

Drug Policy Task Force – *Draft* Minutes

Date: July 6, 2011 / Time: 1:30 – 4:30pm

Attendees:

Grayson Robinson/Arapahoe County Sheriff, CCJJ Member / Chair
Carmelita Muniz / Colorado Association of Alcohol and Drug Service Providers
George DelGrosso / Colorado Behavioral Healthcare Council
Christie Donner / Colorado Criminal Justice Reform Coalition
Rod Walker / Colorado Springs Police Department
Christine Flavia / Division of Behavioral Health
John O'Dell / Parole Board
Don Quick / District Attorney, 17th Judicial District / CCJJ Member
Mark Hurlbert / District Attorney, 5th Judicial District
Pat Steadman / Colorado State Senator, Senate District 31
Tim Hand / Department of Corrections
Shane Bahr / Problem Solving Courts, Judicial Department
Bill Kilpatrick / Golden Police Chief / CCJJ Member
Tom Raynes / Colorado District Attorney's Council
Dan Rubinstein / District Attorney's Office, 21st Judicial District (by phone)

Additional Attendees:

Eric Philp, Colorado Judicial Department
Jeff Clayton, Colorado Judicial Department
Glenn Tapia, Division of Criminal Justice
Terri Hurst, Colorado Behavioral Healthcare Council (on phone)
Mike Elliott, Medical Marijuana Industry Group
Art Way, Drug Policy Alliance
Julie Pezze, University of Colorado
Aaron Levine, Private attorney

Staff:

Paul Herman, CCJJ Consultant
Germaine Miera, Division of Criminal Justice
Jana Locke/Dept. of Public Safety

Absent:

Maureen Cain / Colorado Criminal Defense Bar
Dolores Poeppel / Victims Assistance Unit, Colorado State Patrol
Kathleen McGuire / Douglas County Office of the Public Defender
Sean McAllister / Private Defense Attorney
Brian Connors / State Public Defender's Office
Evie Hudak / Colorado State Senator, Senate District 19
Reo Leslie / Colorado School for Family Therapy / CCJJ Member
Heather Garwood/Colorado Judicial Department
Regina Huerter / Denver Crime Prevention and Control Commission/ CCJJ Member
Greg Long / District Attorney's Office, 2nd Judicial District
Matt Durkin / District Attorney's Office, 1st Judicial District
Mark Waller / State Representative, House District 15

<p>Issue/Topic:</p> <p>Welcome and Review of Agenda</p>	<p>Discussion:</p> <p>Chair Grayson Robinson was in court and unable to attend. Don Quick chaired the meeting. Don called the meeting to order at 1:41 and reviewed the day's agenda.</p>
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<p>Issue/Topic:</p> <p>Review June Minutes and Summer Plan</p>	<p>Discussion:</p> <p>Don asked the group for feedback regarding the June minutes.</p> <p>Page 4 – The last sentence in the last box indicates a New Potential Topic – there is a sentence that reads ‘Case managers and probation officers are not qualified to make that interpretation’ – this should instead read ‘There is some concern that some case managers, probation officers and parole officers may not be qualified to make these interpretations’.</p> <p>First page – Carmelita is quoted at the bottom but she spoke to Stan Paprocki not Regina Huerter.</p> <p>Changes noted and completed. The group approves the June minutes.</p>
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<p>Issue/Topic:</p> <p>Working Group Updates / Next Steps</p> <p>Action:</p>	<p>Discussion:</p> <p>Three working groups were identified during the June Task Force meeting. Each group met between the June task force meeting and today's meeting to determine membership and scope of work. Members of each group reported back on their progress.</p> <p>The Prevention Working Group/presented by Carmelita Muniz:</p> <ol style="list-style-type: none"> 1. Carmelita reports that the group started to narrow its scope of work on how to incorporate prevention into the criminal justice system. 2. One area of work is in ‘transitions’. For example, how do kids make a successful transition from middle school to junior high, or from junior high to high school? 3. The prevention group has added a couple people to its membership including Del Elliott and Jim Adams-Berger 4. The group is confident they can pull together a nice plan around some prevention opportunities in the CJ system 5. The group will identify what currently exists, conduct a literature review, talk to some folks about community models and come back with recommendations. 6. Whatever comes out of the working group will need support at the community level. 7. The group doesn't want to be too prescriptive, but at the same time wants to offer good guidelines to make this a real concerted effort in the community. 8. As far as focusing on ‘Transitions’ - How can we help kids going to a whole different set of peer groups? The ideal method or program would be Evidence-based, etc. The group wants to put together a state model that communities COULD use if they desired. 9. Carmelita reports that the group doesn't foresee legislative recommendations either this year or at this particular time. The group
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wants to have DOE in the room. The group agreed that alcohol, marijuana and prescription drugs are big issues. Transitions are big issues. Also, the group wants to look at how to work with families and schools to intervene early. Sen. Hudak and others want to be involved – there's a good group of folks who want to be involved.

10. Kids need to know about good decision making.
11. Are we going to keep pulling people out of the river (reactive), or do we keep them from falling in the river in the first place (proactive).
12. A lot of the literature addresses keeping kids from that first use.
13. This work is going to take longer than October.
14. Should we work with DARE officers already in schools? A number of communities are not using DARE anymore as the data wasn't very positive.
15. In Jefferson County they're working on Life Skills and getting those programs into the schools. There's probably a way to get more SRO's involved as well.
16. Maybe there could be a collaboration between the Police Chiefs association, the Sheriffs association, DARE's and SRO's .
17. Jade Thomas from DECK should be added to this group (from Mesa County).

Marijuana Per Se Working Group/ presented by Mark Hurlbert:

1. Mark updates the task force on the work done by this working group.
2. The group has decided to start from scratch rather than continue the work done prior to the last legislative session.
3. The next meeting set for July 12th and will feature two speakers, Cindy Burbach and Paul Armentano. The group wants to talk to folks who have done the research on medical marijuana and medical marijuana levels.
4. The group would ideally like to have a one day informational meeting with legislative leadership and the medical community on THC levels, impact, etc. , maybe someone from the Governor's office as well.
5. Cindy can't make the meeting on July 12th, so the group is working to set the agenda for that meeting without her.
6. The intent of this group is to get something to the legislature for the upcoming session. The group would ideally have something to CCJJ by October so the Commission can vet recommendations before forwarding to the legislature.
7. Maybe we can have an informational MJ meeting the morning of the October CCJJ meeting for all interested parties.

The Structure Working Group/ presented by Tom Raynes:

1. The Structure Group is working on three different areas, money (funding silos), a new drug grid, and the issue of designer drugs.
2. Regarding the issue of money and 1352 dollars, etc. Various entities and agencies are convening to sort out who is working on which issue. Instead of working on the same set of issues from several different camps, the goal is to get everyone together in one room.
3. This 'over-arching' or 'Uber' group will try to identify various treatment resources and money silos and figure out if there's a better way or more efficient way to disperse and manage the money. Better bundling of funding streams AND the assessments and evaluations. What are the assessments telling us? Is it what we need or not what we need?
4. Eric Philp added that the IAC, ITFT, and the 1352 groups all have appointed memberships for decision making. The combined Uber group has tasked a

rep. from each agency to review statutes for efficiencies and simplification on the use of those funds and what would be the most efficacious way to look at those funds. There have been three meetings set up for the Uber group. The issues are that the streams have operated without formal unification, we want to make it more efficient but at the same time we can't step over the individual charge of each funding streams.

5. One challenge is how to coordinate all the funding groups/streams and the other challenge is do we revise the current statutes or rewrite new and cleaner statutes. Another issue the Uber group will look at concerns evaluation dollars.
6. The structure group is just one piece of the Uber group.
7. The second issue the Structure Working Group will be tackling is to try to create a new drug sentencing grid.
8. The third area of work for the Structure group is the issue of designer drugs. What's the best way to deal with these substances as they evolve? There are some states doing interesting things around civil remedies, nuisance issues, etc. WE could use a 'consumer protection' strategy.
9. A lot of designer drugs are targeted at kids, but should we criminalize kids?
10. The Structure group will hold their next meeting on Monday, July 11th at Tom Raynes office.

Tom Raynes also takes time to update the Drug Task Force on the work of one of the Juvenile Task Force's working groups, the Judicial Working group.

Judicial Working group (JV Task Force) presented by Tom Raynes

- This working group is chaired by Regi Huerter and Karen Ashby
- Tom Raynes gives an update on the work of this group.
- One of the priorities for the JV/Judicial working group is to look at who should be in DYC.
- What about profession standards, how can we get DA's, judges, prosecutors and defense attorneys on board to be juvenile specialists?
- How do DUI laws affect juveniles?
- Upcoming meeting dates for the Judicial working group of the JV Task force are July 27th, September 2nd, October 7th and November 17th.

Discussion Points

- To be successful on JV strategies, parents need a lot of education on the impact of court contact. Some parents are difficult to work with or just absent altogether.
- Parents can be defensive or unaware how to interact with law enforcement, etc.
- What about an educational campaign around prescription drugs for parents so they know how to manage their personal drugs, etc. Also, education for parents who don't even know how to navigate the system in general.
- The CCJRC re-entry guide was a very objective tool put together for offenders coming back into the system, maybe there could be something like that for parents regarding juveniles who are involved in the system.
- Every county has a family resource center, how can we target those?
- If you want parents to be partners, how do you get them to a level where they're making informed decisions

Issue/Topic:	Discussion:
<p data-bbox="131 174 496 275">Benchmarks: Prioritization and sequencing of working group recommendations</p> <p data-bbox="272 317 354 344">Action</p>	<p data-bbox="560 174 1503 275">Paul Herman leads a follow-up discussion with each working group about the sequencing of work and whether the issues at hand lean more toward policy or statute issues?</p> <p data-bbox="560 317 1068 344">Structure Group – Benchmarks and Focus:</p> <p data-bbox="560 352 792 380">Re Funding issues –</p> <ul data-bbox="609 388 1511 674" style="list-style-type: none"> • There’s ambition and there’s realism. Until we get everyone to the table we won’t know about a timeline. This may not even end up being a CCJJ issue. The funding issues have been around a long time. • There’s a fundamental conversation around the mode of distribution as well. • We won’t know much until the Uber group meets. • Another issue with 1352 is extending into year three and year four strategies. <p data-bbox="560 716 797 743">Re Sentencing Grid-</p> <ul data-bbox="609 751 1528 1963" style="list-style-type: none"> • This issue is policy driven but statute will be needed as well. • Possibly by late August there will be some sort of concept to present. • This group will need to be informed about the Comprehensive Sentencing Task Force’s work as well. • The group will be focusing on separate grids and precise sentences that go back to specific provisions. • This group needs to keep in mind the integration of the parole model into all sentencing grids. There is a huge lack of clarity in what a sentence means. • We have developed sentencing policy separate from parole policy and these things MUST be combined in the future. • Do we want more of a truth in sentencing model? do we want the parole board making release decisions? What triggers a release date? Who makes that decision? • The Commission and its break-out groups are diligently working on these changes, but it is impossible to control what individual legislators might come up with in the meantime. • Quality info about an individual’s needs should be available throughout the system from judicial to DOC, Parole, etc. DOC is looking at an overarching assessment model that starts at DRDC and goes through discharge • The Sentencing Task Force is discussing all the issues being brought up in this meeting today. There is common ground that we should have 3 (or more) different grids. • The group has agreed that there are different primary purposes for different offenses. For example, the primary purpose for theft is recidivism reduction and restoration. • The Sentencing task force also agrees that guidelines should be voluntary. • The Sentencing Task Force agrees that there is a need for both judicial discretion and accountability. • The Sentencing group also agrees that we need to incorporate risk and need in the sentencing scheme, but at this point it is unclear how exactly to do that.

- Maybe the Drug group should address actual sentence ‘years’ at the end of their work on a drug scheme/grid.

Re Marijuana Per Se-

- This group’s recommendations will all be statutory and will all be presented and ready for the coming legislative session.

Prevention-

- Not statutory just yet.
- Prevention is one of the most underfunded areas we’re looking at. There are so few diversion dollars available to communities. Tony Grampsas’s dollars have been saved by the JBC. We might want to think about identifying funds that are out there and available.
- In 2003 we lost major diversion dollars. \$20 million in Diversion dollars went away at that time.
- Some folks are still concerned that we’ll lose \$4 million of Tony Grampsas money. If counties lose that they lose diversion programs.
- We should hopefully see a decrease in the prison population which will bring money reversions to other programs.
- We may want to think about a scenario where if an opportunity were to present itself, how would we want to spend dollars if we could fight for them (Diversion, prevention, etc.).
- We know if DOC reverts money, everyone will be competing for dollars. We need to be prepared to fight against DOT, etc.
- Let’s figure out ‘who’ are the champions. The Prevention Council probably has some thoughts on this, etc.
- We need to educate the ‘systems’ so they’re supportive of each other’s missions.

Re Judicial Group/JV-

- Hoping to get something done on DUI (hopefully) this year. If the group can get anything done this year it will likely be in this arena. May or may not have legislation this year.

Discussion Points

- Problem solving courts vary drastically from district to district
- Judges are CRITICAL on how all our decisions are rolled out
- Drug courts are high resource/demand entities – aimed at high risk/intensive process
- Gil Martinez and Tom Quinn have been very active in all CCJJ matters (as far as Judicial representation)
- Do we need more judicial representation at this and other CCJJ groups? Yes, this is why Jeff Clayton, Eric Philp and Shane Bahr are all represented here today.

Issue/Topic:	Discussion:
Adjourn	The meeting adjourned at 3:40. The next meeting of the full task force is set for August 10 th from 1:30-5:00pm. In the meantime Germaine will send out a schedule for the working group meetings.