

Drug Policy Task Force

Date: February 9, 2011 Time: 1:00 – 5:00

Attendees:

Members

Grayson Robinson/Arapahoe County Sheriff, CCJJ Member / Chair
Bill Kilpatrick / Golden Police Chief / CCJJ Member
Don Quick / District Attorney, 17th Judicial District / CCJJ Member
Brian Connors / State Public Defender's Office
Nancy Feldman / Office for Victims Programs, Division of Criminal Justice
Carmelita Muniz / Colorado Association of Alcohol and Drug Service Providers
George DelGrosso / Colorado Behavioral Healthcare Council
Christie Donner / Colorado Criminal Justice Reform Coalition
Dan Rubinstein / District Attorney's Office, 21st Judicial District (by phone)
Sean McAllister / Private Defense Attorney
Rod Walker / Colorado Springs Police Department
John O'Dell / Parole Board
Carmelita Muniz / Colorado Association of Alcohol and Drug Service Providers
Mathew Durkin / District Attorney's Office, 1st Judicial District

Absent:

Reo Leslie / Colorado School for Family Therapy / CCJJ Member
Regina Huerter / Denver Crime Prevention and Control Commission/ CCJJ Member
Greg Long / District Attorney's Office, 2nd Judicial District
Maureen Cain / Colorado Criminal Defense Bar
Evie Hudak / Colorado State Senator, Senate District 19
Kathleen McGuire / Douglas County Office of the Public Defender
Pat Steadman / Colorado State Senator, Senate District 31
Paul Thompson / Peer 1 Therapeutic Community
Mark Hurlbert / District Attorney, 5th Judicial District
Tim Hand / Department of Corrections
Mark Waller / State Representative, House District 15
Shane Bahr / Problem Solving Courts, Judicial Department
Dolores Poeppel / Victims Assistance Unit, Colorado State Patrol
Christine Flavia / Division of Behavioral Health

Guests: Charlie Smith (Division of Behavioral Health), Heather Garwood (State Judicial; here for Shane Bahr), Glenn Tapia (Community Corrections), Tom Quinn (State Judicial), Jeri Shepherd (Private Defense; here for Sean McAllister), Jana Locke (CDPS legislative liaison), Shawn Hauser, Laura Spicer

Issue/Topic:	Discussion:
Welcome and Review of the day's Agenda	Grayson Robinson called the meeting to order at 1:10 p.m. He welcomed the members and guests and reviewed the day's agenda.

Issue/Topic:	Discussion:
<p data-bbox="245 390 383 453">HB 10-1352 Action</p>	<p data-bbox="560 390 1498 562">Christie Donner began by reviewing the history of HB10- 1352. When the Drug Policy Task Force changed the classification and sentences for certain drug charges, there was discussion about directing any savings toward treatment. HB10-1352 did not explicitly outline a spending authority, but it did state that savings should go toward treatment.</p> <p data-bbox="560 602 1523 705">A JBC analyst projected a \$1.4 million in savings and those funds were to be allocated toward treatment. Last week the JBC took back \$1 million, leaving only \$400,000 (approx.) for treatment.</p> <p data-bbox="560 745 1520 1024">Bill Kilpatrick expressed the concerns felt by the State Chiefs Association that the changes in drug charges were agreed to because any funds saved would be used for treatment. Now those dollars are not going to treatment like they thought which causes concerns. A letter from the Chiefs Association will be sent to the JBC outlining their concerns. Grayson Robinson stated that the Sheriffs Association will also be submitting a letter expressing their concerns. Attached to the Sheriffs Association letter will be the white paper written for the Treatment Funding Working Group by the Division of Criminal Justice.</p> <p data-bbox="560 1064 1528 1413">There are three governing bodies that have specific funding sources for treatment and authority to spend these funds. The bodies are represented by agencies who have to request spending authority for their share of the funds. These three groups are HB10-1352, IACAJECT (funds obtained through drug offender surcharges) and SB 318 (ITFT). The administrator for the 1352 money will be state Judicial. All three groups met in January to develop a strategic plan on how to quickly get the 1352 funds out to treatment providers. It was decided that the SB-318 model would be used. This model provides each county with a base amount and then an additional percentage will be granted based on the 318 model.</p> <p data-bbox="560 1453 1511 1665">The JBC analyst for Judicial projected that \$1.4 million will be saved through the changes resulting from HB10-1352. However, the Dept. of Corrections reported to the JBC that those savings were not yet evident. The JBC did not want to authorize the spending of the dollars before they were seen. The same analyst projected that the total funds available for treatment through HB10-1352 for fiscal year 2011 would be \$6 million.</p> <p data-bbox="560 1705 1498 1877">Christie Donner believes that DOC's budget was decreased by \$1.4 million in anticipation of these savings. Additionally, DOC submitted a request to the JBC for an additional \$12 million. Finally, there was no formalized plan on how HB-1352 funds were going to be spent. For these reasons the JBC decided to take back \$1 million to put toward the state budget.</p> <p data-bbox="560 1917 1479 1980">Rod Walker asked how DOC was expecting to see the savings. If beds are not being filled by drug offenders, then those beds will go to offenders with other</p>

charges. Kim English stated that crime rates are falling across the nation and the DOC population is declining in CO. The Division of Criminal Justice will be distributing its annual Prison Population Projection Report. This will be sent out to the entire task force with the minutes.

Don Quick also expressed concern. He could see that public safety would be enhanced if offenders got the drug treatment they needed as opposed to putting them in prison and giving them no treatment. However, public safety is not enhanced if offenders are not put in prison and they do not get the treatment they need. Some of those funds were to be directed to in-patient treatment programs that indigent offenders could not pay for by themselves.

Grayson Robinson asked if we were talking about cost avoidance as opposed to cost savings. DOC will not see actual savings until full-time employees are being let go. Kim English replied that Colorado is one of the only states in the nation that has such a high number of inmates in private facilities. When an inmate is sent to a private prison, the State immediately saves \$50/day.

Don Quick asked if we want to create some sort of community 501(c)(3) organization that can access foundation dollars and grant money? Can the treatment dollars be added to funds available to individuals benefiting from health care reform? Should we target treatment by population groups? Can we bundle multiple funding sources that can be directed to certain populations?

Judicial was looking at using the 318 Boards to distribute the \$400,000 this year and use the IAC mechanism to disburse the funds in future years. The IAC mechanism would then ensure the funds went to Probation, Parole and Community Corrections for treatment. Do we need to make any statutory changes to develop the disbursement mechanism?

Other issues:

1. Assuming Judicial gets the spending authority, the \$400,000 from this year will be distributed quickly.
2. Spending authority for the \$6 million in fiscal year 2012 has been requested by Judicial and will be part of the long bill going through the legislature.
3. Some of the discussions held last year also revolved around an attempt to direct the funds toward treatment plans that work and not send the funds to plans that didn't work. Who is looking at treatment efficacy?
4. Should we look at creating 501(c)(3) organizations?
5. Can we look at populations that were unable to receive treatment before, but can now receive treatment because of health care reform? Is there a way to add HB10-1352 funds to the Medicaid funds?

Issue/Topic:	Discussion:
Update on Current Legislation Action	Jana Locke explained that the Drug Policy Task Force recommendations were combined into 5 bills. <ol style="list-style-type: none">1. The DUI clean-up bill that is being sponsored by Rep. Levy has not yet been introduced.2. DUI-D Per Se bill sponsored by Rep. Waller and Rep. Levy has not been introduced. It will be a late bill.3. HB11-1064 concerning a Parole Presumption Pilot Program for Certain

	<p>Drug Offenses passed out of House Judiciary yesterday and will be heard in Appropriations next.</p> <ol style="list-style-type: none"> a. This bill has an expected cost savings of \$45,000. The fiscal note stated that only nine people will be released on Parole. If we want to capture this money, where do we want this money to go and who should have spending authority? b. Can we put the money toward the administration of DUI-D Per Se? Tom Raynes made a motion to have these funds go toward the administration of the DUI-D Per Se law. The motion was seconded by Don Quick <ol style="list-style-type: none"> i. Discussion: HB11-1064 will be heard in Appropriations before the DUI-Per Se is introduced. We would need to postpone HB11-1064 until DUI-D is introduced. ii. Jana Locke will approach Reps. Waller and Levy to ask them to postpone the hearing of HB11-1064 until DUI-D is introduced. iii. Vote: 10 in favor, 3 against. Motion passed. <ol style="list-style-type: none"> 4. SB11-096 concerning Excluding Class 6 Felony Drug Possession Convictions as a Qualifying Offense for Habitual Criminal Statutes has been introduced and has been assigned to Senate Judiciary. 5. HB11-1167 concerning the Sealing of Drug Conviction Records has been introduced and assigned to House Judiciary. 6. The issue about creating a standardized mental illness screening instrument has no sponsors as of yet. Jana Locke is currently looking for a sponsor. It was not immediately realized that this recommendation was legislative.
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Issue/Topic:	Discussion:
<p>Benchmark/Timeline for 2011 Action</p> <p>A summary of the issues listed on the white board is provided below.</p>	<p>Paul Herman began the discussion about the future work of the Drug Policy Task Force. What are the issues that should be addressed this year?</p> <ol style="list-style-type: none"> 1. Creation of 501(c)(3) to receive and disburse funding. What are we trying to achieve? This item was tabled for the next meeting. 2. State planning on Prevention. What part should the treatment facility play in prevention and education? DBH uses a screening tool called SBIRT (Screening and Brief Intervention and Referral to Treatment) as a means of identifying alcohol use. This tool is currently being used with the health care community <ol style="list-style-type: none"> a. This is something that can be worked on after the current legislative session. b. Who should work on this? We should create a new working group that would articulate our concerns and go out to find other groups who are dealing with this issue. Carmelita Muniz will talk with Don Quick to see if they can work together on this issue. 3. How do we fit in with the transformation of health care? <ol style="list-style-type: none"> a. Medicaid expansion will be occurring within the next three months. 4. Should the group examine the funding plan for spending 1352 funds? Can we have a discussion with the JBC? <ol style="list-style-type: none"> a. This is something that can be addressed in the next 90 days but will be an ongoing process. b. Need to make sure the \$6 million for 2012-2013 is used for treatment. c. Is there a group in this Task Force that can work on this issue? Grayson Robinson will work on this.

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| | <ol style="list-style-type: none"> <ol style="list-style-type: none"> a. Is there a way to measure the impact drug/alcohol abuse has on other crimes (e.g., domestic violence)? <ol style="list-style-type: none"> a. This should be worked on within the next 30 days. b. Paul Herman, Carmelita Muniz and the DCJ staff will work on this. 5. Treatment - Is it business as usual? How do we identify and fund successful programs? What is the treatment capacity for in-patient and out-patient programs? The Division of Behavioral Health does have measures for performance. <ol style="list-style-type: none"> a. The current focus will be on the JBC and budget concerns. Is this something that can be developed for the next legislative session? b. Is there a group that can work on this? George DelGrosso and Carmelita Muniz will ask the Behavioral Health Council if this is something they want to (or plan to) work on. Probation will be looking at this during the next several years. Shane Bahr will give update on Probation's focus. 6. Should we develop a template for a drug sentencing grid? This work would overlap with the Sentencing Task Force. How do you deal with new and upcoming drug of choice? <ol style="list-style-type: none"> a. This is something that can be worked on in the next 3 months to year. b. The Structure Working Group will address this. 7. Impact of state budget reductions. Dismantling of the systems that work. For example, there is a movement to decrease the reimbursement for Community Corrections. The result will be some Community Corrections providers will go out of business. <ol style="list-style-type: none"> a. CCJJ: Position to audit or monitor funding. What is the impact of the decreases in DOC population? What are the unintended consequences? b. This requires a long-term time frame. c. This may be a focus of the Commission. |
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Drug Policy Task Force – White Board

The following is a summary of the items listed on the White Board – what are the issues that the TF would like to pursue this year? When should these items be completed?

- Over the next three months:
 - Develop a plan and make recommendations to the IACJCT/ITFT/H.B. 1352 advisory committee regarding 1352 funds.
 1. Grayson Robinson will work on this.
 - Provide data on how drugs and alcohol affect other crimes.
 1. Paul Herman, Carmelita Muniz and the DCJ staff will work on this.
 - Meet with JBC.
 1. Grayson Robinson will do this.
- Over the next 3-6 months:
 - Develop a template for a drug sentencing grid.
 1. The Structure Working Group will address this.
 - Create new working group to identify issues regarding education and prevention.
 - Create a working group to report back to the task force on what is being done by the Transformation Council on treatment, treatment efficacy, treatment access, and appropriate matching.
 1. George DelGrosso and Carmelita Muniz will ask the Behavioral Health Council if this is something they want to work on.

- 2. Shane Bahr will provide an update on Probation's focus.
- Over the next 6-12 months:
 - Develop recommendations on the most effective method of monitoring the implementation and impact of legislative policy recommendations.
- Tabled until March meeting:
 - Create 501C3
- Side notes/Other Information:
 - Juvenile drug use is going up in youth (marijuana specifically)
 - 1. Kim English will provide this information.
 - There is a proposal to reduce reimbursement to community corrections providers which will increase the jail population.
 - 1. Grayson Robinson will provide information on this.

Issue/Topic:	Discussion:
Meeting Schedule Issue Action	Next meeting is March 9 th , 2011 at the Juvenile Assessment Center. <ul style="list-style-type: none"> 1. Review 501(c)(3) 2. Review work plan 3. Presentation on the impact of drug/alcohol abuse impacts other crimes. April meeting will be on April 6 th so that it falls before the April CCJJ meeting.

Meeting adjourned at 4:31 p.m.