

**Colorado Commission on Criminal and Juvenile Justice**

**Drug Offense Task Force**

**Diversion Working Group  
Minutes**

February 13, 2020 / 12:30PM-3:00PM  
2<sup>nd</sup> Floor Meeting Room, 710 Kipling, Lakewood, CO

**ATTENDEES:**

**WORKING GROUP MEMBERS:**

Joe Thome, WG Co-leader, Division of Criminal Justice,  
Bruce Brown, District Attorney's Office, 5<sup>th</sup> Judicial District  
Terri Hurst, Colorado Criminal Justice Reform Coalition  
Jamie Keairns, Public Defender's Office, Alamosa  
Matt Karzen, District Attorney's Office, 14<sup>th</sup> Judicial District  
Benita Martin, District Attorney's Office, 2<sup>nd</sup> Judicial District  
Andrew Matson, Colorado CURE  
Emily Richardson, Office of Behavioral Health, CDHS  
Megan Ring, Office of the State Public Defender (*also, Drug Offense Task Force Co-chair*)  
Elaina Shively, District Attorney's Office, 20<sup>th</sup> Judicial District  
Michelle Webb, Longmont Public Safety Diversion Programs - representing Mike Butler, Longmont DPS,

**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  
Glenn Tapia, Probation Services, Judicial Branch  
Abigail Tucker, Community Reach Mental Health Center  
Adam Zarrin, WG Co-leader, Governor's Office

**GUESTS**

Issue/Topic	Introductions
<p><b>Welcome &amp; Agenda Overview</b> Joe Thome</p>	<p>Joe Thome welcomed the group and initiated introductions. With no objections, members approved the January meeting minutes .</p> <p>Joe welcomed and introduced Jac Charlier, Executive Director of the Police, Treatment, and Community Collaborative (PTACC; ptaccollaborative.org) who joined the meeting by phone. Jac will present on deflection and pre-arrest diversion and offer feedback regarding the Working Group recommendation.</p>

Issue/Topic	Discussion
<p><b>Recommendation Feedback &amp; Discussion</b> Jac Charlier, PTACC</p>	<p>Jac Charlier, via conference call, described that, rather than providing a general presentation on the PTACC focus areas of pre-arrest diversion and deflection, he would speak specifically to the Working Group’s diversion recommendation. Jac’s presentation materials are available under “Materials” at, <a href="http://colorado.gov/ccjj/ccjj-cDOTF">colorado.gov/ccjj/ccjj-cDOTF</a>.</p> <p>Jac commended the efforts reflected in the recommendation. He felt the language of the recommendation effectively echoes the state of the field, especially if there are references to “deflection and pre-arrest diversion” where appropriate and differentiating between crisis and non-crisis diversion approaches. Jac offered comments and suggestions regarding the diversion recommendation within the following two themes:</p> <ol style="list-style-type: none"> <li>1. Include language referencing racial inequity, impacts of substance abuse (by family member’s) on children, and women/gender responsiveness. A comprehensive approach to these topics would include program provisions for related data collection, program evaluation, decisions based on data, and transparency in reporting.</li> <li>2. Include language regarding the preferred aspects of programs that explicitly establish funds and services for “rapid access” to treatment (not just “access to treatment”) and specifically address “clinical care coordination case management,” which implies an enhanced level of client engagement.</li> </ol> <p>Jac fielded questions throughout and after the presentation. Jac’s points and related discussion included these topics:</p> <ul style="list-style-type: none"> <li>• There is potential for early deflection that links both first responders and initial detention “gatekeepers.”</li> <li>• The lexicon of some first responders (fire services and EMS) have very different definitions for the terms, “diversion” and “recidivism.” These differences in terminology must be clear.</li> <li>• One can differentiate between <i>prevention</i> deflection (no charges; social service focus) and <i>intervention</i> deflection (charges, but filing delayed). The Working Group intends flexibility for pilot programs to propose either.</li> </ul>
<p><b>Issue/Topic</b></p>	

**Recommendation Feedback &****Discussion**

Jac Charlier, PTACC  
(continued)

- Include outcome data/metrics identified for tracking deflection approaches in addition to or as alternatives to recidivism (for example, “engagement rate” and “time to treatment”).
- Emphasize the five deflection pathways to treatment: self-referral, active outreach, naloxone plus, officer prevention referral, and officer intervention referral (see link to presentation “Materials” above). These correspond with national efforts to divert more individuals to treatment. The funding and resources necessary is dependent on the pathways supported with “naloxone plus” (overdose reversal and follow-up treatment) requiring the most resources.
- Clarify inclusiveness of those served with a non-discrimination statement.
- Emphasize existing evidence-based models of case management, for example, the TASC model (Treatment Alternatives for Safer Communities; [tasc.org](http://tasc.org)) and the Community Catalyst Complex Case Management Model ([communitycatalyst.org](http://communitycatalyst.org)).
- Encourage program plans that acknowledge navigating and balancing the “rapid access to treatment” and the “warm handoff” between law enforcement and treatment/services.
- A harm reduction approach can work effectively within the *deflection approach* by identifying and providing the necessary support solely based on person-centered considerations, whether that is housing services or substance abuse treatment. This may be more complex within the *pre-arrest diversion approach* because there are “state interests” regarding the amelioration of criminal behavior that includes specific expectations for change that must be weighed along with an individual’s needs.
- The deflection decision-making process by gatekeepers should be delineated.
- Community education around the cycle of treatment/relapse is necessary to increase understanding and support of deflection/pre-arrest diversion program policies.
- Choices surrounding pilot duration are constrained by the availability and collection of treatment outcome data. Substance abuse treatment and recovery requires a longer pilot to demonstrate efficacy, which may require at least a four-year grant period.
- Regarding deflection, there are typically no eligibility criteria determining referrals because there will be no arrest or charges in these instances (this referral is in lieu of the officer leaving the scene and taking no action). Regarding pre-arrest diversion, there are currently no best practice recommendations to identify the optimal set of eligibility criteria. However, the risk-need-responsivity model can guide eligibility decision-making.



<p><b>Issue/Topic</b>  <b>Recommendation Development</b>                  Bruce Brown and Members                  (continued)</p> <p><b>ACTION</b>                  Emily Richardson will provide cost information to Joe Thome</p> <p><b>ACTION</b>                  Bruce Brown &amp; Matt Karzen will complete a final draft of the recommendation</p>	<p>providing data to demonstrate the use of evidence-based and best practices and program efficacy.</p> <ul style="list-style-type: none"> <li>• Bruce revisited suggestions from Jac’s presentation (1. &amp; 2. above) and members agreed to include these elements to enhance the quality of the recommendation.</li> <li>• Members discussed how to clarify the language around treatment duration, milestones, and data collection expectations. Benita and Elaina Shively offered that pilot programs should rely on treatment providers to conduct screening and/or full treatment assessments to make determinations of the appropriate intensity and duration of treatment.</li> <li>• Andrew raised whether to revise the recommendation to reflect the terms Jac emphasized (“pre-arrest diversion” and “deflection”). Bruce indicated that the common and analogous terms would be described in the recommendation and that the term “deflection” would be included where appropriate.</li> <li>• Referencing Jac’s suggestion, Emily and Matt recommended, and members agreed, that the draft should include strong case management services as a required aspect of pilot sites/treatment providers. These services should be applied in line with best practices and individual needs.</li> <li>• Joe described the necessity to prepare cost projections associated with the recommendation. Kim suggested that these cost projections be included as an element of the recommendation. Bruce and Elaina noted that the projections should account for the different costs associated with urban and rural pilot sites. Emily offered to provide costs of the four LEAD sites (Law Enforcement Assisted Diversion) currently active in Colorado and Joe agreed to set up a meeting to discuss these figures.</li> </ul> <p>Bruce will work with Matt to prepare another revision of the recommendation, integrating the suggestions made during the meeting. Joe volunteered that staff will format the recommendation using the existing CCJJ template for recommendations with statutory implications.</p>
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<p><b>Issue/Topic</b>  <b>Recap, Wrap-up &amp; Adjourn</b>                  Joe Thome &amp; Members</p>	<p style="text-align: center;"><b>Discussion</b></p> <p>The group discussed the timeline to finalize and submit the recommendation draft to the Task Force and, subsequently, to the Commission. Members agreed on the following timeline:</p> <p><u>March...</u></p> <ul style="list-style-type: none"> <li>• Bruce and Matt will complete the draft revisions.</li> <li>• Diversion Working Group members will receive the draft recommendation via email no later than Mon., March 9<sup>th</sup> for a final review and approval vote.</li> </ul> <p><b>NOTE</b> - No physical meeting of the Diversion Working Group will be necessary for the month of March.</p>
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<p><b>Issue/Topic</b>  <b>Recap, Wrap-up &amp; Adjourn</b>                  Joe Thome &amp; Members                  (continued)</p>	<ul style="list-style-type: none"> <li>• If approved, it will be emailed prior to the Thursday, March 12 meeting to the Drug Offense Task Force members. This will allow members to review the recommendation before its presentation on the 12<sup>th</sup>.</li> </ul> <p><i>Drug Offense Task Force must decide whether to integrate the Diversion Working Group materials with the Sealing Working Group materials in a combined presentation to CCJJ or whether these recommendation sets will be presented on different timelines to CCJJ for integration after CCJJ approval.</i></p> <p><u>April...</u></p> <ul style="list-style-type: none"> <li>• Provide a preliminary presentation to the full Commission (Diversion recommendations only or in conjunction with Sealing recommendations)</li> </ul> <p><u>In May...</u></p> <ul style="list-style-type: none"> <li>• Provide the final presentation to the full Commission for vote (Diversion recommendations only or in conjunction with Sealing recommendations)</li> </ul> <p><u>By June 30</u></p> <ul style="list-style-type: none"> <li>• All CCJJ/Drug Offense Task Force recommendations and materials will be compiled in a single report for submission to the General Assembly</li> </ul> <p>Joe Thome thanked everyone for their months of hard work and adjourned the meeting.</p>
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**Next Meetings**

Thursday, March 12, 2020

**CANCELED**  
**~~Diversion Working Group~~**  
~~12:30 pm – 3:00 pm~~

**Drug Offense Task Force**  
 3:00 pm - 4:00 pm

2<sup>nd</sup> Floor Meeting Room  
 710 Kipling St., Lakewood, CO 80215