

GO 38.13 / 1979 / Oct / 3 / 3



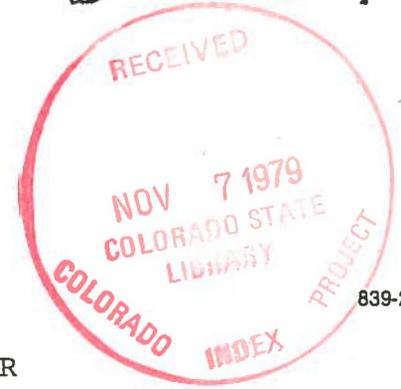
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State of Colorado

EXECUTIVE CHAMBERS

136 State Capitol
Denver
80203

RICHARD D. LAMM
Governor



EXECUTIVE ORDER

JAIL STANDARDS/CRITERIA PLANNING COMMISSION

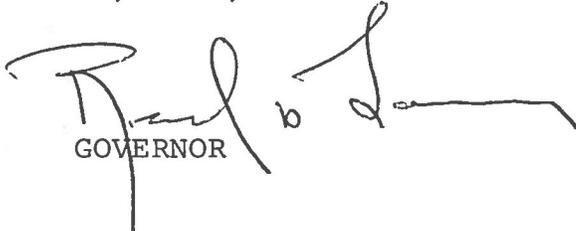
- WHEREAS, a statewide statutory moratorium on jail construction has been in effect since 1974 and no request for a new facility or for renovation of any existing county jail has been denied by the Division of Criminal Justice and there are no adequate established guidelines with which to evaluate requests for construction of jails; and
- WHEREAS, it is estimated that 35 percent of Colorado jails have no written operating procedures or policies thereby seriously impeding the jail staff's performance, particularly in emergency situations; and
- WHEREAS, according to the Colorado Department of Health, more than 40 percent of the Colorado jails are rated from "poor" to "unfit for habitation"; and
- WHEREAS, it is estimated that 72 percent of the population in Colorado jails are pretrial detainees who have not yet been convicted of an offense; and
- WHEREAS, law suits filed by, and on behalf of, persons incarcerated in Colorado have increased dramatically in recent years and such legislation alleges multiple constitutional violations such as inadequate housing conditions, severe overcrowding, interference with inmates mail, unsanitary conditions, lack of medical care and treatment, inadequate quality and quantity of food, improper visiting privileges and lack of compliance with disciplinary due process requirements and other violations; and
- WHEREAS, lawsuits filed by persons incarcerated within Colorado can never be avoided completely, government officials can reduce the number of such cases filed and increase their chances of successfully defending against these lawsuits;

NOW THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, by virtue of the authority vested in me under the laws of the State of Colorado, do hereby order and direct that:

1. There is hereby created in the Department of Local Affairs, Division of Criminal Justice, a Jail Standards/ Criteria Planning Commission, hereinafter called "Jail Commission". The Jail Commission is charged with the following responsibilities:
 - A. To develop and define reasonable minimum standards/ criteria for all municipal and county jails in the State of Colorado. Adequate consideration should be given to the different requirements and conditions of urban and rural as well as large and small jails. In addition, the differing financial situations and revenue generating capability of various cities and counties should be taken into consideration. The Jail Commission should establish time periods for compliance with various of its adopted standards/ criteria.
 - B. To include in deliberation a broad participation of agencies and individuals affected by such jail standards/criteria, particularly city and county governments, taxpaying citizens, administrators and operators of jails.
 - C. To examine and report on law enforcement and judicial practices which contribute to jail overcrowding.
 - D. To make recommendations to the Governor and the Legislature regarding the enactment of various jail standards/criteria as well as the mechanism for on-going promulgation and enforcement of such standards, including a mechanism for providing technical assistance to jurisdictions in need of upgrading their jails.
2. The Jail Commission shall consist of not more than 26 members, to be appointed by the Governor, and to serve at his pleasure, as follows:
 - A. Two County Commissioners;
 - B. Two County Sheriffs;
 - C. Four Legislators;
 - D. Two elected municipal officials;
 - E. Two Chiefs of Police;

- F. Two Judges;
 - G. The State Public Defender, or his representative;
 - H. The Chief of the Colorado State Patrol, or his representative
 - I. A representative from a local community corrections agency;
 - J. Not less than two nor more than six citizens;
 - K. A District Attorney.
3. The Governor shall designate the Chair.
 4. The Jail Commission may appoint as many technical experts as necessary to include the Department of Health, and other public and private agencies, to assist in developing jail standards/criteria data input as the Commission deems necessary and their appointments will terminate at the discretion of the Jail Commission.
 5. Members of the Jail Commission and any technical experts shall serve without compensation, but shall be entitled to necessary expenses, as provided by State regulation.
 6. The Jail Commission shall submit a report to the Governor and the State Council on Criminal Justice no later than September 30, 1980.
 7. The Jail Standards/Criteria Planning Commission will receive General Assembly review as per Section 24-34-104 and all amendments.
 8. The Jail Commission shall be terminated not later than October 31, 1980, unless revived by the Governor by appropriate action prior to that date.

GIVEN under my hand and the Executive Seal of Colorado, this third day of October, A.D., 1979.


GOVERNOR