



Process & Referral Authority Study Group

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Drug Offense Task Force
Colorado Commission on Criminal and Juvenile Justice
December 12, 2019



Subcommittee's Goals Today

Obtain input from Diversion WG on **advantages and issues with various diversion models**

Use that input to **identify best referral source(s)**

Use that input to **define referral process** based on model and role of sources

Would prefer to **vet current models** rather than start from “scratch”

Produce a **final recommendation / report** for WG by January meeting



What we've heard so far

Multiple models for referral and access to services.

Primary are:

- **Narrower** scope with a few referral authorities and typically the DA as decision maker for eligibility
- **Broader** scope where diversion decision is made early and clients can also self-select



Example One: Defined Referral Source(s)

5th Judicial District (Clear Creek, Summit, Eagle and Lake)

Referring Authority:

- Agency investigating a case; or
- The assigned prosecutor at time of case filing or post-criminal case filing.
- An unrepresented suspect/charged defendant, can request to be referred which goes to assigned prosecutor who is the "gatekeeper".



Example One: Continued

Screening process:

Using a standardized tool during an interview with suspect/defendant with DA office Adult Diversion caseworker for suitability and contract drafting.

If approved:

Offender enters into a contract tailored to his/her needs for 6-24 months with the monitoring DA Adult Diversion caseworker



Example Two: Broader Referral Sources

City of Longmont

Referring authority:

- LEAD programming in Longmont gives police officers the discretion to divert individuals.
- Self referrals



Example Two: Continued

Screening process:

- Law enforcement diverts. Co-responder unit monitors dispatch and engage when appropriate.

If approved:

- Co-responder teams of office, clinical and paramedic convene monthly to inform case plans and follow-ups by treatment professionals



For Discussion: Potential Referral Sources

Defendant/suspect/arrestee

Counsel for defendant/suspect/arrestee

Police officer/agency

Prosecutor

Judge



Defendant/suspect/arrestee

advantages: acknowledgement of “need”, timing could be pre-arrest
(Longmont model)

disadvantages: self-interested/motive to NOT be formally prosecuted,
volume “too high” for programming



Counsel for defendant/suspect/arrestee

advantages: equality of opportunity, professional input for defendant

disadvantages: self interest, volume “too high” for programming, may not be engaged at point of referral



Police officer/agency

advantages: early referrals, knowledgeable of community/offender

disadvantages: training/buy-in/openness of offender less likely



Prosecutor

advantages: primary gatekeeper for formal prosecutions, likely program facilitator/provider

disadvantages: may limit the number of referrals



Judge

advantages: authoritative source

disadvantages: ethics of becoming involved in negotiation (may require a statutory change)



Other Considerations

- Should local programming variations be encouraged within broad parameters by this Working Group, and primary recommendations focus upon delineating outcome goals as Working Group recommendations?
- The referral source(s) and process directly implicates how “intertwined” the traditional criminal justice system is in any Diversion process.