

Colorado's Justice System: The Role of the General Assembly

Colorado's justice system encompasses the adult criminal justice system and the juvenile justice system. The adult criminal justice system is a complex process that involves multiple state and local agencies with different purposes, policies, decision makers, and jurisdictions. The juvenile justice system comprises complex processes involving multiple state and local agencies with different objectives and mandates. The juvenile court system was created early in the 20th century based on the philosophy that children are inherently different from adults, and that the role of the State should include an emphasis on protecting and rehabilitating young offenders.

The General Assembly has several roles related to the criminal justice system and the juvenile justice system, including:

- Defining criminal conduct.
- Classifying criminal offenses and establishing a framework for judges to determine the appropriate sanction and rehabilitation opportunities for criminal behavior.
- Allocating state resources to the judicial branch, various executive branch state agencies, and certain local government agencies to support the criminal justice system.
- Determining the appropriate level of discretion to delegate to judges, district attorneys, the Department of Corrections, the Department of Human Services, the Parole Board, the Juvenile Parole Board, and community corrections boards.
- Defining under what conditions a person who has been arrested is eligible to be released from custody pending trial.
- Establishing the number and geographic boundaries of judicial districts.
- Establishing the number of justices and judges for the Supreme Court, the Court of Appeals, each district court, and each county court, and establishing compensation levels for justices and judges.
- Prescribing the power and duties of the state Attorney General, district attorneys, and the state public defender.
- Establishing requirements for peace officer certification.

The following entities are stakeholders that regularly appear before the General Assembly regarding criminal justice issues:

- *Department of Public Safety.* The Department of Public Safety includes the Colorado State Patrol, Colorado Bureau of Investigation, Division of Criminal Justice, Division of Homeland Security and Emergency Management, and the Division of Fire Prevention and Control.
- *Department of Corrections.* The Department of Corrections administers the state correctional facilities, enters into private prison contracts, and includes the state parole board.
- *Division of Youth Corrections in the Department of Human Services.* The Division of Youth Corrections administers the state juvenile detention and commitment facilities, juvenile probation, and parole.
- *Attorney General's office.* The Attorney General is the legal advisor for each state department, prosecutes all criminal appeals, and prosecutes certain criminal actions.
- *State Public Defender.* The State Public Defender provides legal defense counsel to indigent defendants in the state.
- *Office of Alternative Defense Counsel.* The Office of Alternative Defense Counsel provides legal defense counsel to indigent defendants who cannot be represented by the state public defender due to a legal conflict.
- *State Board of Parole.* The State Board of Parole administers the adult parole program and determines whether to grant discretionary parole to eligible inmates.
- *Juvenile Parole Board.* The Juvenile Parole Board administers the juvenile parole program and determines whether to grant discretionary parole to eligible inmates.
- *Judicial Department.* The Judicial department oversees the Colorado court system from the Supreme Court to the county courts and administers the adult probation system.
- *Police chiefs.* The police chiefs and their departments are in charge of enforcing the state criminal laws within their respective municipalities.
- *County sheriffs.* The county sheriffs and their departments are in charge of enforcing the state criminal laws in unincorporated county areas and staff the county jails.
- *District attorneys.* The district attorneys prosecute state criminal law violations within

their respective judicial districts.

- *Criminal defense attorneys.* Criminal defense attorneys provide private legal defense to defendants.
- *Victims' rights organizations.* There are a number of victims' rights organizations in the state that advocate on behalf of victims.
- *Community corrections providers.* The community corrections system has "halfway house" programs that are offered by both local governments and private companies.
- *Community corrections boards.* Each judicial district has a community corrections board that screens applicants. In order to be placed in a community corrections program, the local board must accept the placement with some exceptions.
- *Mental health or substance abuse treatment providers.* A growing component of criminal sentencing is participation in mental health or substance abuse treatment. The treatment can take place in a correctional facility or in an outpatient setting for those on probation, parole or in a community corrections program.