

Colorado Commission on Criminal and Juvenile Justice

**Drug Offense Task Force
Minutes**

March 12, 2020 / 3:00PM-4:00PM
2nd floor Meeting Room, 710 Kipling, Lakewood, CO

ATTENDEES:

TASK FORCE MEMBERS

Megan Ring, TF Co-Chair, Office of the State Public Defender
Tom Raynes, TF Co-Chair, Colorado District Attorneys' Council
Chris Andrist, Colorado Bureau of Investigation
Maureen Cain, Office of the State Public Defender
Janet Drake, Attorney General's Office
Terri Hurst, Colorado Criminal Justice Reform Coalition
Andrew Matson, Colorado CURE
David Quirova, Office of the State Court Administrator
Jack Regenbogen, Colorado Center on Law & Policy
Joe Thome, Division of Criminal Justice (*Diversion Working Group Co-leader*)
Abigail Tucker, Community Reach Mental Health Center
Audrey Weiss, District Attorney's Office, 1st Judicial District (*Sealing Working Group Leader*)
Adam Zarrin, Governor's Office (*Diversion Working Group Co-leader*)

STAFF

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

ABSENT

Glenn Tapia, Division of Probation Services

GUESTS

Fahad Khan, Governor's Office

Issue/Topic	Discussion
<p>Welcome, & Introductions Tom Raynes, Task Force Co-chair</p>	<p>Tom Raynes, Co-Chair, called the meeting to order and explained that Megan Ring, Co-Chair, would join the Task Force via telephone.</p> <p>Following member introductions, Tom mentioned that the February and March minutes will be available for review and approval at the April meeting.</p>

Issue/Topic	Discussion
<p>Working Group Updates</p> <p>Diversion Working Group Draft Recommendation Joe Thome, WG Co-leader</p>	<p>The Diversion Working Group submitted their draft recommendation for consideration. Joe Thome, Co-leader presented key points that are highlighted below:</p> <p><u>Recommendation FY20-DR #02. Fund and Support Four (4) Innovative Adult Diversion Pilot Programs [Statutory]</u></p> <p>This recommendation would establish statewide funding to support alternatives to filing criminal charges against adults with substance abuse issues who are contacted by law enforcement for drug-related offenses.</p> <ul style="list-style-type: none"> • Pilot programs will be conducted for a minimum of four (4) grant cycle years to mitigate against the obstacles common in startup programs; • Programs will have an applicant advisor with appropriate knowledge/experience with the public health and criminal justice systems, • Four pilot projects will be funded, representing diverse communities: <ul style="list-style-type: none"> - Two metropolitan (one large and one mid-sized areas) - Two rural areas – high priority due to lack of resources available <p><i>Diversion Pilot Program Elements:</i></p> <p>The following is a list of expected elements in the design of pilot programs:</p> <ul style="list-style-type: none"> • Program participants must have a provable crime involving a drug related offense, • Underlying offense should not include any traffic offenses, • Screening tool that identifies appropriate services based on individual needs for rapid access to treatment, • Collaboration on diversion criteria between district attorney’s, law enforcement, prosecutors, and local community providers of mental health/substance abuse, • Data tracking metrics to assess efficacy of the program, • Structure that effectively serves first-time and high-frequency offenders, • Collaborative case management model (not just simple referrals); decision makers working with treatment specialists, to create and implement a case plan for diverted individuals, • Broad definition of successful completion allowing tailored treatment and better outcomes (reduced recidivism, improved service accessibility, etc.).

Issue/Topic	Discussion
<p>Working Group Updates:</p> <p>Sealing Working Group Draft Recommendation Review Audrey Weiss, WG Leader</p>	<p>Audrey Weiss presented the draft recommendation on automatic sealing of qualifying drug convictions.</p> <p><u>Recommendation FY20-DR #01</u>. Create and Implement a Process for Automatically Sealing Criminal Conviction Records for Drug Offenses [Policy]</p> <p>This recommendation would create, implement, and fund a process that will permit the automatic sealing of criminal conviction records for drug offenses. The State Court Administrator’s Office (SCAO), the Colorado Bureau of Investigations (CBI), and each district attorney’s office, will implement procedures to evaluate cases that qualify for automatic sealing and will automatically seal eligible cases without associated fees or a Motion or Petition to Seal filed by the defendant.</p> <p>The following describes the recommended process:</p> <ul style="list-style-type: none"> • The State Court Administrator’s Office (SCAO) prepares a list of drug convictions that are eligible for sealing (disqualifying those with any subsequent criminal convictions during the requisite waiting period). <ul style="list-style-type: none"> - Petty offense/misdemeanor drug convictions - sealed seven years after case disposition. - Felony drug convictions - sealed ten years after case disposition. • SCAO forwards the list of eligible cases to the Colorado Bureau of Investigation (CBI) to review criminal histories for identification and validation. • CBI forwards the amended list to district attorneys’ offices in judicial districts. The D.A. office will disqualify cases with a conditional plea-bargain agreements or individuals with a pending criminal charge. • Each district attorney’s office will forward the revised list to the SCAO. <ul style="list-style-type: none"> ○ If authority granted to SCAO to sign off on the sealing order by Chief Judge, the SCAO transmits a copy of sealing order to CBI, appropriate law enforcement agencies and district attorney’s offices to seal each case, or ○ If authority is not granted to SCAO, district attorney’s offices will forward amended list to the district courts who will enter an order to seal each case. • SCAO will generate a list of eligible cases every thirty-five days. CBI and district attorney’s office have thirty-five days to review the list of eligible cases. District courts under SCAO will enter the order no later than fourteen days. <p>Audrey offered the following additional points:</p> <ul style="list-style-type: none"> • The development, creation, and testing phases of the automated system should be completed in two years. • Subsequently, identification of eligible backlog cases and the entry of sealing orders should be completed within a year.

Issue/Topic	Discussion
<p>Next Steps & Adjourn Tom Raynes</p>	<p>Tom thanked members of the Sealing Working Group and all those who contributed to Recommendation FY20-DR #01 on sealing.</p> <p>With the completion of its work, the Sealing WG canceled a tentative meeting that had been scheduled for Friday, April 3. Given that neither the Sealing nor the Diversion WG will meet in April, Tom suggested that the Task Force shift the Task Force meeting on Thu., April 9 to 1:30pm (from 3:00pm). Members agreed to the time change and acknowledged that the next meeting may be conducted virtually due to COVID-19 accommodations.</p> <p>Joe Thome and Adam Zarrin will present the Diversion Working Group preliminary Recommendation FY20-DR #02 to the Task Force at the April meeting for final consideration and vote.</p> <p>Tom thanked the group for their contributions and adjourned the meeting.</p>

Next Meeting

Virtual Meeting

Thursday, April 9, 2020 / 1:30 - 4:00PM

Virtual meeting details will be forwarded to Task Force members by email and will be posted on the Commission website for members of the public.