problems.

State Council Recommendation

Members of the State Council on Criminal Justice agreed the lack of a state philosophy of corrections is an issue which should be included in this report. However, State Council made no further recommendation on this issue.

JAIL STANDARDS FOR COUNTY AND MUNICIPAL JAILS

Statement of the Problem

Practices and policies of jail administration and operation vary throughout the state and there are no established statewide guidelines for the construction, maintenance and operation of county or municipal jails.

Description of the Problem

Because Colorado is one of only six states without statewide jail standards, there are no uniform guidelines for Colorado's 60 fully operational county jails, several county holding facilities and the 45 municipal jails currently in operation. Statutory responsibility and liability for county jail operations rests with the sheriff; however, total funding appropriation for jail operations is determined by the county commissioners. Statute (17-26-126, C.R.S. 1973, 1978 Repl. Vol.) requires that the county commissioners examine their county jail to evaluate its sufficiency and management "during each session of the board and to correct all irregularities and improprieties therein found." There are no statewide guidelines defining "irregularities" and "improprieties". State record requirements are minimal, therefore, both the degree and the impact of variance in jail administration and operation are not readily observable. For example, by statute (17-26-118, C.R.S. 1973, 1978 Repl. Vol.) the "keeper of the county jail" is required to maintain a daily record of the "commitments and discharges of all persons delivered to his custody." In addition, the keeper of every jail must by statute (17-26-125, C.R.S. 1973, 1978 Repl. Vol.) maintain "an accurate account of all moneys received by him on account of the confinement, safekeeping, and maintenance of persons committed from other counties, fugitives from justice, and prisoners committed to the jail by authority of the United States..."

Finally, the sheriff is mandated (section 17-26-112, C.R.S. 1973, 1978 Repl. Vol.) to keep a record of "all infractions of the prison rules and regulations, as may be prescribed by law or by him."

Without minimum guidelines for the qualifications of sheriffs or for the management of jails, uniformly adequate facilities, programs and conditions are difficult to achieve on a statewide basis. Currently, the Department of Health's sanitary regulations represent the only element of statewide uniformity.

The last statewide inspection of jails by the Department of Health was completed in 1977. At that time, based on penalty points for deficiencies in 14 major categories, only 33.9% of the jails were classified as good, 23.7% were rated as fair, 22% as poor, and 6.8% as unfit for habitation. Furthermore, the inspection revealed even jails rated as good had deficiencies in some areas.

A county jail survey conducted in June and July 1977 by the Colorado Comprehensive Community Corrections Plan staff identified the following inadequacies in jail operations:

- 1) Many jailers receive no training prior to beginning their actual job assignments.
- 2) Some jails do not have adequate 24 hour supervision to deal properly with emergencies and to maintain proper inmate control and efficient jail operation.
- 3) Provision of medical and mental health services to inmates is inadequate in some jails.
- 4) Many jails provide inadequate or no exercise and recreation programs for inmates.
- 5) Approximately one-third of surveyed jails have no written operating procedures or policies.

The lack of established guidelines at the state level and, in some cases, at the local level, handicaps staff performance and increases the potential for litigation arising from inappropriate or damaging staff actions. Also, in the absence of state standards, more stringent federal standards may be imposed. Without acceptable statewide standards, equal treatment of inmates is difficult, if not impossible to attain. Although states, counties or municipalities are not required by statute to operate correctional facilities, if these units of government choose to do so, they must operate jails in compliance with the constitution guaranteeing equal treatment. If there are no state standards, minimum national standards designed generally for urban facilities may be imposed. Unless there is uniform compliance with state or national standards, a county or municipality is at the mercy of a judge's discretion if a suit against the jail administrators should be filed.

Recognizing the need for guidelines to address identified problems and inadequacies in jail operations, County Sheriffs of Colorado in 1977 requested establishment and enforcement of statewide jail standards. Essentially, County Sheriffs of Colorado agreed with the 1977 recommendation of the National Assembly on the Jail Crisis which met in Kansas: "Jail standards should be established in every state; these standards should be drafted by the state and not at the national level. Standards should be developed under a state task force system, formed with equal representation by sheriffs, jail administrators, and other state officials and resources."

Also in 1977, a moratorium on the expansion of jails and the construction of new jails except as approved by the Division of Criminal Justice (originally until July 1, 1979 then extended to July 1981) was imposed by statute 17-27-110, C.R.S. 1973, (1979 Supp.). In the absence of statewide guidelines, the moratorium was enacted to assure the provision of some sort of state level guidance and technical assistance to counties considering jail construction or expansion.

Survey Findings

Of those interviewed, 90% believe statewide jail standards are necessary, and 56.1% favored regionalization of the numerous smaller jails through consolidation into one large facility. The combination of jail functions at the county level was favored over a multicounty regional jail concept by practitioners who often expressed concern about the risk and expense of transporting offenders over too great a distance.

Staff of many agencies operating jail facilities expressed concern about the lack of employment, mental health, and alcohol and drug abuse treatment services for offenders in their facilities. Several local criminal justice practitioners, particularly in rural areas, recognized a need for state and local funding, and operation of additional regionalized corrections facilities to provide more services at less cost per client. According to these practitioners, such facilities could house a combination of misdemeanants serving a sentence of six months or longer and felons serving a relatively short sentence of perhaps up to one and one-half to two years. Interviewees reported another advantage of this approach would be to allow offenders who need more supervision than a community corrections program provides, but less than that provided by a jail or correctional institution, to be housed closer to home. Still another advantage cited is the facilitation of compliance with the statutory intent (section 17-26-105, C.R.S. 1973, 1978 Repl. Vol.) to separate "persons committed on criminal process and detained for trial and persons committed for contempt or upon civil process...from...prisoners convicted and under sentence."

State Council Discussion

State Council discussion of corrections standards and statutes centered around statewide standards for jail operations. Testimony presented during the discussion underscored a concern by county commissioners about imposing more rules and regulations and the need for funds to implement statewide standards. Other testimony submitted to State Council stressed that if there are to be state-mandated standards, the construction, maintenance and operation of county jails should be funded solely by the state.

Testimony before State Council also emphasized the fact that Colorado needs standards of its own to avoid having to comply with unrealistic federal guidelines in the absence of statewide jail standards. According to this testimony, the process of developing standards for Colorado will provide a chance for making choices of one sort or another. Further down the line, when county personnel see the benefit of statewide standards, funds will come from local jurisdictions to support jails operated in compliance with reasonable minimum statewide standards.

State Council Recommendation

TO ESTABLISH AND IMPLEMENT REASONABLE MINIMUM JAIL STANDARDS.

Followup Activities

In October 1979, the Governor of Colorado established by executive order a Jail Standards/Criteria Planning Commission funded through a National Institute of Corrections grant. County commissioners, sheriffs, police chiefs, municipal government officials, district attorneys, public defenders, Colorado State Patrol, judges, youth service agencies, the American Civil Liberties Union, legislators and private citizens are represented on the 23 member commission. The task of the project is to develop and define reasonable minimum standards/criteria for all municipal and county jails and to examine those law enforcement and judicial practices which contribute to jail overcrowding.

The final report of the Jail Standards/Criteria Planning Commission is scheduled for publication September 1980.

CORRECTIONAL INDUSTRIES MARKET

Statement of the Problem

The market for Correctional Industries products is inadequate.

Description of the Problem

Statutory restrictions limited the sale of Correctional Industries products to governmental agencies. However, state agencies do not always purchase goods and services from Correctional Industries as mandated (section 17-24-111(1) C.R.S. 1973, 1978 Repl. Vol.) The statute states: "The state in its institutions, agencies and departments shall purchase...such goods and services as are produced by the (Correctional Industries) division. Such goods and services shall be provided at a price comparable to the current market price for similar goods and services. No similar goods and services shall be purchased by state agencies from any other source...unless the division certifies...that it is not able to provide the goods and services."

The interstate sale of Correctional Industries products now is authorized by statute. Effective February 1980, the General Assembly repealed section 17-24-106.5, C.R.S. 1973, 1978 Repl. Vol. (1979 Supp.) which had been passed by the General Assembly effective May 22, 1979, to authorize the Division

of Correctional Industries "to contract with other states or the federal government for the purpose of manufacturing and selling license plates, validation stickers or wood products to such governments." The General Assembly amended section 17-24-106(1)(f) to allow Correctional Industries, "To sell all goods and services, including capital construction items, produced by the programs to agencies supported in whole or in part by the state, any political subdivision of the state, OTHER STATES OR THEIR POLITICAL SUBDIVISIONS, or the federal government."

Survey Findings

Open response data revealed 20.8% of the Department of Corrections staff viewed the inadequate market for Correctional Industries products as a major problem. Staff suggestions to resolve the market problem included allowing Correctional Industries to develop product and service contracts with private industry and develop an attractive product line at or below prices quoted elsewhere to encourage state agencies to purchase Correctional Industries goods.

State Council Recommendation

Members of the State Council agreed that this issue should be included in the study report, but made no further recommendation.

COMMUNITY CORRECTIONS ISSUES

Statement of the Problem

1. There is a lack of guidelines or standards for community corrections programs.
2. The statutes do not define clearly who has authority to supervise offenders when they are directly sentenced to community corrections programs and are not on probation; and, when offenders are sentenced to community corrections programs by the courts as a condition of probation.
3. Funding for community corrections programs is inadequate and unpredictable.

Description of the Problem

No guidelines or standards for the operation of community corrections programs currently exist. Community corrections programs have varied organizational structures. Two programs are state operated, several are county operated and the balance are privately operated facilities. Qualifications for personnel are established by the unit of government of the facility director on board. Salaries for community corrections staff vary significantly from one facility to another.

State operated community corrections facilities such as Bails Hall Work Release Center and Fort Logan Community Corrections Center in Denver receive an entry level monthly salary between \$800 and \$900; counselors in privately operated community corrections receive \$700 to \$1,000 per month at the entry level, with most earning between \$700 and \$740. Entry level salaries for correctional or security officers range from approximately \$750 per month

for private programs to \$1,075 per month for state operated programs. The lack of standards or guidelines could result in inconsistent quality of services provided to clients.

When offenders are sentenced directly to community corrections and are not on probation, these offenders are not supervised by either probation or the Department of Corrections staff. Furthermore, if the behavior of offenders sentenced directly to community corrections is inappropriate, community corrections program personnel do not have the authority to request directly that law enforcement personnel pick up and detain an offender who is disruptive or dangerous. This action must be requested of the probation department or the judge. However, the statutes do not make it clear that the courts have the jurisdiction to take this action on direct sentence cases. The only recourse is described in section 17-27-103, C.R.S. stating that if an offender is rejected by the corrections board after initial acceptance, the offender shall remain in the custody of the corrections board for a reasonable period of time pending receipt of appropriate orders from the judicial district or the department (Corrections) for the transfer of such offender."

In situations where an offender is sentenced to a community corrections program as a condition of probation, the statutes (17-27-105, C.R.S. 1973, 1978 Repl. Vol.) do not define clearly whether probation or community corrections staff have the responsibility for supervision. The Criminal Justice System Study revealed differences in attitudes regarding appropriate supervisory authority in such cases. Interviewees reported that probation and the courts have taken the position that these offenders are within the community corrections facilities willingly as a condition of probation or direct sentencing and, therefore, are under the jurisdiction of the court through the probation department.

Some community corrections staff feel, however, that since these offenders are physically located within the community corrections facilities, they should be under the jurisdiction of facility staff, particularly because such jurisdiction is necessary for appropriate behavior control. Without such jurisdiction, programs could be jeopardized simply because community corrections staff do not have the power to deal directly with disruptive behavior situations.

Although in 1978, the Colorado Comprehensive Community Corrections Plan recommended that "the full ramification of direct sentence to community corrections should be studied by the judiciary for possibly statutory clarification" ⁵, the statutes remain vague and unclear.

Although there is no statutory limit on state reimbursement paid to a program, community corrections facilities currently receive an average of \$21-22 per day per offender. This rate does not adequately cover the costs of providing the appropriate services.

In addition, because the annual Colorado General Appropriation Bill always is passed late in the legislative session, Department of Corrections staff do not know funding levels much in advance of the new fiscal year making planning by local community corrections programs extremely difficult.

Survey Findings

Of the practitioners who responded to a survey question regarding community corrections, 91.7% felt that statewide guidelines for community corrections programs should exist. Community corrections staff noted during the interviews the absence of statutory guidelines for their programs and requested such guidelines be developed by the Department of Corrections. Because of the absence of statutory guidelines for community corrections programs, more direction and technical assistance from the Department of Corrections is essential. For example, while the statutes emphasize funding of residential treatment programs for both diversion and reintegration, they do not address how new programs are to be coordinated with each other and with existing correctional programs.

A total of 18.2% of community corrections respondents reported problems in the interaction between community corrections and probation staff regarding responsibility for supervision of offenders sentenced to community corrections programs by the courts as a condition of probation.

Funding problems were reported by 90.9% of staff of local community corrections programs funded through the Department of Corrections. In addition, the differences in salary levels among state, county and privately funded programs are seen by interviewees as a possible reason for what they felt is a high staff turnover rate for locally operated community corrections programs.

State Council Discussion and Recommendation

State Council agreed issues regarding community corrections should be included in the study report. However, no specific recommendations for addressing these issues were considered.

FUNDING OF STATE MANDATED CORRECTIONS SERVICES PROVIDED BY THE SHERIFF

Statement of the Problem

In some counties, as much as 50% of the jail operating budget is spent in providing custody or transportation services for offenders under state jurisdiction without reimbursement from the state.

Description of the Problem

Placements by the Colorado State Patrol, parole violators and prison escapees are included among those offenders the sheriff is required to house, at least temporarily, in the county jail. The Department of Corrections has no written policy governing reimbursement expenses to sheriffs for the keeping of parole violators or escapees. However, the Department of Corrections does reimburse sheriffs if the Department of Corrections places an inmate in a county jail as is sometimes done, for example, in protective custody cases to safeguard the inmate. In addition, sheriffs are statutorily obligated (section 30-10-514, C.R.S. 1973, 1978 Repl. Vol.) to transport prisoners "to the penitentiary of the state, or other place of confinement, to convey to such penitentiary or other place of confinement at one time all prisoners who may have been convicted and sentenced and who are ready for such transportation."

Survey Findings

Approximately one-half (50.8%) of all survey respondents suggest the state reimburse local units of government for costs associated with the confinement and transportation of offenders under state jurisdiction. Several of the interviewees suggest in open responses the establishment of a regional or statewide offender transportation system to reduce expenses sheriffs now incur in complying with section 30-1-514. Respondents indicated a regional or statewide offender transportation system could be operated on a cost-sharing basis.

State Council Discussion and Recommendation

The funding of state mandated services provided by the sheriff was discussed by the State Council on Criminal Justice. State Council agreed the issue of state reimbursement to local units of government for state mandated confinement and transportation of offenders requires further study, and therefore, no recommendation was made.

THE CRIMINAL JUSTICE SYSTEM IN RELATION TO RELEVANT NONCRIMINAL JUSTICE AGENCIES AND SERVICES

Related services to offenders in the criminal justice system are provided in five general areas: employment and vocational training, mental health, drug and alcohol abuse treatment, diagnostic services and health. Practitioners expressed concern regarding the availability of these services in all of the above areas except health services.

This section will discuss the four areas in which concern was expressed regarding continuity, funding, duplication and timeliness of services, and the definition of the role of these agencies in providing assistance to the criminal justice system.

Statement of the Problem

1. When needs of the offender are diagnosed, often followup in providing services is minimal.
2. The availability of services to the offender is not consistent.
3. Service agency staff often are not trained to work with offenders and are reluctant to treat offenders in their programs.
4. Employment services are not coordinated, are often duplicative and inadequate in other areas.

Description of the Problems

Practitioners in both the criminal justice system and agencies providing support services noted that even when the needs of the offender are diagnosed, often followup in the provision of services is minimal. The problem exists both in institutional and community settings. Several factors were cited as contributing to this problem. First, the availability of services among the various state penal institutions is not consistent. Programs for diagnosed treatment are not always available in the assigned facility.

If a program is available, there may be a waiting list or the services may be offered at a time which conflicts with the offender's work or educational schedule. This lack of treatment violates C.R.S. 17-40-102(2) which provides that "all offenders sentenced...(receive) appropriate programs...and treatment available...to accomplish maximum rehabilitation..." As noted in the Ramos case, "alcohol and drug abuse treatment services are inadequate in state correctional facilities: Colorado prisoners are not given adequate opportunity to correct drug and alcohol problems...prisoner self-help programs have been disallowed or severely restricted in number...services by outside organizations have been discontinued."⁶

"Findings of Fact" in the Ramos case also stated: "There is little or no systematic training oriented to employment and no indication of joint planning and program development between correctional industries, vocational education, and academic education." Therefore, if an offender is diagnosed as needing treatment but is unable to obtain it, the lack of treatment may reflect negatively on the offender's opportunities for parole or community placement.

A second treatment issue is that staff in the community often are not trained to work with offenders and are reluctant to treat offenders in their programs. There is substantial difference in the techniques required to provide mental health counseling for the self-referred individual compared to the offender who has been ordered to receive treatment as a condition of parole or community placement and may be highly resistant. Each program needs to prove itself successful in its undertakings for purposes of accountability and funding, but offender progress may not be an accurate measure of program effectiveness. The complexity of offender treatment needs and offender resistance to mandated counseling present barriers within these programs not encountered in the treatment of self-referred clients. Current methods may penalize agencies who work with offenders by making them appear less effective than they are.

Another major problem in providing continuity of services is that many related service agency personnel have little familiarity with the workings, procedures and needs of the criminal justice system. Some of these practitioners expressed a need and desire to learn more about the system, but there is no established program to provide such information. Criminal justice personnel were concerned and interested in the assistance related service agencies could provide. They expressed an interest in knowing what services were available in their geographic area. A few of these practitioners suggested a manual be developed outlining related service resources. Service agency personnel requested better and more timely information from criminal justice agencies regarding the needs of the client.

Job counseling and placement are frequently cited by practitioners as duplicative. Ironically, the availability of employment services was also cited as inadequate.

Federal guidelines for federally funded employment programs help to explain existing duplication in employment service programs for offenders. For example, the Division of Vocational Rehabilitation in the Department of Social

Services statutorily is mandated to provide counseling and medical, educational and vocational assistance to clients with mental or physical disabilities, and some offenders are among those who meet the guidelines for receiving these services. In addition, federal Comprehensive Employment Training Act (CETA) funds granted to the state are administered by the Department of Labor and Employment. Under federal regulations, three separate types of funds are distributed: prime sponsor, balance of state, and Governor's discretionary. As explained in Chapter I: "Description of the Criminal Justice System," all of these programs provide job services to offenders.

Job placement services also are provided through the thirty-two Colorado Job Services Centers; however, no counseling services for offenders are provided.

Another agency involved in providing employment services to ex-offenders is Employ-Ex, located in Denver, Colorado Springs and until recently, Pueblo. Employ-Ex was established several years ago through federal LEAA funds and is now jointly funded by the General Assembly and CETA. It specializes in vocational counseling and job placement.

Survey Findings

According to CJSS respondents, no agency has established a comprehensive plan of service delivery to include the functions of the General Assembly, law enforcement, district attorneys, probation, courts, diagnostic units, institutions, the Parole Board, parole agents, community corrections, mental health, public defenders, alcohol and drug abuse, employment, education and the private sector. Until such definition and agreement is established, agencies will continue to experience difficulties in service delivery.

More mental health counseling and diagnostic services were requested by 63.3% of the interviewees. According to 61.7% of the practitioners questioned, more alcohol and drug treatment services for offenders should be provided.

More employment and vocational training services were believed necessary by 63.6% of the interviewees responding to the questionnaire.

A need for medical services also was cited by 38.8% of these respondents.

Several related service agency personnel cited a need for more information from criminal justice practitioners regarding offenders in need of services. In addition, several interviewees requested better definitions of both criminal justice and related service agency roles in delivery of related services for the offender.

State Council Discussion

The State Council considered several possible recommendations for better service provisions. One option was to develop support services funded and operated by criminal justice agencies. However, this approach presents three major problems: the plan would be costly, it would duplicate existing

services and staff credibility might be questioned by the offenders who often view criminal justice staff as adversaries. A second option was to train related service agency personnel in the dynamics of the criminal justice system in order to structure and deliver treatment to offenders. This option also presents problems. Additional funding would be needed to develop and provide a training program for related service agency staff. Criminal justice training resources currently are inadequate. A second problem in this approach is training would have to be provided on a continuous basis to accommodate staff turnover.

Staff turnover and "burnout" rate in the human services area was acknowledged during State Council discussion to be relatively high. In the employment services area, for example, testimony given to State Council indicated that if a job service center employee stays as long as two years, he or she usually makes a career out of the job. A Colorado Job Service Center administrator told Criminal Justice System Study staff in a later conversation that "building the necessary 1:1 ratio between job counselor and client is the real problem." He felt job service staff turnover at his center to be relatively low and said that additional training for his staff would be welcome.

State Council discussion noted mental health services for offenders are provided mostly in a community situation and are quite varied and inconsistently available.

State Council discussion of employment and vocational training services revealed the following factors related to availability of such services for the offender. The Division of Vocational Rehabilitation accepts offenders six months prior to release, but after release an ex-offender must be handicapped to get into a program. The existence of Colorado's Job Centers is justified by the numbers of persons placed. Thus, there is constant pressure to move skilled persons into jobs and an ancillary system to prepare ex-offenders to enter this skilled market is essential to placement. Although CETA prime sponsors receive over \$100,000 a year to work with the disadvantaged, ex-offenders are not included. There are no programs for probationers or for offenders whose cases have been diverted or deferred.

Comments of human service agency personnel indicate a willingness to work with offenders and ex-offenders, particularly if adequate funding and training for such services are assured. A State Council member commented upon offender services as they currently exist, "It seems as if the whole system discriminates against the ex-offender."

Of the many recommendations offered by study interviewers and State Council members, a restructuring is needed to eliminate discrimination, close existing gaps, minimize duplication and encourage greater cooperation among state and local criminal justice and related service agencies.

State Council Recommendations

TO EXPAND THE MEMBERSHIP OF THE COLORADO CONSORTIUM FOR CORRECTIONAL VOCATIONAL SERVICES (CCCVS) TO INCLUDE COMMUNITY CORRECTIONS AND PROBATION

SERVICES AND EXPAND ITS EFFORTS INTO OTHER AREAS OF THE STATE. THE GOVERNOR AND CCCVS SHOULD ENCOURAGE EACH COMMUNITY TO ESTABLISH AN EMPLOYMENT BOARD COMPRISED OF APPROPRIATE CRIMINAL JUSTICE SYSTEM PERSONNEL AND EMPLOYERS TO COMMUNICATE AND WORK WITH CCCVS. LOCAL CRIMINAL JUSTICE ADVISORY COUNCILS SHOULD BE CONTACTED FOR ASSISTANCE BEFORE THE ESTABLISHMENT OF THE LOCAL EMPLOYMENT BOARDS IN THEIR JURISDICTION.

TO IMPLEMENT A COORDINATED EFFORT BY THE DIVISION OF MENTAL HEALTH, THE DIVISION OF CRIMINAL JUSTICE AND OTHER AGENCIES TO GATHER INFORMATION ON CRIMINAL JUSTICE CLIENTS REGARDING WHAT PROGRAMS ARE WORKING; TO EVALUATE AND ASSESS THE EXTENT OF CONTINUITY AND QUALITY OF SERVICES AND REVIEW APPROPRIATE FUNDING MECHANISMS FOR ADDRESSING THE SERVICE-CONTINUITY PROBLEM.

TO DEVELOP AN ALCOHOL AND DRUG ABUSE TREATMENT NEEDS MODEL FOR THE CRIMINAL JUSTICE SYSTEM COMPARABLE TO THE COMMUNITY NEEDS MODEL; UTILIZE A COORDINATION STUDY GROUP TO IDENTIFY SERVICES NEEDS AND GAPS AND TO DEVELOP PROGRAMS.

FOOTNOTES

- ¹ Section 24-1-105 C.R.S. 1973 defines the three types of transfer:
Type One Transfer: transfers an existing department to a principal department; only budgeting, purchasing and related management functions are subject to supervision by the head of the principal department.
Type Two Transfer: places all powers, duties and functions of the transferred department in the head of the principal department. Type Three Transfer: also places all power, duties and functions in the head of the principal department and also abolishes the unit so transferred.
- ² Plea Bargaining: Who Gains? Who Loses? William M. Rhodes, December 1978 Institute for Law and Social Research
- ³ Judge Skelly Wright, Federal District Court for District of Columbia, Pannell v. Unites States, 320, F.2d, 693 (D.C. Circ.), 1963.
- ⁴ Annual Statistical Report of the Colorado Judiciary (July 1, 1978 to June 30, 1979), pp. 170-1.
- ⁵ Colorado Comprehensive Community Corrections Plan (Department of Local Affairs, Division of Criminal Justice, February, 1978) p.III-55.
- ⁶ "Findings of Fact", Civil Action No. 77-K-1093, United States District Court for the District of Colorado: Fidel Ramos, David Lee Anderson, Sadiki Lisimba Ajamu, et. al., vs. Richard D. Lamm, Allen L. Ault, John Perko, Edgar Fox and William Wilson (December 20, 1979), p. 33

APPENDIX A

MEMBERS OF THE STATE COUNCIL ON CRIMINAL JUSTICE*

The Hon. Richard Dana District Court Judge	Mr. Dwayne Longenbaugh Director, Division of Local Government
Chief Arthur G. Dill Denver Police Department	**The Hon. J. D. MacFarlane Colorado Attorney General
**Mr. John R. Enright Director, Colorado Bureau of Investigation	Mr. James Oleson Chairperson, Juvenile Justice Advisory Council
The Hon. Jeanne Faatz Colorado State Representative	The Hon. Jane Quimby Mayor of Grand Junction
Mr. Richard Friend Correctional Line Officer	**The Hon. Joseph Quinn District Court Judge
**The Hon. Robert Gallagher District Attorney	**Dr. James G. Ricketts Executive Director, Department of Corrections
Sheriff Tom Gilmore Montrose County Sheriff's Department	The Hon. Leonard Roe Weld County Commissioner
**Ms. Nancy Gray State Council Chairperson Fort Collins Councilwoman	The Hon. Tim Schultz Rio Blanco County Commissioner
The Hon. Paul V. Hodges Chief Justice, Colorado Supreme Court	**Mr. Jeremy Shamos Private Attorney
**Delegate: The Hon. Donald Smith, State Court of Appeals	Chief John L. Tagert Colorado Springs Police Department
Colonel C. Wayne Keith Chief, Colorado State Patrol	Mr. James D. Thomas State Court Administrator
Dr. Raymond Leidig Executive Director Department of Institutions	**Mr. Greg Walta State Public Defender
	The Hon. Robert S. Wham Colorado State Senator

*November 1979

** Members of the Criminal Justice System Study Subcommittee

APPENDIX B

LIST OF STATE AGENCIES RESPONDING TO AGENCY PROFILE SURVEY

Alcohol and Drug Abuse Division, Department of Health
Brand Inspection Division, Department of Agriculture
Colorado Balance of State CETA Prime Sponsor, Department of Labor and
Employment
Colorado Bureau of Investigation, Department of Local Affairs
Colorado District Attorneys Council
Colorado Law Enforcement Training Academy, Department of Local Affairs
Colorado State Patrol, Department of Highways
Department of Corrections
Department of Labor and Employment
Division of Communications, Department of Administration
Division of Criminal Justice, Department of Local Affairs
Division of Employment and Training, Department of Labor and Employment
Division of Epidemiology, Department of Health
Division of Mental Health, Department of Institutions
Division of Services for the Aging, Department of Social Services
Division of Vocational Rehabilitation, Department of Social Services
Division of Wildlife, Department of Natural Resources
Enforcement Division, Department of Revenue
Executive Clemency Advisory Board, Governor's Office
Liquor Enforcement Division, Department of Revenue
Motor Vehicle Division, Department of Revenue
Office of Manpower Planning and Development, Department of Labor and
Employment
Organized Crime Strike Force, Attorney General's Office
Parole Board
State Council on Criminal Justice
State Public Defender

APPENDIX C

RESPONDENTS TO QUESTIONNAIRES*

Randy Ackerman, Personnel Director, Court Administration, Judicial Branch
 Rex Ageton, Chief, Division of Criminal Justice Research and Evaluation,
 Department of Local Affairs
 William Aldrige, Chief Deputy Coroner, City and County of Denver
 James Allison, Chief Deputy District Attorney, Second Judicial District
 Roger Allott, Chairman, Region Three Criminal Justice Advisory Council
 Janet Ambrose, Director, Adult Diversion, Second Judicial District
 Dorothy Anders, Director, Division of Services to the Aging, Department
 of Social Services
 A. J. Anderson, Administration and Telephone Manager, Division of Com-
 munications, Department of Administration
 Harold Andrews, Weld County Sheriff
 Richard Address, Northglenn City Manager
 Ray Archuleta, Chief of Security, Community College of Denver, North
 Campus
 Michael Argall, District Attorney, Sixth Judicial District
 James Arthurs, Adams County Coroner
 David Ashmore, Director, Division of Social Services, Department of
 Social Services
 Allen Ault, Executive Director (Former), Department of Corrections
 Rod Ausfahl, Region Seven Criminal Justice Planner, Southeast Regional
 Criminal Justice Planning Council
 John Aycrigg, Director, Fort Logan Mental Health Center
 James Ayers, Administrative Officer, Public Defender's Office
 John Baker, Public Safety Administrator III, Colorado State Hospital
 Robert Balliger, Acting Director, Basin Health Unit, Durango
 Rini Bartlett, Director of Training, Department of Corrections
 Sharon Bartlett, Adult Parole Agent, Parole District Four
 Rolland Bashford, Kersey Police Chief
 Paul Beacom, District Attorney, 17th Judicial District
 Robert Behrman, Chief District Court Judge, 19th Judicial District
 Thomas Bennett, Bayfield Town Trustee
 Bill Berry, Motor Vehicle Dealers Administrator, Division of Motor
 Vehicles, Department of Revenue
 Steven Berson, Deputy Director, Department of Revenue
 Darol Biddle, Pueblo Private Attorney
 Bob Bing, Curriculum Development Specialist, Colorado Law Enforcement
 Training Academy (CLETA), Department of Local Affairs
 Stephen Bloom, Director, Program Development and Evaluation, Department
 of Corrections
 Robert Boe, Executive Director, Southwest Colorado Mental Health Center,
 Durango
 Larry Bohning, Denver City Attorney
 Bill Bokros, Director, Transition (Residential) Services, Department
 of Corrections
 Mel Boll, Director of Security, Denver General Hospital
 Clarence Boyd, Akron Municipal Magistrate
 Jay Brandes, Special Investigator, Division of Wildlife, Department of
 Natural Resources
 Harold Bray, Jefferson County Sheriff
 Carl Breuning, Calhan Town Trustee
 Debbi Brincivalli, Region Nine Criminal Justice Planner
 Ron Broce Greeley Alcohol Recovery and Rehabilitation Center
 Al Brown, La Plata County Sheriff
 Cordell Brown, Agent-In-Charge, Colorado Bureau of Investigation (CBI)
 Department of Local Affairs
 Eugene Brown, Public Safety Administrator, Pikes Peak Community College
 Nolan Brown, District Attorney, First Judicial District
 Gray Buckley, Senior Agent-In-Charge, CBI, Department of Local Affairs
 Gordon E. Bugg, Durango Municipal Court Judge
 Robert Burke, Assistant Director, Operations; Division of Criminal
 Justice, Department of Local Affairs
 James Burrs, Evans Police Chief
 Donald Burton, Director, Region Three Criminal Justice Planning Council
 Dian Callaghan, Assistant Director, Planning; Division of Criminal
 Justice, Department of Local Affairs
 John Callahan, Officer-In-Charge, Planning and Research; Colorado State
 Patrol, Department of Highways

*Names and titles at time of interview phase of the study (May 1979)

Craig Camp, Northglenn Police Chief
 Runall Canady, Director, Division of Communications, Department of
 Administration
 Joe Cannon, District Court Judge, Fourth Judicial District
 Sandy Carter, Planner, Division of Social Services, Department of
 Social Services
 Richard Casson, Deputy Public Defender, 14th Judicial District
 George Cerciello, Program Director, Moffat County Detoxification and
 Residential Care Center
 Irene Cohen, Involuntary Commitment Coordinator, Alcohol and Drug
 Abuse Division, Department of Health
 Penny Collins, Director, Adams County Community Corrections
 Thomas Connell, Evans Municipal Judge
 Gordon Cooper, Pueblo County Court Judge
 Thomas Cooper, Superintendent, Buena Vista Correctional Facility
 John Coppom, Chief Adult Probation Officer, 19th Judicial District
 Thomas Crago, Director, Office of Research and Management Information
 Systems, Department of Corrections
 Richard Cripe, Executive Director, Weld County Mental Health Center
 Dan Dailey, Director, Horizon's, Greeley
 Thomas Darnsal, Colorado Springs City Attorney
 George T. Davis, Supervisor, District Three Adult Parole Office
 Richard Davis, Deputy State Public Defender, Second Judicial District
 Lynn Dawson, Planner, Division of Mental Health, Department of Health
 George Delaney, Director of Management Services, Department of
 Corrections
 Peter DeLisle, Director, COM-COR, Colorado Springs
 Robert Devalle, Investigator, District Attorney's Office, 14th Judicial
 District
 Robert DeVries, Adult Probation Officer, 14th Judicial District
 Herman Diesenhaus, Chief, Program Development Section, Alcohol and Drug
 Abuse Division, Department of Health
 Art Dill, Denver Police Chief
 John Dolan, Adult Parole Agent, Parole District Five
 David Doleshal, Clinical Administrator, Colorado Springs Drug Dependency
 Clinic
 Royal Donne, Washington County Court Judge
 James Dover, Federal Heights Municipal Court Judge
 Benjamin Duarte, Adult Probation Officer, 12th Judicial District
 Ralph Dublinski, Chief Adult Probation Officer, 17th Judicial District
 William Eakes, Chief District Court Judge, Sixth Judicial District
 David Eisner, Deputy Public Defender, 17th Judicial District
 Edward Eital, Troop B, District Four Lieutenant, Colorado State Patrol,
 Department of Highways
 Marvin Eller, Liquor Control Chief, Division of Liquor Enforcement,
 Department of Revenue
 Jan Engwis, Training Standards/Grants Manager, Colorado Law Enforcement
 Training Academy (CLETA), Department of Local Affairs
 John Enright, Director, Colorado Bureau of Investigation (CBI), Depart-
 ment of Local Affairs
 Tony Erosky, El Paso County Jail Administrator
 Steven Etienne, Otis Police Chief
 Donald Evans, Superintendent, Fremont County Correctional Facility,
 Department of Corrections
 Robert L. Evans, Assistant Director of Staff, Division of Wildlife,
 Department of Natural Resources
 Jack Ewing, Assistant Superintendent, Colorado State Hospital, Depart-
 ment of Institutions
 Eugene Farish, District Attorney, 12th Judicial District
 James Fennell, Investigator, District Attorney's Office, Second Judicial
 District
 Stanley Ferguson, Disease Control and Epidemiology Division, Department
 of Health
 Ronald Foster, Legal Training Consultant, Outreach Program, CLETA,
 Department of Local Affairs
 Edward Fox, Director, Division of Correctional Industries, Department
 of Corrections
 Craig Franklin, Coordinator, Alamosa Transitional Care Facility
 Elayne Gallagher, Director, American Correctional Association Standards
 Study, Department of Corrections
 Charles Gallegos, San Luis Town Trustee
 Steven Garcia, Marketing Manager, Department of Corrections
 Alexander Garlin, Deputy Public Defender, First Judicial District

Joseph Garneau, Budget Officer, Department of Labor and Employment
 Elisabeth Gibson, Director, Restitution Project, Department of Local Affairs
 Robert Gilbert, District Three Captain, Colorado State Patrol, Department of Highways
 Howard Gillespie, Chief Special Investigator, Colorado Bureau of Investigation (CBI), Department of Local Affairs
 Gene Gladden, Director, Bails Hall Work Release Center, Denver
 Barbara Gletne, Director of Planning and Analysis, Judicial Branch
 Ruben Golka, Deputy Public Defender, Fourth Judicial District
 Edward Gomez, Director, Pueblo Area Work Release Center
 Felix Gonzales, Unit Director, Pikes Peak Mental Health Center
 Daphne Goodwin, Civil Rights and Drug Abuse Specialist, Division of Criminal Justice, Department of Local Affairs
 Harry Gorman, La Plata County Jail Commander
 Roland Gow, Executive Director, Pikes Peak Area Council of Governments
 Mel Grantham, Law Enforcement Officer, Division of Liquor Enforcement, Department of Revenue
 Nancy Gray, Chairwoman, State Council on Criminal Justice; Fort Collins City Councilwoman
 Mel Green, Investigator, Department of Corrections
 Harry F. Greenman, Manitou Springs Police Chief
 William Greichen, Manager, Program Planning and Control Logistics, Department of Corrections
 John Griffin, Superintendent, Colorado Women's Correctional Facility, Canon City
 Al Haas, Durango Private Attorney
 Chuck Haines, Rehabilitation Supervisor, Colorado State Hospital, Division of Vocational Rehabilitation, Department of Social Services
 Earl L. Haller, Brand Inspector, Division of Brand Inspection, Department of Agriculture
 Robert Hanson, WIN Supervisor, Division of Social Services, Department of Social Services
 David Harrold, Executive Director, Jefferson County Mental Health Center
 Dean Harrow, Rehabilitation Program Supervisor, Division of Vocational Rehabilitation, Department of Social Services
 Cal Harvey, Director, Denver EMPLOY-EX
 David Hawker, Federal Heights City Manager
 Jonathan Hays, District Court Judge, 19th Judicial District
 Gordon Heggie, Parole Board Chairman
 Charles Heim, Chairman, Region Four Criminal Justice Advisory Council
 Harvey Hersch, Director, Denver C.A.R.E.S.
 Paula Herzmark, Executive Director, Department of Local Affairs
 Lou Hesse, Director, Reception and Diagnostic Center, Department of Corrections
 R. H. Heydt, Officer-in-Charge of Staff Services, Colorado State Patrol, Department of Highways
 Robert Hicks, Deputy State Public Defender, 19th Judicial District
 Maury Hilty, Director of Personnel, Department of Corrections
 Ron Hinton, Budget Officer, Colorado State Patrol, Department of Highways
 Donald Huff, Platteville Municipal Court Judge
 Jack Hogue, Chief of Wildlife Enforcement, Division of Wildlife, Department of Natural Resources
 John Holland, Staff Major, Colorado State Patrol, Department of Highways
 John Hollis, Troop B, District Two Lieutenant, Colorado State Patrol, Department of Highways
 Charles Holmgren, Director, Craig Mental Health Office
 Robert Houghton, Deputy Director of Correctional Industries, Department of Corrections
 Claus Hume, Chief District Court Judge, 14th Judicial District
 David Huson, Akron Police Chief
 Francis Jackson, Jefferson County Court Judge
 Steve Jacobson, Deputy Public Defender, Tenth Judicial District
 Jean Jacobucci, Chief District Court Judge, 17th Judicial District
 Jorja Jahrig, Colorado Springs Domestic Violence Center
 Mary Lynne James, Craig Private Attorney
 Max James, Director of Financial Services, Judicial Department
 Nelson Jennett, Senior Agent, Montrose Regional Office, Colorado Bureau of Investigation (CBI), Department of Local Affairs
 Nancy Jewell, Researcher, Division of Criminal Justice, Department of Local Affairs

Doyle Johns, District Attorney, 13th Judicial District
 Bert Johnson, Adams County Sheriff
 Dean Johnson, Chief Judge, 13th Judicial District
 Waino Johnson, District Judge, 13th Judicial District
 James Joy, Director, Denver American Civil Liberties Union
 Roy Judge, Data Processing Manager II, ADP Section, CBI, Department of Local Affairs
 Kenneth Keim, Washington County Coroner
 Wayne Keith, Chief, Colorado State Patrol, Department of Highways
 Bonnie Kelly, Director, Moffat County Social Services
 Jerry Kempf, Denver County Commissioner
 Stevens Kinney, Arvada Municipal Court Judge
 Roger Klein, Kersey Municipal Court Judge
 Haydee Kort, Director, Colorado State Hospital, Division of Mental Health, Department of Institutions
 James Kramer, Pueblo County Coroner
 Willis Kulp, Weld County Court Judge
 Jeffrey Kushner, Director, Alcohol and Drug Abuse Division, Department of Health
 Cary Lacklen, Deputy Public Defender, 19th Judicial District
 Edmund Lambert, Wheat Ridge City Attorney
 Frederick Lane, Special Services Supervisor II, Division of Adult Services, Department of Corrections
 Roger Lauen, Director, Diversion Services, Department of Corrections
 Oyer Leary, District Court Judge, 17th Judicial District
 Raymond Leidig, Executive Director, Department of Institutions
 Dave Lemons, Wildlife Planning Supervisor, Division of Wildlife, Department of Natural Resources
 Theodore Layba, Chief of Campus Security, University of Southern Colorado
 Joseph Lilly, Chief District Judge, Second Judicial District
 Thomas Lindquist, District One Captain, Colorado State Patrol, Department of Highways
 Mark E. Litvin, Director, Division of Vocational Rehabilitation, Department of Social Services
 F. J. Livingston, Chief Probation Officer, Fourth Judicial District
 Henry Labato, Costilla County Court Judge
 Joseph Lopez, Adult Parole Agent, Parole District Three
 J. E. Losavio, District Attorney, Tenth Judicial District
 James Lowe, Chairman, Region Seven Criminal Justice Advisory Council
 James Lubker, Adult Probation Officer, 13th Judicial District
 Jack Ludlow, Educational Supervisor, Department of Corrections
 Michael Maag, Region Two Criminal Justice Planner
 J. D. MacFarlane, State Attorney General, Department of Law
 Frederick Mack, Pueblo Municipal Court Judge
 Patrick Mahan, Jefferson County Attorney
 James Mahoney, Team Leader, Adams County Mental Health Center
 Pat Malak, Grants Administrator, Division of Criminal Justice, Department of Local Affairs
 George Manerbino, Presiding Judge, Denver County Court
 Howard Mann, Chairman, Region One Criminal Justice Advisory Council
 Frank Mansheim, Director, Division of Motor Vehicles, Department of Revenue
 George Manzanares, Ignacio Town Marshal
 Wayne Martin, Federal Heights Police Chief
 Hubert Mathers, Moffat County Court Judge
 Mary Jane McBean, Director, Women's Assistance Service, Commerce City
 Jean McCorry, Supervisor, Jefferson County Vocational Rehabilitation
 Lane McCrum, Rehabilitation Counselor, Vocational Rehabilitation, Colorado State Penitentiary, Department of Corrections
 Phillip McDonald, Region One Criminal Justice Planner, Northeastern Colorado Council of Governments
 William McDonald, Washington County Sheriff
 Howard McFadden, Director, THE ARK, Green Mountain Falls
 Jerry McNeil, Acting Chief, Division of Employment Training, Department of Labor and Employment
 Wallis Messamore, Adult Parole Agent, Parole District Four
 Jan Michael, Region Four Criminal Justice Planner, Pikes Peak Area Council of Governments
 Donald Miller, Kersey Mayor
 Robert Miller, District Attorney, 19th Judicial District

Sutherland Miller, Director, Division of Mental Health, Department of Institutions
 Peter Mirelez, Chairman, Adams County Commissioners
 Ralph Mock, Director of Marketing, Correctional Industries, Department of Corrections
 Charles Mondragon, Costilla County Coroner
 Jim Moore, Program Specialist, Office of Manpower Planning and Development, Department of Labor and Employment
 Scott Moore, Chairman, Denver Anti-Crime Council
 Sidney Morehouse, Supervising UCR Specialist, Colorado Bureau of Investigation (CBI), Department of Local Affairs
 William Morris, Commerce City Municipal Court Judge
 Trudi Morrison, Law Enforcement Specialist, Division of Criminal Justice, Department of Local Affairs
 Larry Muehleisen, Coordinator, Alcohol Receiving Unit, Colorado Springs
 Richard Mullins, Executive Director, Northeastern Colorado Council of Governments
 Carroll Multz, President, District Attorneys' Council, Moffat County District Attorney
 Whitford Myers, Chief District Court Judge, 12th Judicial District
 Richard Nathan, First Assistant Attorney General, Department of Law
 Donald Nicholas, Chief Investigator, Adams County Social Services
 H. Noon, Electrical Engineer, Division of Communications, Department of Administration
 Ronald Oberholtzer, Durango Police Chief
 Michael Obermeyer, Adams County Court Judge
 Lynn Obernyer, Assistant Attorney General for the Division of Wildlife, Department of Natural Resources
 Kileen Odenbaugh, Acting Platteville Police Chief
 Robert Ogburn, Costilla District Court Judge, 12th Judicial District
 David Pampu, Executive Director, Denver Regional Council of Governments
 John Parmenter, Adult Parole Agent, Parole District Four
 Robert Pastore, Costilla County Deputy Public Defender, 12th Judicial District
 Timothy Patalan, La Plata County Deputy Public Defender, Sixth and 22nd Judicial District
 Wayne Patterson, Denver County Undersheriff
 Mark Pautler, Courts Specialist, Division of Criminal Justice, Department of Local Affairs
 William Paynter, Akron and Otis City Attorney
 Stanley Peek, Greeley Assistant District Attorney, 19th Judicial District
 Robert Pelc, Executive Director, Drug Abuse Treatment Center, Denver
 John Perez, Manager of Services, Campus Security, Colorado School of Mines
 John Perko, Director, Division of Adult Services, Department of Corrections
 Mark Phelps, Adult Probation Officer, Sixth Judicial District
 Randall Phillips, Region Eight Criminal Justice Planner
 Steven Phillips, First Assistant Attorney General, Litigation Section, Department of Law
 Connie Pizman, Secretary, Southwest Community Corrections Center
 Douglas Piersel, Pueblo County Deputy Public Defender, Tenth Judicial District
 Herb Porter, Law Enforcement Officer, Division of Liquor Enforcement, Department of Revenue
 Edward Post, Chief of Enforcement, Collection Division, Department of Revenue
 Kenneth Powell, Field Operations Major, Colorado State Patrol, Department of Highways
 Edward Prenzlau, Southeast Regional Manager, Division of Wildlife, Department of Natural Resources
 Paul Quinn, Director, Division of Criminal Justice, Department of Local Affairs
 Matt Railey, El Paso County Court Judge
 Hope Ramirez, Director, OUR HOUSE, Pueblo
 Robert Ray, Greeley Private Attorney
 E. W. Renta, Bayfield Mayor
 Gregory Rentchler, Criminal Investigator, Durango District Attorney's Office, Sixth Judicial District
 James Ricketts, Executive Director, Department of Corrections
 Warren Risch, Director, Denver Center for Creative Living
 David Rivera, Public Safety Administrator II, Auraria Department of Public Safety

Adam Robison, Troop B, District Five Lieutenant, Colorado State Patrol, Department of Highways
 John Rodman, Assistant Attorney General, Department of Law
 Jose Rodriguez, Executive Director and President, INDEPENDENCE HOUSE FAMILY, Denver
 Leonard Roe, Weld County Commissioner
 William Rogers, Moffat County Jail Administrator
 Orlando Romero, Denver City and County Social Services
 Terry Rosen, Denver Citizens Response Office
 Chris Rowe, Director, Denver Employment Training Administration (CETA), Department of Labor and Employment
 H. L. Rowe, State Brand Commissioner, Division of Brand Inspection, Department of Agriculture
 Lee Ruark, Public Safety Administrator II, Adams State College, Alamosa
 Michael Rulo, Acting Marshal, Green Mountain Falls
 Robert Russel, El Paso County District Attorney, Fourth Judicial District
 William Rutledge, Adult Parole Supervisor, Parole District Four
 Jonathan Rutstein, Executive Director, Larimer-Weld Regional Council of Governments
 Richard Saba, Deputy District Attorney, 14th Judicial District
 Arnold Salazar, Administrative Assistant, San Luis Valley Comprehensive Community Mental Health Center
 Wayne Sandfort, Assistant Director, Operations; Division of Wildlife, Department of Natural Resources
 Ernest Sandoval, Costilla County Sheriff
 John Sauer, Public Safety Supervisor, Fort Lewis State College, Durango
 Youlon Savage, Executive Director, Adams County Mental Health Center
 Everett Schissler, Adult Probation Supervisor, First Judicial District
 Marvin Schlageter, District Two Captain, Colorado State Patrol, Department of Highways
 Edward Schlatter, Chief Deputy Public Defender, Second Judicial District
 Richard Schnackenberg, Investigator, District Attorney's Office, Fourth Judicial District
 William Scholten, Executive Director, Bethesda Community Health Center, Denver
 John Schroeder, Pueblo Director of Services and Programs, Division of Social Services, Department of Social Services
 Walter Schuett, Supervisor, Hearings, Division of Wildlife, Department of Natural Resources
 Leslie Seeley, Bayfield Marshal
 Daniel Shannon, Chief District Court Judge, First Judicial District
 Donald Shepherd, Pueblo Senior Agent, Colorado Bureau of Investigation (CBI), Department of Local Affairs
 Robert Sherman, Director of Security, University of Denver
 Lloyd Shinsato, Northglenn Municipal Court Judge
 Robert Silva, Chairman, Region Two Criminal Justice Advisory Council
 Robert Silva, Pueblo Police Chief
 John Simonet, Director, Denver Community Corrections Center
 Norvel Simpson, Director, Colorado Springs Human Services
 Gloria Sindt, Instructor, Colorado Law Enforcement Training Academy (CLETA), Department of Local Affairs
 Margaret Smiley, Executive Director, Washington House, Commerce City
 Merlin Smith, Pueblo Area Program Administrator, Balance-of-State Comprehensive Employment Training Administration (CETA)
 Eben Smith, San Luis Municipal Court Judge
 Bobbi Spicer, Director, Women in Crisis, Lakewood
 Robert Staggs, Investigator, District Attorney's Office 19th Judicial District
 John Stanley, Adult Parole Supervisor, Parole District Five
 Robert Steinborn, Deputy District Attorney, 17th Judicial District
 Bente Sternberg, Executive Director of Projects, District Attorney's Office, First Judicial District
 Paul Stoddard, Weld County Coroner
 David Stone, Project Supervisor, Drug Abuse Project, Durango
 William Stroup, Calhan Town Marshal
 Marcia Swain, Deputy Director, District Attorney's Council, Denver
 Jerry Silva, Director, Colorado Corrections Center, Golden
 John Tagert, Colorado Springs Police Chief
 Arthur Tague, Denver Private Attorney
 Duane Tate, Investigator, District Attorney's Office, 17th Judicial District

William Taylor, Housing Representative Inspector, Consumer Protection
 Off. , Department of Health
 Sam Taylor, Corrections Supervisor, Division of Vocational Rehabilitation,
 Department of Social Services
 Victor E. Taylor, Craig Police Chief
 Wayne Teegarden, President, Institutional Law Enforcement Director's
 Association
 Larry Theis, Assistant Attorney General, Anti-Trust Division, Department
 of Law
 Norman Thom, Deputy Public Defender, Fourth Judicial District
 James Thomas, State Court Administrator, Judicial Department
 Frederick Thompson, Deputy Director for Correctional Industries, Depart-
 ment of Corrections
 Dan Tihonovich, Pueblo County Sheriff
 Gene Tollis, Records Manager, Department of Corrections
 Dale Tooley, Denver District Attorney, Second Judicial District
 Ronald Truax, Adult Parole Agent, Parole District Three
 Arnold Trujillo, Campus Police Chief, University of Colorado, Colorado
 Springs
 Larry Trujillo, Chief Adult Probation Officer, Tenth Judicial District
 Robert Trujillo, Director of Parole, Division of Adult Services, Depart-
 ment of Corrections
 Louis Tydings, Weld County Jail Administrator
 Paul Upah, Adult Parole Agent, Parole District One
 Raoul Urich, El Paso County Coroner
 S. L. Valdez, Moffat County Sheriff
 David Vela, Deputy Public Defender, 17th Judicial District
 Andrew Vogt, Executive Director, District Attorney's Council
 Ronald Vogt, Assistant Officer-in-Charge, Colorado Law Enforcement
 Training Academy (CLTA), Department of Local Affairs
 James Wadeill, Adult Parole Agent, Parole District Three
 James Walch, Director, Pueblo County Social Services
 Frances Walker, Acting Director of Program Services, Division of Mental
 Health, Department of Institutions
 Greg Walta, State Public Defender
 Norman Walton, Colorado Springs Municipal Court Judge
 Robert Wasco, Morrison Police Chief
 Joseph Weatherby, Chief Trial Deputy, 13th Judicial District
 Art Weaver, Ignacio Chief of Tribal Police
 Kay Weisbecker, Region II Criminal Justice Planner
 Charles Weller, Executive Director, Denver Anti-Crime Council
 Sandra Wells, Investigator, District Attorney's Office, Tenth Judicial
 District
 David West, Durango City Prosecutor
 Craig Westberg, District Attorney, Sixth Judicial District
 Roger Wheeler, Adult Parole Supervisor, Parole District Three
 Walter Whitelaw, Officer-in-Charge, Colorado Law Enforcement Training
 Academy (CLETA), Department of Local Affairs
 Carl Whiteside, Deputy Director, Colorado Bureau of Investigation (CBI),
 Department of Local Affairs
 James Whitmire, Deputy District Attorney, Tenth Judicial District
 Neal Wilkstrom, Commerce City Police Chief
 Alex Wilson, Chief of Community Based Programs, Department of Corrections
 William Wilson, Superintendent, Canon City Correctional Facility
 Thomas Yates, Director, Department of Public Safety, University of
 Northern Colorado, Greeley
 Walter Young, Evaluation Assistant, Alcohol and Drug Abuse Division,
 Department of Health
 John Yurko, Chief Adult Probation Officer, Second Judicial District
 John Zapien, Member of State Parole Board
 John Zivnaska, Director, Division of Alcohol Services, Lakewood
 Bruce Zoble, Moffat County Coroner
 David H. Zook, Deputy District Attorney, Fourth Judicial District

TYPES OF AGENCIES SURVEYED

Basic Category: Specific Categories

Law Enforcement

State Patrol
Local (General)
Local Sheriff
Local Police
Colorado Law Enforcement Training Academy (CLETA)
Campus or Institutional Law Enforcement
Campus or Institutional Security
Colorado Bureau of Investigation
Other (Any Specific Agency)

Prosecution

Attorney General
District Attorney
City Attorney
Organized Crime Strike Force (OCSF)
Other

Public Defender

State - Public Defender
Legal Aid
American Civil Liberties Union
Other

Corrections

Department of Corrections (DOC) (General)
State Correctional Facilities
Community Corrections Program(s)
Community Corrections Board(s)
Parole
Parole Board
Local/County Jails
Commute Board
Other

Court

Supreme Court
Judicial Department
District Court (Excluding Probation)
County Court
City Court
Probation
Other

Basic Category: Specific Categories

Planning

Division of Criminal Justice (DCJ)
Regional Planning Unit (RPU)
Council of Government (COG)
Criminal Justice Advisory Council (CJAC)/
Criminal Justice Planning Commission
State Council on Criminal Justice
Judicial Planning Council
Office of State Planning and Budgeting (OSPB)
Other

Related Services

Alcohol and Drug Abuse Division (ADAD)
Department of Social Services (DSS)
Division of Mental Health (DMH)
Employment - DET/CETA/Vocational Rehabilitation
Department of Health (General)
Private
Department of Institutions
Other

Other

Coroner
Liquor Enforcement
Fish and Game
Brand Inspectors
Private Attorneys
Medicaid Fraud
Motor Vehicle Division
Adult Diversion
Local/County Government
State Legislature - Including Joint Budget
Committee (JBC)
Governor's Office
Colorado Consortium of Correctional Vocational
Services (CCCVS)
Department of Revenue (General)
Department of Natural Resources
Department of Local Affairs
Department of Administration
Department of Highways
Department of Personnel
Department of Education
Private Health Facility
Department of Higher Education

APPENDIX D

END