



March 26, 2021

An open letter to all residents of the Fifth Judicial District:

As the Chiefs of Police and elected Sheriffs in the Fifth Judicial District (Eagle, Clear Creek, Lake, and Summit Counties), we must speak out against Senate Bill 21-062. This bill was introduced as one of several bills focused on criminal justice reform. While the bill offers some positives, we collectively believe that in its current form, it will have a negative impact on our citizens. The bill mandates an arrestee's release immediately, prior to judicial review or bond setting, for every alleged crime other than the most serious felonies. The bill has gone through several titles, but now is being called a bill "Concerning Measures to Safely Reduce Jail Populations by Amending Procedures Prior to Convictions." The bill title is patently misleading because, under the language of the new bill, individuals who commit felonies (such as burglary, arson, motor vehicle theft, disarming a peace officer, arming rioters, residential and business burglaries, weapons possession by previous offenders) and all misdemeanor offenses (including violent offenses like assault) would be issued a court summons and placed back on the streets. This is not how you "safely" reduce jail populations – instead, this potentially endangers the citizens of the Fifth Judicial District. Therefore, we oppose this bill and want to highlight its unintended consequences that would increase the potential for crime and property damage in our communities.

This bill was drafted by Colorado Legislators and the American Civil Liberties Union (ACLU) without the involvement of your local law enforcement. The bill was drafted, introduced and modified multiple times before law enforcement was given any opportunity to share professional insight and real-world considerations.

The ACLU has previously testified that the goal of the bill was to depopulate the jails permanently similar to COVID-19 release policies where jail populations dropped 10-50% depending on the jurisdiction. We certainly do not have enough data regarding the impact this pandemic has had on our criminal justice system to warrant this wide-sweeping legislation. While it is certainly responsible to review, and on occasion modestly revise the criminal justice system's incarceration practices, it is irresponsible to do so in this radical fashion. We also agree it is prudent to take a hard look at who is being held in our jails and why. In fact, we continue to work with our District Attorney's Office and Courts to do just that. Such measures may include home detention for qualifying work release inmates, revising bond amounts and conditions for pre-trial inmates when appropriate, and avoiding arrest for low-level warrants when possible. The appropriateness of those measures will depend on the particular circumstances and inmate. But this bill removes the ability to look at those circumstances, choosing instead to adopt a blanket release

policy that does not allow law enforcement to consider the danger a particular inmate may pose to the community when immediately released.

The bill appears to be a legislative attempt at line drawing – at the expense of judicial, prosecutorial and officer discretion. The bill removes discretionary decisions from law enforcement officers, taking away the ability to arrest and incarcerate for many felonies and serious misdemeanors. The current process allows officers to place individuals in jail where there is probable cause to believe they have committed violent and serious crimes. They are held for bond in the appropriate circumstances. The arrest and holding of individuals suspected of committing a crime interrupts the criminal behavior and ensures the perpetrator cannot continue committing crimes. Assurances of fair and appropriate processes for these temporary incarcerations are maintained through a judge's speedy review.

Senate Bill 21-062 guts the current evidence-based procedures used by the courts to determine whether a bond is appropriate, how much that bond should be, and the conditions upon which bond may be granted. Instead, the bill would allow many dangerous criminals to escape incarceration altogether. This bill would allow offenders who commit serious crimes to be released after arrest and booking without consideration of the particular circumstances and risks, and without any judicially-established conditions of release. Judges no longer will consider factors such as the violence of the alleged offense, prior failures to appear, risk of recidivism, etc. The existing system balances the needs of both the arrestee and the community; this bill would not. The bill requires the court to release an arrestee unless the person has failed to appear 3 or more times in the same case. So, if you weren't successful in committing a crime the first time, now you will get the opportunity to try, try, and try again.

Of greatest concern to us is this bill's woeful failure to account for the trauma perpetrated on crime victims. Ensuring the safety and security of past victims is one of the greatest obligations and honors of our jobs. This bill negatively impacts our ability to do that. No longer will the release of a perpetrator be appropriately conditioned by a judge and monitored by law enforcement. Rather, someone who broke into your home will be issued a summons and released the same day, free to return almost immediately. This bill prioritizes perpetrators over victims

Accordingly, your Chiefs of Police and Sheriffs unanimously oppose Senate Bill 21-062. We call upon our residents to do the same. We insist that our legislators amend the bill to allow law enforcement officers to maintain their current discretion to arrest and incarcerate for any felony charge. We also insist that judges be allowed to continue to set necessary terms and conditions upon bonds to protect the citizens of the Fifth Judicial District unhindered by this current legislative interference. Without these necessary changes, we will remain opposed to the bill. We encourage all of our residents to research this legislation to understand the impacts it may have on you and our community. We encourage you to contact your state senators and state representatives to share your opinion on the implications of this legislation. Their contact information is Dylan Roberts at repydylanroberts@gmail.com, Kerry Donovan at kerry.donovan.sd5@gmail.com, Judith Amabile at judy@judyamabile.com, Dennis Hisey at dennis.hisey.senate@sate.co.us, Julie McCluskie at julie.mccluskie.house@state.co.us, and Bob Rankin at bob.rankin.senate@state.co.us,

Legislation of this magnitude and impact should not be passed without considering the perspective of the agencies and individuals charged with the duty to enforce the laws, or the voices of the citizens they are sworn to protect.

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