



B 2023 002

EXECUTIVE ORDER

Creating the Working Group on Transforming Criminal and Juvenile Justice

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue the Executive Order creating the Working Group on Transforming Criminal and Juvenile Justice.

I. Background and Purpose

The Colorado Commission on Criminal and Juvenile Justice (CCJJ) was established by House Bill 2007-1358. This legislation mandated CCJJ to engage in evidence-based data collection and analysis on sentencing policies and practices, the effectiveness of alternatives to incarceration, recidivism reduction measures, and cost-effective crime prevention programming. Over fifteen years, CCJJ's bipartisan, multidisciplinary work led to the passage of numerous laws and evidence-based policies and practices regarding the effective administration of justice, which led to a safer, more equitable Colorado. On May 7, 2023, Senate Bill 23-158, Sunset Colorado Commission on Criminal and Juvenile Justice, was postponed indefinitely. As such, on September 1, 2023, CCJJ was sunset, offering an opportunity to reimagine criminal justice policy and reform work in Colorado.

While the State has made significant progress in aligning criminal law with evidence-based practices to support better outcomes for offenders, victims, and the community, more work is needed. This Executive Order creates the Working Group on Transforming Criminal and Juvenile Justice (Working Group). The Working Group will allow criminal justice stakeholders to come together to determine the best path forward in ensuring thoughtful, evidence-based decisions related to criminal justice policies, practices, and future legislation. The Working Group will initially focus on the next entity(ies) to replace CCJJ in light of its sunset, with a goal of having those entities be established in statute during the next legislative session.

Criminal justice issues are complicated and, at times, unyielding. Despite the sunset of CCJJ, it is essential to create a space for reconvening dedicated and multi-disciplinary subject matter experts, crime victims, and those who have lived experience with the criminal justice system to examine critical topics related to these complex issues and ensure recommendations are informed by well-researched and thoughtful analysis of data-driven solutions to make Colorado safer and more just.

II. Mission and Scope

This Executive Order creates the Working Group on Transforming Criminal and Juvenile Justice. The Working Group's mission shall be to study and make recommendations outlining the structure, location, purpose, and composition of a future permanent, multi-disciplinary, evidenced-based entity or entities with dedicated year-round staff to address matters related to criminal and juvenile justice no later than Friday, March 1, 2024, with the preferred outcome of establishing such an entity(ies) in statute. The working group may also return recommendations to improve public safety and justice system fairness and performance as time and resources allow. These recommendations should include consideration of how best the entity(ies) can continue the work started by the Sentencing Reform and Re-entry Task Forces, as well as how the entity(ies) can best consider juvenile justice matters. The recommendations should also be informed after diligent outreach to stakeholders within the criminal justice system and juvenile justice system including advocates, victims, those with lived experience and those working in support services.

III. Membership

The Working Group shall consist of the following 17 members:

- A. Representatives appointed by and serving at the pleasure of the Governor as follows:
 - 1. A county human services representative;
 - 2. A victim advocate;
 - 3. A person who is a victim of crime;
 - 4. A person who is a former offender;
 - 5. A representative in the field of behavioral health or mental health, or a substance use disorder treatment provider;
 - 6. A representative of law enforcement;
 - 7. A person with criminal defense experience; and
 - 8. An academic specializing in matters related to criminal justice;
- B. The Governor will invite four members of the General Assembly to participate as full members of the Working Group, starting with the Chairs and Ranking Members of the House and Senate Judiciary Committees;
- C. The Attorney General, or their designee;
- D. The Executive Director of the Department of Public Safety, or their designee;
- E. The Executive Director of the Department of Corrections, or their designee;

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- F. The Executive Director of the Colorado District Attorneys' Council, or their designee, who will serve as a co-chair of the Working Group; and
- G. The State Public Defender, or their designee, who will serve as a co-chair of the Working Group.

In determining the purpose and makeup of the Working Group, the Governor and his staff consulted with stakeholders from the criminal and juvenile justice communities. The Working Group is similarly encouraged to consult with relevant stakeholders on issues related to its mission, including but not limited to stakeholders in the following areas:

- Lived Experience - Individuals who are or were criminal justice involved as offenders and/or victims;
- Advocacy Organizations - Advocacy organizations with experience in criminal justice, juvenile justice, criminal justice reform, victim's rights, transition of formerly incarcerated people, and housing;
- Legal - Law enforcement, criminal defense professionals, the Attorney General's Office, members of the Judicial Branch, and Community Corrections;
- Providers - Organizations with experience providing victims and offenders with treatment and/or support in behavioral health, mental health, substance abuse, sober living, and social support; and
- Government Entities - State and local departments of Human Services, Colorado Department of Early Childhood, Colorado Department of Education, Behavioral Health Administration, and representatives of county and city government.

In considering how best the entity(ies) can address juvenile justice matters, the Working Group is encouraged to consult with relevant stakeholders as outlined above, as well as K-12 education practitioners, behavioral health, human services, and health care providers, individuals with experience in child welfare, academics, behavioral health specialists with experience in brain development and youth psychology, and other practitioners who specialize in reducing the school to prison pipeline.

IV. Facilitation

The Department of Public Safety (DPS) will conduct an open procurement process for an outside facilitator to assist with convening meetings of the Working Group, and supporting governance, administration, and stakeholder outreach. The preferred facilitator should have a deep and multi-disciplinary background in criminal justice administration and policy development. DPS and the Working Group will together select the outside facilitator. The Working Group is established within the DPS and shall conduct its work within existing State resources.

V. Duration

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and the Executive Seal of the State of Colorado, this ninth day of October, 2023.

A handwritten signature in blue ink that reads "Jared Polis". The signature is written in a cursive, flowing style.

Jared Polis
Governor