

**Colorado Commission on Criminal and Juvenile Justice**

**Drug Offense Task Force**

**Diversion Working Group  
Minutes**

July 24, 2020 / 10:00am-12:00PM  
Virtual meeting

**ATTENDEES:**

**WORKING GROUP MEMBERS:**

Joe Thome, WG Co-leader, Division of Criminal Justice,  
Adam Zarrin, WG Co-leader, Governor's Office  
Terri Hurst, Colorado Criminal Justice Reform Coalition  
Jamie Keairns, Public Defender's Office, Alamosa  
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  
Abigail Tucker, Community Reach Mental Health Center

**STAFF**

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

**ABSENT**

Bruce Brown, District Attorney's Office, 5<sup>th</sup> Judicial District (resigned)  
Matt Karzen, District Attorney's Office, 14<sup>th</sup> Judicial District  
Benita Martin, District Attorney's Office, 2<sup>nd</sup> Judicial District  
Glenn Tapia, Probation Services, Judicial Branch  
Michelle Webb, representing Longmont Public Safety Diversion Programs  
Mike Butler, Longmont DPS (retired)

**GUESTS**

Terry Scanlon, Legislative Liaison (Colorado Courts/Probation)

Issue/Topic	Discussion
<p><b>Welcome &amp; Meeting Overview</b> Richard Stroker &amp; Adam Zarrin</p>	<p>Richard Stroker and Adam Zarrin welcomed the group to the meeting. Co-chair, Joe Thome, would join later in the meeting.</p> <p>Richard described that a goal of the meeting was to address concerns expressed at the previous Drug Offense Task Force (DOTF) meeting on July 9 regarding Recommendation FY20-DR #02 (<i>Fund and Support Four (4) Innovative Adult Diversion Pilot Programs [Statutory]</i>). Although the July 9 DOTF meeting failed to achieve a quorum to vote on the recommendation, members felt the recommendation may be immaterial, inappropriate and/or ineffective due to current events (specifically, COVID-19 related budget priorities, the racial justice movement and whether criminal justice should be the nexus of efforts to address social problems, like substance abuse). Task Force members requested that the Diversion Working Group review the recommendation and discuss a plan to better address the assumptions underlying the recommendation.</p> <p>Another goal was to ensure that any modifications of Rec. FY20-DR- #02 addressed the relevant statutory mandate. Rec. FY20-DR- #02 was produced for the DOTF by the Diversion Working Group in response to the mandate in Senate Bill 2019 - 008 (<i>Concerning Treatment of Individuals with Substance Use Disorders Who Come into Contact with the Criminal Justice System</i>) "to study and make recommendations concerning alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug-related offenses."</p>

Issue/Topic	Discussion
<p><b>Perspectives and Action on Recommendation FY20-DR #02</b> All members</p>	<p>Richard began the discussion by mentioning thoughts shared by Megan Ring (DOTF, Co-chair) at the previous DOTF meeting regarding Rec. FY20-DR #02 and asked if she might expound on her perspective.</p> <p><i>Defining the Issues</i> Megan was concerned that the current recommendation was created in an environment prior to the pandemic and prior to the events following George Floyd's murder. She felt the recommendation no longer made sense in the current environment and economy. Megan would be unable to support the recommendation as currently written, either in votes conducted at the Task Force or at the Commission, and wanted members of the Diversion Working Group fully aware of her position.</p> <p>Specifically in response to funding concerns, Joe Thome felt the statutory mandate could be fulfilled by advancing the existing recommendation to CCJJ and, if approved, the funding debates would be deferred to legislators who will make the hard budget decisions next year in the context of prevailing events.</p>

<p><b>Issue/Topic</b></p> <p><b>Perspectives and Action on Recommendation FY20-DR #02</b> All members (continued)</p>	<p>For Megan, the issue of limited funding crystalized her opinion that funds should support alternatives to conventional law enforcement/criminal justice solutions by capitalizing on the momentum of current events, particularly the growth of the Black Lives Matter (BLM) movement.</p> <p>Terri Hurst concurred with Megan’s points that the environment is completely different and that the recommendation, as written, would not be responsive to the BLM movement, the pandemic, or the economy.</p> <p><i>Identifying Solutions</i> Adam Zarrin suggested adding a caveat to the recommendation explaining that it was developed prior to the pandemic and the BLM movement. There was general support to qualify the recommendation with a caveat.</p> <p>Abigail Tucker offered a revision of the recommendation’s opening paragraph that she had drafted during the discussion. This revision included language describing the recent changes in the social and political environments and that the recommendation failed to reflect those events. Using Abigail’s draft as a starting point, the group explored language that more fully expressed the concerns with the recommendation’s weaknesses.</p> <p>Kim English suggested that this new language should be highlighted as a preface to the existing recommendation, rather than appearing as a footnote or a simple caveat that might be overlooked by those reading the recommendation.</p> <p>Adam Zarrin agreed with Kim’s suggestion and stated that the language should reference types of interventions the legislation should pursue in lieu of the <i>(law enforcement-centered)</i> approach in the existing recommendation.</p> <p><i>Discussion Recap</i> Richard summarized the ideas and suggestions made during the meeting thus far: - Members had expressed an interest in submitting the existing recommendation to fulfill the statutory mandate, but only if a preface was included that explains how, in light of the pandemic and the growth of the BLM movement, the recommendation was no longer appropriate. - Members wanted to ensure that the preface included language to encourage legislators to take action that is responsive to recent events.</p> <p><i>Identifying Solutions (continued)</i> Elaina Shively supported the points in the recap but added that the preface should specifically recommend that the legislature pursue a public health model of diversion that utilizes wholesale deflection of individuals who are engaged with law enforcement due to substance use issues.</p> <p>Andrew Matson voiced his support for Elaina and Richard’s statements on the direction of the group’s position.</p>
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<p><b>Issue/Topic</b></p> <p><b>Perspectives and Action on Recommendation FY20-DR #02</b> All members (continued)</p>	<p>Kim suggested a few members might further develop the preface to the recommendation subsequent to the meeting and share this draft with the Working Group. Richard added that this effort should be completed prior to the next Drug Offense Task Force meeting on August 13.</p> <p>Elaina was concerned whether a failure of the new preface and recommendation at the Drug Offense Task Force would preclude its presentation to the Commission and, subsequently, to legislators? Kim stated that this would complicate the ability to share the specific elements of the work with the Commission and subsequently in the mandated report to the legislature.</p> <p>Abigail offered an additional revision, proposing that the “preface” could, in fact, become a completely new recommendation. The prior recommendation could simply be offered as an attachment that reflected the previous effort of the Diversion Working Group. Richard stated that there was no limit on the number of recommendations that could be presented, and that Abigail’s suggestion offered a promising option to pursue.</p> <p>Megan believed Abigail’s suggestion would demonstrate to the legislature that the Commission had fulfilled the mandate as it was originally presented but that the recommendation had changed in light of recent events. Megan felt that this new recommendation would improve its chances for support at CCJJ and, subsequently, would find greater support, if it were to become legislation.</p> <p>Abigail, in reference to Megan’s previous opposition statement, asked whether she would support the new recommendation, if the old recommendation was still part of the document “package.” Megan stated that, while opposing the old recommendation, she would support the package, depending on the language of the new recommendation.</p> <p>Megan requested a straw poll of the group to determine whether members supported the plan to draft a new recommendation that included the old recommendation as an attachment. The group unanimously supported the plan.</p>
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<p><b>Issue/Topic</b></p> <p><b>Next Steps &amp; Adjourn</b> Richard Stroker</p> <p><b>ACTION</b> Elaina and Abigail will develop the new recommendation draft.</p>	<p><b>Discussion</b></p> <p>Richard described the need to synthesize the meeting discussion to create language for the new recommendation.</p> <p>Megan felt that Elaina and Abigail had thoroughly grasped the issues, positions and opinions expressed during the meeting. Megan volunteered to edit a draft, if Elaina and Abigail were willing to elaborate on the initial language offered during the meeting.</p> <p>Kim stated that the ORS staff would use Abigail’s notes to create a recommendation template for Abigail and Elaina’s use.</p>
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<p><b>Issue/Topic</b>  <b>Next Steps &amp; Adjourn</b>                  Richard Stroker                  (continued)</p> <p><b>ACTION</b>                  ORS staff will send a recommendation template to Elaina and Abigail and will subsequently distribute recommendation to members for review.</p>	<p>Andrew requested that the draft be distributed to the Diversion Working Group members for feedback prior to the next Drug Offense Task Force meeting on August 13.</p> <p>Richard advised that, if Working Group members raised no objections following the distribution of the new recommendation, an additional meeting would be unnecessary.</p> <p>Richard asked whether there was further discussion of the plan for the new recommendation or any other topics or issues. He thanked members for the productive meeting and, in advance, for members’ attention when the new recommendation is distributed. With no further business raised, he concluded the meeting.</p>
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**NO FURTHER MEETINGS SCHEDULED**