

**Drug Offense Task Force
Minutes**

September 12, 2019 1:30PM-4:00PM
700 Kipling, 2nd floor Conference Room

ATTENDEES

TASK FORCE MEMBERS

Megan Ring, Co-chair
Tom Raynes, Co-chair
Chris Andrist, Colorado Bureau of Investigation
Maureen Cain, Office of the Colorado State Public Defender
Janet Drake, Attorney General's Office
Terri Hurst, Colorado Criminal Justice Reform Coalition
Andrew Matson, Colorado CURE
David Quirova, State Court Administrator's Office
Glenn Tapia, Division of Probation Services
Joe Thome, Division of Criminal Justice
Abigail Tucker, Community Reach Mental Health Center
Audrey Weiss, District Attorney's Office, 1st Judicial District
Adam Zarrin, Governor's Office

WORKING GROUP MEMBERS

Bruce Brown, District Attorney's Office, 5th Judicial District
Matt Butler, Longmont Department of Public Safety
Elaine Cissne, Colorado Bureau of Investigation
Matt Karzien, District Attorney's Office, 14th Judicial District
Jamie Keairns, Office of State Public Defender – Alamosa
Benita Martin, District Attorney's Office, 2nd Judicial District
Emily Richardson, Office of Behavior Health
Elaina Shively, District Attorney's Office, 20th Judicial District

STAFF

Richard Stroker, CCJJ Consultant
Kim English, Division of Criminal Justice
Stephané Waisanen, Division of Criminal Justice
Damien Angel, Division of Criminal Justice

ABSENT

Jack Regenbogen, Colorado Center for Law & Policy

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| <p>Issue/Topic</p> <p>Welcome and Introductions Megan Ring and Tom Raynes</p> | <p>Discussion</p> <p>Co-chairs Megan Ring and Tom Raynes thanked everyone for participating in the Drug Offense Task Force and the Sealing and Diversion Working Groups. They asked participants to introduce themselves.</p> |
| <p>Issue/Topic</p> <p>CCJJ Task Force 101 Kim English</p> | <p>Discussion</p> <p>Kim English (Research Director, Office of Research and Statistics) in the Division of Criminal Justice, and staff to the CCJJ, presented a PowerPoint outlining the Commission and Task Force processes including membership, roles, and responsibilities.</p> <p>The presentation can be found on the Commission website in the “Materials” section at, colorado.gov/ccjj/ccjj-cDOTF.</p> |
| <p>Issue/Topic</p> <p>Overview of Senate Bill 19-008 Megan Ring and Tom Raynes</p> | <p>Discussion</p> <p>Megan gave an overview of Senate Bill 19-008 (<i>Concerning treatment of individuals with substance use disorders who come into contact with the criminal justice system</i>), The bill directs the Task Force and Working Groups to study and make recommendations concerning the following:</p> <ul style="list-style-type: none"> • Alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug related offenses. • A process for automatically sealing criminal records for drug offense convictions. <p>The Task Force will strategize with the Working Groups to enable the Commission to meet the July 1, 2020 report deadline.</p> |
| <p>Issue/Topic</p> <p>Background: Record Sealing: Maureen Cain</p> | <p>Discussion</p> <p>Maureen Cain presented information about record sealing as defined in House Bill 19-1275 (<i>Concerning increased eligibility for the sealing of criminal justice records by individuals who are not under supervision</i>).</p> <p>Record sealing was available by petition for all crimes until 1987. At that time, stakeholders began to consider crime type and the process of record sealing. In Colorado most sealing is by petition. Hence, the Task Force is mandated to work on automatic sealing, without petitions.</p> <p>The Sealing Working Group will review the options and processes of the automatic sealing of drug convictions. Pennsylvania recently enacted a comprehensive automatic sealing bill.</p> <p>The presentation can be found on the Commission website in the “Materials” section at, colorado.gov/ccjj/ccjj-cDOTF.</p> |

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| <p>Background: Diversion Tom Raynes</p> | <p>Tom Raynes stated that he is working with the district attorneys across the state to obtain information on their diversion programs. He distributed a questionnaire to all 22 DAs. Seventeen have responded so far and, of these, 15 had a diversion program. The two that did not have a program stated it was due to a lack of funding for staff and not having behavioral health providers within a reasonable distance.</p> <p>Eligibility criteria vary considerably among the 15 jurisdictions that have diversion programs, and may best be described by the programs' <u>exclusionary</u> criteria. The following are the examples of offenses/circumstances excluded by the 15 jurisdictions:</p> <ul style="list-style-type: none"> • Crimes of Violence (COV) • Victim's rights crimes (per the Victim Rights Amendment, VRA) • Higher level felonies • Weapons offenses • Drug distribution offenses • DUIs and other traffic offenses • Forgery charges • Cases with high restitution • Defendants with prior criminal history • Defendants with pending cases • Individual is currently on probation • Domestic violence cases <p>The survey asked respondents to identify factors that would enable program expansion and how program outcomes might be improved? Tom reported that all offices noted the following:</p> <ul style="list-style-type: none"> • More treatment providers/treatment options • More staff to manage the program • Community diversion coordinators/case managers <p>Tom stated that he hopes to report additional information from the remaining jurisdictions at the next meeting.</p> <p>Tom then asked Task Force members who are involved in the Diversion Working Group to give a summary of their programs, accomplishments, and challenges.</p> |
| Issue/Topic | Discussion |
| <p>Current Diversion Programs All</p> | <p>Bruce Brown, from the 5th Judicial District, stated he started a new diversion program for adult felons. They hope to serve 75 individuals in the first year.</p> <p>The eligibility/exclusionary criteria include:</p> <ul style="list-style-type: none"> • No Crimes of Violence (COV) • No DUIs • Domestic violence cases have not been ruled out. |

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| <p>Issue/Topic Current Diversion Programs All (continued)</p> | <p>Matt Karzien, 14th Judicial District Attorney, said that 75% of his diversion caseload is related to addiction. Non-violent cases and drug cases are the target population. While we absorb the costs of some staffing requirements, it's vital to have viable treatment providers. Our J.D. hopes to start a juvenile diversion program in Grand County in January and then Moffat County after that.</p> <p>Benita Martin reported that the Denver District Attorney's Office offers a pre-file diversion program for 18-26 year-olds with felony charges. The caseload to case manager ratio is 25:1. The challenge is that the diversion staff are paid with grant funds which are ending. Should other funding become available, our office would like to expand the program beyond 26-year-olds.</p> <p>Elaina Shively, from the 20th Judicial District, runs the diversion program for the D.A.'s Office. The Office offers an in-house, low-level felony diversion program and an unsupervised program for county court cases. Elaina stressed that these programs are only as good as the treatment providers. Paying for treatment is a challenge. We struggle because there are limited treatment funds, and one individual's treatment may be at the expense of another's. Our funding is through an adult diversion grant. It is important to focus on not only criminogenic needs but basic needs, such as, food and housing. Two of the biggest challenges are treatment equity and funding issues.</p> <p>Mike Butler, Longmont Department of Public Safety (LDPS), stated that his organization started with restorative justice (serving approximately 6,000 individuals to date). The LDPS deals with a lot of social and health issues, and the goal is to arrest youth only when it's a serious offense. We are piloting a program for youth called Rewind. Individuals go through the program where there is restorative justice and treatment for mental health.</p> <p>The ANGEL program is another effort implemented by the LDPS. If someone wants treatment, we have partnered with over 100 addiction treatment providers and 40 employers. These programs leverage community social resources in a way that actively raises social capital in our community. We are also partnering with hospitals to help "frequent flyers" and to help defendants get healthier. We need to think radically differently, and Mr. Butler agrees with moving felony drug possession to a misdemeanor.</p> |
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| <p>Next Steps Richard Stroker</p> | <p>Richard reminded the group that recommendations will be due from the Working Groups to the Task Force in March.</p> <p>Richard presented the following timeline:</p> <ul style="list-style-type: none"> • October/November - Working Groups will need to gather information, review data, consider best practices, and review legislation to formulate some initial ideas. • December – clarify ideas for recommendations. • January/February – Working Groups develop a consensus about recommendations. |

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| ACTION Working Groups Meeting Times | <ul style="list-style-type: none">• March - Recommendations from the Working Groups need to go to the Task Force.• April - Recommendations need to be submitted to the Commission so they can review and vote on them by June. <p>The group decided that the Diversion and the Sealing Working Groups will each meet on the Thursday of “Commission week”* from 12:30 – 3:00pm, with the Task Force meeting immediately following.</p> <p>* The Colorado Commission on Criminal and Juvenile Justice meets on the 2nd Friday of each month.</p> |
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| Issue/Topic Adjourn Megan Ring and Tom Raynes | Discussion Megan and Tom thanked the group for their contributions and adjourned the meeting. |
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