

Colorado Law Enforcement  
2009 Legislative Agenda  
News Conference January 15, 2009

Colorado's District Attorneys, the Attorney General, law enforcement officials and victim advocates are united in their 2009 Legislative agenda.

Public safety is the essential function of government, and while we share the concerns as to the economy and budget, we must not lose sight of the direct correlation between a poor economy and crime rates. Public safety cannot be sacrificed in our rush to address these other problems.

Ever mindful of our fiscal responsibility, our priority is community safety. That includes prevention programs that will help us reduce recidivism, as well protecting the community by keeping those offenders who need to be incarcerated in prison.

1. Crime Prevention -- Our priority is the safety of our communities.
  - In Colorado, one out of two convicted felons released into our communities from prison will commit a new crime. That's a recidivism rate of 50%.
  - We support efforts to reduce recidivism:
    1. with additional community corrections beds and
    2. evidence-based training and education programs for felons returning to the community
  - We also strongly believe that adequate space in the prison system is critical in keeping our communities safe:
    1. Offenders in the prison system are there for a reason. 49% are in for violent crimes and burglaries;
    2. Most of the others are repeat offenders, probation revocations and those with other aggravating factors;
    3. We convict the violent and repeat offenders and need appropriate resources – prison beds -- for punishment and the safety of our communities.

## 2. DNA

- Law enforcement has used DNA as a tool for over 20 years. We continue to support the collection and preservation of DNA evidence which helps identify the guilty and exonerate the innocent. We were an integral part of the Governor's Task Force on DNA and the resulting legislation
- Last year HB 1397 was passed quickly at the end of the session.
- HB 1397 as written took a broad, sweeping approach to the collection and preservation of DNA, creating an overwhelming burden on the taxpayer.
- Law enforcement, defense attorneys and Department of Public Safety are working together to rewrite HB 1397, creating a more fiscally responsible use of tax dollars defining specific types of cases in which DNA is collected, types of evidence collected and retention periods.

## 3. Cold Case Investigations

- We support additional resources for unsolved homicides. Some Colorado law enforcement agencies have their own units, many do not.
- Currently, cold case investigative assistance is currently available through the Attorney General's Office.
- In the past three years the Attorney General's Capital Crimes Unit has evolved into the Homicide Assistance Team (HAT) and has provided assistance in homicide cases to 19 of Colorado's 22 judicial districts.

## 4. Death Penalty

- We oppose any measure to abolish the death penalty through legislation. The death penalty was approved by a vote of the people of Colorado and we believe that any attempt to repeal it should also be up to the voters.

## 5. Law Enforcement Training

- Colorado State standards for law enforcement training and certification are set by the POST Board.

- Over half of the law enforcement agencies in Colorado have less than 15 officers. They have limited training funds and resources. Their communities deserve the same level of law enforcement training as larger agencies.
- In 2001 the legislature passed a fee, \$.25 for each car registration, to help provide law enforcement training.
- In the past four years, this additional \$.25 has paid for 500,000 hours of training to law enforcement across the State. This training covered topics such as basic homicide investigation crime scene investigation, sexual assault investigations, and community partnership building.
- Given the success of this project, we support expanding this funding to assist local our smaller and more rural agencies by increasing the fee by \$.35 to \$.60 per car.

## 6. Identity Theft

- In response to the increase in identity theft, we are proposing new legislation that would expand our Identity Theft Bill to create a class four felony for anyone who presents false, government-issued identification to a law enforcement officer.
  1. This helps victims whose names are used in these crimes. They are considered victims of ID theft and will have access to more resources to restore their credit or standing.
  2. We believe that the penalty for using a fraudulent ID, belonging to an actual person (creating an actual victim), in deceiving police should have greater consequences than that of a class six felony.
- The proposed legislation also adds identity theft as a prong to the racketeering statute, Colorado's Organized Crime Control Act (COCCA), which helps investigators and prosecutors more effectively investigate and indict participants in ID theft rings.
- This legislation also creates a new class five felony for illegally being possession of two or more government-issued identification documents.

- The legislation further makes it a class five felony to be in possession of two or more financial transaction devices (i.e. credit cards).
- The proposed legislation further assists law enforcement and victims by changing the date that the statute of limitations begins from the date the crime occurs to the date it was discovered.

For example, if your child's Social Security Number was stolen and used, it is possible that your child would not know about the crime until they were old enough to apply for credit. Currently the statute of limitations begins at the time the information is stolen. At that time the child could have been very young. The statute of limitations could run out before the crime is discovered.

The current statute of limitations is three years. If you don't discover that you are a victim within three years of the commission of the crime, no one can be arrested or charged.

## 7. Juvenile Prevention Programs

- With limited resources and shrinking budgets it is not enough that we be "tough on crime," we also need to be "smart about crime." We need to work in partnerships in our communities to keep kids in school and out of the justice system. If a child graduates high school, you drop his chances of entering the justice system by 50% - and you save the taxpayers \$200,000 during the life of that child.
- Two years ago, Colorado's District Attorneys unanimously voted to support after-school programs and truancy initiatives as juvenile crime prevention strategies. Law enforcement agencies across Colorado also support these efforts in their communities.
- Therefore, we strongly support legislation by the Governor and schools that support truancy prevention and after school programs – as well as other evidence based crime prevention programs.

## 8. Direct File in Certain Juvenile Cases

- On the other hand, we also need to appropriately respond to juveniles that have committed violent acts. Justice requires that we provide public safety – and intervene with the best response so that the child does not commit future violent crimes.

- DAs take the responsibility of filing decisions in juvenile cases very seriously and only “direct file” against a small percentage of juvenile offenders.
- In the majority of the direct file cases, the DAs request a sentence to the Youthful Offender System (YOS) rather than a sentence to prison. YOS is one of the most effective resources available in reducing juvenile recidivism – 4 of 5 of the YOS offenders are successful in not committing new crimes as they re-integrate into our communities.
- YOS is a hybrid in the Department of Corrections. It was created as a middle tier between adult prison and juvenile detention facilities. YOS was created in 1993 following the Summer of Violence for the most violent, dangerous juvenile offenders.
- We want to use YOS to lower the recidivism rate for more young offenders. We propose expanding YOS eligibility to include those who commit certain crimes when they are 18 and 19 YOA. No additional funding would be requested as there are already unused YOS beds.

## 9. Internet Sex Offenses

- In an attempt to assist with criminal investigations of predators who seek out children for sexual purposes on the Internet, we propose new legislation that will create a class four felony Internet Sexual Exploitation of a Child to send sexually explicit photos to someone they believe to be an underage child, but who is actually an undercover police officer.
- The proposed legislation will also expand the Internet Luring statute to include communication between a potential offender and a victim to include voice communication over the telephone. Current statute covers only online communication.