

Colorado Commission on Criminal and Juvenile Justice

Drug Offense Task Force

Diversion Working Group

Minutes

December 12, 2019 / 12:30PM-3:00PM
2nd Floor Meeting Room, 710 Kipling, Lakewood, CO

ATTENDEES:

WORKING GROUP MEMBERS:

Joe Thome, WG Co-leader, Division of Criminal Justice
Adam Zarrin, WG Co-leader, Governor's Office
Bruce Brown, District Attorney's Office, 5th Judicial District
Terri Hurst, Colorado Criminal Justice Reform Coalition
Matt Karzen, District Attorney's Office, 14th Judicial District
Jamie Keairns, Public Defender's Office, Alamosa
Benita Martin, District Attorney's Office, 2nd Judicial District
Emily Richardson, Office of Behavioral Health, CDHS
Megan Ring, Office of the State Public Defender
Elaina Shively, District Attorney's Office, 20th Judicial District
Glenn Tapia, Director of Probation Services, Judicial Branch

STAFF

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

ABSENT

Bob Booth, Attorney General's Office
Mike Butler, Longmont Department of Public Safety
Andrew Matson, Colorado CURE
Abigail Tucker, Community Reach Mental Health Center

GUESTS

Issue/Topic	Discussion
Welcome and Introductions Approval of Minutes Agenda Overview Joe Thome	<p>Joe Thome (Working Group, Co-chair) welcomed everyone and asked those present to introduce themselves to the group.</p> <p>Joe solicited a motion for approval of the previous meeting minutes. Approval was moved and seconded, and, with no objection, the minutes were unanimously approved.</p> <p>Joe briefly described the agenda for the meeting and how the Diversion Working Group would report to the Drug Offense Task Force later that day.</p>

Issue/Topic	Discussion
Study Group Reports Diversion Services and Screening Study Group Emily Richardson	<p>The members of the <u>Diversion Services and Screening Study Group</u> provided an update on their work and discussed the following information:</p> <ul style="list-style-type: none"> • Identified Values: <ul style="list-style-type: none"> ○ Social capital/community culture ○ Focus on person, not the charge ○ Shared/agreement • Finalized “Process” recommendations <ul style="list-style-type: none"> ○ Primary recommendation: create pilot sites to incentivize innovation & out-of-the-box thinking, focused on the following <ul style="list-style-type: none"> ▪ Standards codified in legislation ▪ Local Control – community support ▪ Examples: HUB model – similar to adult JAC/resource Center, or Restorative Justice, or Longmont PD model ▪ Goal is redirection from screening – not necessarily connected to outcome of treatment ○ Outcomes (replicate the outcomes not necessarily the process) <ul style="list-style-type: none"> ▪ Continued contact with PD/law enforcement ▪ Further engagement in CJ system (i.e. Jail if redirected by LE or sentence to Probation if redirected in jail after arrest) • Finalized “screening tool” recommendations <ul style="list-style-type: none"> ○ Goal: Quick, broad, effective, available in Spanish and ideally low/no cost ○ Front runner recommendation is the ASSIST (Alcohol, Smoking and Substance Involvement Screening Test), however other recommendations were provided. ○ A screen is a flag – NOT an assessment – it is not diagnostic or predictive ○ SUD screen potentially positive – great referral for behavioral health assessment that can address co-occurring • Questions for the Working Group / Task Force <ul style="list-style-type: none"> ○ Point in time for screen vs. assessment vs. treatment vs. report back to Criminal Justice system

<p>Issue/Topic Study Group Reports</p> <p>Diversion Services and Screening Study Group (continued)</p> <p>ACTION Link to ASSIST screening tool (DCJ Staff)</p> <p>Eligibility Criteria Study Group Elaina Shively</p>	<ul style="list-style-type: none"> ○ Who would be completing the screen? ASSIST can be done by lay person with some training, but is that law enforcement, jail staff, others, etc.? <p>A link to the ASSIST screening tool (Alcohol, Smoking and Substance Involvement Screening Test) was distributed to the group via email at the request of Joe Thome (who.int/substance_abuse/activities/assist/en)</p> <p>The group explored how a screening tool, such as ASSIST, would inform the diversion process, given that it is narrowly focused on substance use issues and does not collect data on other risk factors. The Diversion Services and Screening Group explained that a tool like the ASSIST screen is one of many front-end mechanisms aimed at ensuring that those who are diverted end up in the correct avenue of treatment. It was also explained that these screening tools are most often seen as a complimentary first step to in-depth assessment.</p> <p>A question was raised regarding the form that the final recommendations would take – general philosophies vs. specific actions. Joe provided a brief description of how recommendations have been prepared and presented in the past, and that they should aim for more detail that explicitly addresses the language of their legislative mandate.</p> <p>Elaina presented and update on the work conducted by the <u>Eligibility Criteria Study Group</u> since the prior meeting. This presentation is available on the CCJJ website under “Materials” at, colorado.gov/ccjj/ccjj-cDOTF.</p> <p>Following the presentation, the Eligibility Criteria Study Group addressed questions from the other working group members. The group discussed the following:</p> <ul style="list-style-type: none"> - Challenges of soliciting pilot jurisdictions to implement a system of diversion that is focused on harm reduction – namely the resistance of those who have been practicing law under the current paradigm for quite some time. - How to create appetite for harm reduction diversion programming among pilot site applicants. - The presentation of the harm reduction model as the ideal/preferred model, but not the mandated model for pilot sites. - How to clearly convey the principals of an ideal harm reduction diversion model to the law enforcement community. <ul style="list-style-type: none"> ○ Potentially provide examples of diversion arrangements. - The impact of neurological research on the criminal justice system. - How to balance innovative diversion strategy with risk mitigation.
--	--

<p>Process and Referral Authority Study Group Bruce Brown & Joe Thome</p>	<p>Joe provided a brief introduction to the work that the <u>Process and Referral Authority Study Group</u> has done over the past month, then prompted Bruce Brown to lead a presentation of that work to the working group.</p> <p>The presentation was aimed at exploring the advantages of and issues with various diversion models. The presentation can be found on the CCJJ website under “Materials” at, colorado.gov/ccjj/ccjj-cDOTF.</p> <p>During the presentation and guided discussion, the group explored the advantages of and issues with diversion models that use the following sources of referral:</p> <ul style="list-style-type: none"> - Defendant/suspect/arrestee - Counsel for defendant/suspect/arrestee - Police office/agency - Prosecutor - Judge
--	--

Issue/Topic	Discussion
<p>Next Steps & Adjourn Joe Thome</p> <p>ACTION Study Groups draft recommendations prior to Dec. 23rd</p>	<p>Joe described the timeline to which the Working Group should adhere as they move forward with developing their recommendations. He requested that the Study Groups begin formalizing and drafting their recommendations before the beginning of the new year. Examples and guidelines for the drafting of recommendations were distributed by DCJ staff. <i>(The general Task Force timeline can be found on the CCJJ website under “Timeline!” at, colorado.gov/ccjj/ccjj-cDOTF.)</i></p> <p>Joe restated the deliverables to be completed in the near future and called the meeting to a close.</p>

Next Meetings

DIVERSION WORKING GROUP

12:30 pm – 3:00 pm

DRUG OFFENSE TASK FORCE

3:00 pm - 4:00 pm

Both meetings:

Thursday, January 9, 2020

2nd Floor Meeting Room

710 Kipling St., Lakewood, CO 80215