

To: Members of House Judiciary,

April 25, 2023

My name is Diana Petrak.

As Colorado Policy Pathways, I explore the impacts of employment policies through the lens of someone who has been an employer.

I am also a member of NFIB, the National Federation of Independent Businesses, and currently serve on our Colorado Leadership Council.

Senate Bill 172 is another regulatory burden that demonstrates a dismissal of the small business reality in Colorado. I urge committee members to oppose SB172.

In a large firm, the definitions of what constitutes harassment will likely work their way through the division of HR that specializes in anti-discrimination law and grievance procedures. One comment or even word will trigger an investigation.

If they are not lawyers themselves, they are also likely to have either a law firm or in-house legal as support as they investigate, pick apart, and question both the victim and the alleged perpetrator in a process that will likely lead to resentment and even retaliation. Then the process might continue to address further conflict.

How does a four-page definition of what harassment is work in the small business workplace?

The language is arcane and intimidating. While a business owner is addressing any number of crises in their daily business environment, they must make time to comply with what is a formal and intimidating presence of the administrative state that demands their time and attention.

Add that public administrators are removed from their context and the realities of their operations and resource limitations. Employers are no longer trusted or permitted to use common sense and their communication skills to resolve conflicts between employees in a less formal and open way.

Most business owners are doing the best they can with the resources they have. They are trying to build the best work environment for all employees - one that reflects an exchange of trust that, like an unseen, but experienced currency, requires everyone to participate.

There are bad actors. But using the tools of law so extensively have far-reaching costs that only individuals in their context understand. And these are rarely easy to track or quantify.

We keep throwing small businesses to the wind.

We used to care that someone living in Colorado with limited education or resources could open a small business. But the shocking growth in our legal code is leaving most small businesses frozen in place, uncertain what they can or cannot do. It has become too onerous to determine the costs or repercussions of any decision or ascertain which decisions a public official will proclaim as unlawful.

Labor groups bemoan the lack of awareness of workers of their rights. Is it any wonder?

In Colorado, too many circumstances today require us to turn to lawyers. And too many businesses are left serving an administrative state over their customers and the unique needs of their employees.

Further, [research](#) is finding mixed outcomes. Despite that these laws and compliant business practices have only grown since they were established in the 70s, grievance procedures, in particular, still have negative consequences to women and minorities, especially in workplaces not dominated by women or minorities.

So, if these grievance procedures are effective helping women and minorities, and harassment continues to be a problem, just who is SB172 trying to help?

April 21, 2023

Chair Mike Weissman and Members of the Committee
Committee on Judiciary
Colorado House of Representatives

RE: SB23-097 – Vehicle Theft - SUPPORT

Dear Chair Weissman and Members of the Committee:

The National Insurance Crime Bureau (NICB) is a national, century-old, not-for-profit organization supported by approximately 1,200 property and casualty insurance companies, including many who write business in Colorado. Working hand-in-hand with our member companies and Colorado state and local law enforcement, we help to detect, prevent, and deter insurance crimes, including vehicle theft.

Nationally, auto thefts have increased dramatically. In 2021, over 930,000 automobiles were stolen across the United States. This represents a six percent increase over 2020 and a 17 percent increase since 2019. In 2021, Colorado ranked number one nationally in the number of car thefts with 660 thefts per 100,000 population which was a 32 percent rise from 2020. In addition, Denver ranked number two nationally among major population centers for vehicle theft.

Beyond the loss to an owner and the resulting financial impacts – including in the form of higher insurance premiums for Colorado consumers – vehicle thefts often have serious second-order effects on society. For example, vehicles are frequently stolen under violent conditions resulting in physical harm to car owners and other victims. Additionally, organized criminal rings are increasingly stealing cars as an alternative revenue stream as well as to commit other violent crimes.

NICB strongly supports Senate Bill 23-097 which increases penalties for vehicle theft to felony crimes under Colorado criminal law.

We thank you for scheduling a hearing and for considering our views as you deliberate the merits of this bill. We strongly encourage you to utilize NICB as a resource and partner in the fight against catalytic converter theft. If you have any questions or need additional information, please contact me at hhandler@nicb.org or 847-544-7083.

Sincerely,



Howard Handler, MPPA
Senior Director
Strategy, Policy and Government Affairs

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QUESTIONS

By Krystyn Hartman, Grand Junction, Colorado

Representing my self as the parent of a service-related disabled veteran daughter whose Denver home was no-knock SWAT raided by 8 heavily armed men in 2020, within days after the passage of SB20-217, the police reform bill, during the same daylight hours proposed in SB23-254.

According to SB-254 testimony heard in the Senate, the police departments represented said they don't do no-knock raids or in the rare instances when they do, they already do it during the day, except in "extreme" circumstances. And yet, we know these raids are happening in Colorado — but apparently not from the departments represented in Senate testimony, which begs several questions:

1. Where in Colorado are these raids happening and at what frequency and on what criteria and why? Questions that could be readily answered by a study that collected and analyzed SWAT data across the state.
 1. What if it turns out the no-knock SWAT raids are only happening in a few areas, in a few departments proposed by a few SWAT leaders signed by a few judges? A study of the SWAT data over the past five years would point you right to the nexus of the problem and why.
 2. Why is there nothing in this bill asking for a study that collects and analyzes the actual data of the actual SWAT events:
 1. Where in the state are they happening?
 2. How often are they happening?
 3. Who is authorizing them?
 4. Based on what criteria?
 5. What were the results?
2. The word "criteria" is mentioned often in the bill, but the actual criteria themselves are not specified in the bill.
 1. Is the criteria set or specified somewhere else in the law? Or is it nebulous and subjective based on each departments' and judges' and DAs' scopes and discretion?

2. What are the criteria on which this bill is based?
3. Do the lawmakers know what the criteria are that this bill refers to? Where did they find the criteria? Is it codified somewhere? Even if top secret, does it exist? Have the lawmakers actually seen and reviewed it as proof that it exists and that it has bases in law?
3. Why are we socializing no-knock SWAT raids into acceptable hours? Bashing windows and pointing guns on someone's home is terrifying any time of day or night. It does, however, make sense for the safety of law enforcement because they can see better and hopefully hit the right target, if that's their goal.
4. Why is there no mention of diversity on SWAT teams? Sending a "team" of ARMED MEN to raid and damage the home of a woman with military sexual trauma on waiting lists for treatment is state-sponsored terror. A study would reveal whether there is relevant justifiable need for more diversity on SWAT teams. I was told by a SWAT leader that the reason we don't see many women on SWAT teams is because "they can't pass the physicality tests." I responded partly in disbelief with: "If women are so weak, why does it take 8 heavily ARMED MEN to question ONE disabled woman? He laughed. I failed to see the humor. I thought it a fair question.
5. Why did the bill's sponsors choose to call SWAT raiders "Peace Officers"? What is "peaceful" about eight heavily armed men bashing in your kid's front windows, guns pointing at an UNLOCKED door? That it was in broad daylight does not make it "peaceful." But it did make for very clear and well lit video from the home security cameras for us to watch over and over and over again, especially with our trauma therapists. Calling a SWAT team "PEACE" officers is either a mockery or a minimization of the sheer deathly force descending on our loved one's homes. I do not understand the language choice for such a serious issue.
6. Our children should be able to move from western Colorado to Denver metro for specialized health and veteran services without fear of being murdered by police while they're on waiting lists. Putting all our police departments into one big Colorado basket when it comes to the excessive force authority to take lives puts the focus on the storm troopers instead of on what the others, the actual PEACE officers, are doing right in our communities.

7. We heard in the Senate hearings that sponsors have spent a lot of time listening to law enforcement and district attorneys, et al in preparation of this bill. It seems like affected targets and families are condemned both by those who declare our children's lives marked for termination and those who insist that we are so broken that we have nothing of value to contribute to the solution. Why are affected families not welcome for input or engagement in SWAT related legislative issues? Are we guilty by association? By dismissing us, you're only perpetuating the stigmas that we are "those families," without voice, without value, broken, ruined, unfit. I testified to this legislative body a year ago about SWAT raids and heard from no one since. You say you care about this issue, yet I have reached out to many of you as the parent of a SWAT raided service-related disabled veteran daughter left homeless and devastated and the silence is not only deafening, but dismissive.
 1. Why are there no support groups or resources for SWAT affected families? I even asked the Attorney General's office if they knew of any support groups or where we should look for support. They didn't know of anything like that. "Those families" can fend for ourselves because, you know, our kids' homes were bashed in, guns ready and raided in the daytime, all peaceful like.
 2. Affected families don't even have a seat or voice in the ocean of criminal justice "professionals" on the drug task forces as if once broken we no longer have value. Please share the criteria you use to decide which of those devastated families you choose to engage with because, had you talked with enough of us, I'm confident that you'd be asking for the data, a study, as part of this bill in order to identify the problems before enacting changes. I do not understand why a bill like this would be proposed before collecting and analyzing the data — statewide — in order to identify and therefore directly address the problems — problems, plural, not just cherry pick at them one at a time.

Thank you for your consideration of my questions. This issue is extremely personal to me and my family as Coloradans and as human beings.

SB 23-24

Thank you Mr. Chair and members of the committee. My name is Melanie Jordan, and I am testifying on behalf the Office of Respondent Parents' Counsel in support of Senate Bill 24. The ORPC is an independent state agency charged with ensuring high quality interdisciplinary representation for parents who face separation from their children through dependency and neglect actions.

Parents caught up in dependency and neglect cases often face one of the worst fears of any parent: they are separated from their children. During this separation, they often see their children only once a week and often lack access to information about how their child is doing in school or information about the child's health care. And, in the depths of the anguish that such circumstances would cause any parent, they are often barred from speaking out about the circumstances of their case, not only to the media but also to friends and social media.

In Arapahoe County, a parent who posted about their case on social media was sentenced to over a year in jail on contempt charges, after their rights had been terminated. Due to the structure of appeals in dependency and neglect cases, these orders often go unchallenged. This leads to an absurd result where trial court judges can enter orders that violate the First Amendment and then hold parents in contempt, but appellate courts can only review whether the parent violated the court order and not whether the actual order is unconstitutional. KP 2022COA60

This is not a common occurrence. Passing this bill is not going to lead to appellate delays or delays in permanency in the vast majority of cases. But, in the small number of cases where parents are subject to orders that violate the Constitution, this remedy is sorely needed.

Colorado prides itself on its transparency and sunshine. We have open meetings act laws and open records requirements. And generally, our courts are open to the public. In fact, HB 1182, sponsored by Representative Epps and Mabrey, is well on its way to passage and will provide even greater transparency in criminal proceedings by allowing remote access. The same is not true for juvenile courts, which need the sunshine and transparency that this bill would provide. At the very least, parents must have access to the courts. They must have access to review of judicial decisions when those very courtrooms are not accessible to the public. This bill provides them with remedies when courts enter orders that violate the 1st Amendment.

On behalf of the ORPC, we urge you to pass SB 24. I am happy to answer any questions about the position of our agency and appreciate this committee's consideration.