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Colorado Commission on Criminal and Juvenile Justice

Drug Offense Task Force
Minutes

December 12, 2019 / 3:00PM-4:00PM
2nd Floor Meeting Room, 710 Kipling, Lakewood, CO

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ATTENDEES:

TASK FORCE MEMBERS
Megan Ring, Co-Chair, State Public Defender
Tom Raynes, Co-Chair, Colorado District Attorneys' Council
Maureen Cain, Office of the State Public Defender
Janet Drake, Attorney General's Office
Terri Hurst, Colorado Criminal Justice Reform Coalition
Jack Regenbogen, Colorado Center for Law & Policy
Joe Thome, Division of Criminal Justice
Audrey Weiss, District Attorney's Office, 1st Judicial District
Adam Zarrin, Governor's Office

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

ABSENT
Chris Andrist, Colorado Bureau of Investigation
Andrew Matson, Colorado CURE
David Quirova, State Court Administrator's Office
Abigail Tucker, Community Reach Mental Health Center
Glenn Tapia, Division of Probation Services

GUEST
Ted DeRosa, Colorado Bureau of Investigation

Issue/Topic	Discussion
Welcome and Introductions Megan Ring and Tom Raynes	Co-chairs Megan Ring and Tom Raynes, welcomed Ted DeRosa from the Colorado Bureau of Investigation, and asked Task Force members to introduce themselves.
Approval of Nov. Minutes & November Meeting Recap Megan Ring & Tom Raynes	Megan asked the group for an approval of the minutes. With no objections, the minutes were unanimously approved. Megan reviewed the November meeting and timeline for developing recommendations to CCJJ. She stated that there were also updates from the Sealing and Diversion Working Groups.

Issue/Topic	Discussion
Working Group Updates **Sealing Working Group** Audrey Weiss, Lead	Audrey Weiss, Lead of the **Sealing Working Group**, mentioned that David Quirova created a document that displayed the by-item costs and the procedures to implement an automated sealing process that would include both municipal and Denver County Courts. The cost for implementation would be around $1.9 million dollars and the timeframe would be two years. Audrey also gave an overview on the Pennsylvania State Police- Clean Slate Act and their role in the automated sealing process There are three low-level offense categories that are eligible for record sealing: - Unclassified – 2nd & 3rd degree misdemeanor convictions. Individual to be free from arrests or charges for ten years. - Summary Violations – Requires individual to be crime free for a period of ten years following a conviction. - Non-Conviction – Applies to non-conviction information. Audrey also reported speaking to the Prosecuting Attorneys Association of Michigan (PAAM) about their potential legislation on automatic sealing /expungement. The biggest challenge that the state faces is that ¼ of jurisdictions do not have internet access and are still using paper files. Audrey asked for suggestions from the PAAM on where Colorado should start in the automatic sealing process. It was suggested that all jurisdictions be on a centralized court system and to allow two to three years to build, implement, and test the system. Audrey mentioned that Jack Regenbogen plans to ask whether Evonne Silva from Code for America can call in to the Working Group to discuss their resources to develop a process and suggestions for automatic sealing. Ted DeRosa will obtain a data and structural map that can be publically visible and have Chris present it at the next meeting.

Issue/Topic Working Group Updates	Ean Seeb and Maureen Cain will research and gather information on equal protection laws.
Sealing Working Group Audrey Weiss, Lead (continued)	Audrey will also research equal protection laws with the Attorney General's Office and continue discussions with Michigan and other states about the automatic sealing process.
Diversion Working Group and Study Group Updates Joe Thome & Adam Zarrin	Joe Thome, Co-leader of the **Diversion Working Group**, summarized updates from the seated Study Groups: • **Diversion Services & Screening** • **Diversion Eligibility Criteria** • **Diversion Process & Referral Authority** • **Diversion Suitability Evaluation** Emily Richardson (representing the **Diversion Services & Screening Study Group)** provided the Working Group with a preliminary recommendation for a screening tool related to substance abuse needs. The group explored how a screening tool, such as the ASSIST (World Health Organization - Alcohol, Smoking and Substance Involvement Screening Test*), would inform the diversion process, given that it has a narrow focus on substance use issues and does not collect data on other risk factors. The group explained that, as a screening tool, ASSIST is one of the many front-end mechanisms aimed at ensuring that those diverted are in the correct avenue of treatment. (* See, who.int/substance_abuse/activities/assist) Elaina Shively (**Diversion Eligibility Criteria Study Group**) described a focus on community-based values and resources around substance abuse and behavior health issues. She highlighted points that were discussed by the group: • 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 a harm reduction model as the ideal/preferred model, but not mandating a model for pilot sites. • How to clearly convey the principals of an ideal harm reduction diversion model to the law enforcement community (potentially provide examples of diversion arrangements). • The impact of neurological research on the criminal justice system. • How to balance innovative a diversion strategy with risk mitigation. • Recommending a screening tool from the substance abuse field that works for local communities dealing with behavioral health issues.

Issue/Topic **Working Group Updates** **Diversion Working Group and Study Group Updates** Joe Thome & Adam Zarrin	Joe stated that Bruce Brown (**Diversion Process & Referral Authority Study Group)** gave a presentation to the group aimed at exploring the advantages and issues related to various diversion models. A question arose regarding who should have referral authority? Should it be law enforcement, other agencies? The conclusion was that it depends on the model being used. The group explored advantages and issues associated with diversion models that use the following sources of referral: • Defendant/suspect/arrestee • Counsel for defendant/suspect/arrestee • Police office/agency • Prosecutor • Judge Joe mentioned the Working Group would convene the week of January 6th and would continue the development of recommendations. He requested the Study Groups begin to formalize and draft their recommendations before the beginning of the new year.

Issue/Topic **Next Steps & Adjourn** Megan Ring and Tom Raynes	**Discussion** Co-chairs Megan and Tom thanked members for their contributions and adjourned the meeting.

Next Meeting
Thursday, January 9, 2020 / 3:00PM – 4:00PM
2nd Floor Meeting Room
710 Kipling, Lakewood, CO 80215