



## United Veterans Coalition of Colorado

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Dear Senate Judiciary Committee members,

We are writing to inform you that the United Veterans Coalition of Colorado (UVC) has a support position on SB24-074 Jurisdiction Over United States Military Property and urges all committee members to vote yes when the bill comes before you this coming Monday.

As explained in the SB24-074 factsheet, this bill, if passed and signed by the Governor, places a general retrocession of jurisdiction statute into Colorado's laws, enabling the federal government – in this case military base/post officials - to offer jurisdiction back to local Colorado authorities. This mechanism is sometimes referred to as “concurrent jurisdiction” meaning either the state or federal authorities may prosecute offenses committed on military lands. The bill, as written, offers maximum flexibility for local law enforcement and county attorneys to decide what cases to investigate and prosecute. Concurrent jurisdiction is especially important in cases involving juvenile offenses that occur on military lands where military prosecutors do not have the means to apply state laws to juveniles. State courts and local law enforcement are far better equipped to handle juvenile offenses.

Thank you for considering UVC's support of SB24-074 and moving the action forward to Senate Committee of the Whole.

Sincerely yours,

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The UVC, a nonpartisan coalition of veteran service organizations, advocates with one united voice on behalf of Colorado's veterans, currently serving military and their families. Member organizations include the Colorado Departments/Councils of the American Legion, Veterans of Foreign Wars, Enlisted Association, Military Officer Association, Disabled American Veterans, Marine League, Gold Star Wives and several additional organizations.

Written testimony from COL Sean Brown, Garrison Commander, US Army Garrison – Fort Carson

I support this bill for the following reasons:

The northern portion of Fort Carson is under exclusive federal jurisdiction. This area – commonly referred to as the cantonment area - includes our housing areas, five Fountain-Fort Carson (School District 8) schools, most of our offices and work places, our Commissary, and our Post Exchange. In short, this area is the area where most civilians (and most juveniles) on Fort Carson will be on any given day.

Currently in Colorado, there is no general statute governing the retrocession of jurisdiction from the United States back to the state. Therefore, a separate state statute is required for each specific retrocession action. SB24-074 provides a statutory basis for retrocession of jurisdiction and a process for each DoD installation to request retrocession directly from the Governor without going through the legislative process to enact a statute for each separate retrocession action. Thus, the retrocession process is streamlined plus it gives each DoD installation greater flexibility to tailor its jurisdictional framework to the particular mission of that installation.

I have three concerns with the current jurisdictional status at Fort Carson: (1) exclusive federal jurisdiction over juvenile offenses precludes state jurisdiction over such offenses; (2) exclusive federal jurisdiction prevents us from using City of Fountain police officers as School Resource Officers (SROs) in the District 8 schools located on Fort Carson; and (3) exclusive federal jurisdiction prevents us from entering support agreements with local law enforcement for assistance on Fort Carson in emergency situations.

Jurisdiction over juvenile offenses: Juvenile cases are typically not handled by the US Attorney. State and local courts have no authority to adjudicate juvenile crimes that occur in areas under exclusive federal jurisdiction. In 2018, an agreement regarding referral of juvenile cases to State and county authorities was signed by the US Attorney, the District Attorney for the Colorado Fourth Judicial District, and the Commanding General at Fort Carson. However, the validity of that agreement with regards to criminal prosecutions has been questioned. Retrocession of exclusive federal jurisdiction by the United States and acceptance of concurrent jurisdiction by the United States and the State of Colorado for juvenile crimes would provide solid legal authority for state and local authorities to handle such cases. As noted previously, this bill provides a better process for retrocession. It would enable Fort Carson to more effectively and expeditiously deal with juvenile crimes.

SROs: Due to manpower and funding cutbacks, Fort Carson has been struggling to provide SROs for the District 8 schools located on Fort Carson (one middle school, and four elementary schools). District 8 uses City of Fountain police officers as SROs in their schools that are not located on Fort Carson. District 8 would like to do the same for the schools located on Fort Carson. However, since the schools on Fort Carson are located on land under exclusive federal jurisdiction, the City of Fountain police officers have no law enforcement authority at those schools. SB24-074 would provide Fort Carson the flexibility to transition to concurrent jurisdiction for the areas where the schools are located and thereby enable City of Fountain police officers to serve as SROs in those schools.

Assistance from local and state law enforcement: Unless they are deputized by a federal authority, local and state law enforcement have no law enforcement authority on the areas of Fort Carson under exclusive federal jurisdiction. With concurrent jurisdiction, local and state law enforcement would have law enforcement authority on Fort Carson. SB24-074 would provide a better process for Fort Carson to transition to concurrent jurisdiction in the future in order to ensure the capability to receive assistance from local and state law enforcement in emergency situations.

Submitted on behalf of COL Brown by Jeffrey C. Lindquist, Chief, Civil Law Division, Office of the Staff Judge Advocate, United States Army Garrison Fort Carson and Fourth Infantry Division

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