

Drug Policy Task Force

Date: March 7, 2012 Time: 1:30 – 5:00

Attendees:

Grayson Robinson/Arapahoe County Sheriff, CCJJ Member / Chair
Bill Kilpatrick / Golden Police Chief / CCJJ Member
Don Quick / District Attorney, 17th Judicial District / CCJJ Member
Regina Huerter / Denver Crime Prevention and Control Commission/ CCJJ Member (via phone)
Eric Philp / Probation Services / Judicial Department / CCJJ Member
Evie Hudak / Colorado State Senator, Senate District 19
Terri Hurst / Colorado Behavioral Healthcare Council
Dan Rubinstein / District Attorney's Office, 21st Judicial District (via phone)
John O'Dell / Parole Board
Rod Walker / Colorado Springs Police Department
Brian Connors / State Public Defender's Office

Absent:

Reo Leslie / Colorado School for Family Therapy / CCJJ Member
Greg Long / District Attorney's Office, 2nd Judicial District
Maureen Cain / Colorado Criminal Defense Bar
Carmelita Muniz / Colorado Association of Alcohol and Drug Service Providers
Kathleen McGuire / Douglas County Office of the Public Defender
Christie Donner / Colorado Criminal Justice Reform Coalition
Pat Steadman / Colorado State Senator, Senate District 31
Mark Hurlbert / District Attorney, 5th Judicial District
Tom Raynes / Colorado District Attorney's Council
Chris Brousseau / District Attorney's Office, 1st Judicial District
Tim Hand / DOC – Division of Parole
Mark Waller / State Representative, House District 15
Christine Flavia / Division of Behavioral Health
Katherine Spicer / Private Defense Counsel

<p>Issue/Topic: Welcome and Review of Agenda</p>	<p>Discussion: Grayson Robinson called the meeting to order at 1:52 and reviewed the day's agenda.</p>
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<p>Issue/Topic: Public Comment</p>	<p>Discussion: None.</p>
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<p>Issue/Topic: Discussion on SB 104 Action</p>	<p>Discussion:</p> <p>Regi Huerter stated that the purpose of SB12-104 is to combine multiple treatment funding streams (IAC, 1352 and 318). Ms. Huerter researched Denver's allocation of HB11-1352 money and found that while Denver District Court receives these funds, the County Court does not.</p> <p>Eric Philp stated that in 1976 Denver voters opted their County Court out of the state court system. The state courts are comprised of all the district courts in the state as well as all the county courts, with the exception of Denver. When Probation prepares its annual budget, it looks at the caseload of its officers throughout the state. It has never used any figures from Denver County Court. Probation also oversees the alcohol and drunk driver treatment program. Since Denver County Court does not have state Probation officers to oversee this program, the state has entered into a MOU with Denver to allocate the funds which Denver uses to pay for treatment. The same scenario is done with the persistent drunk driver treatment program housed with the Department of Health.</p> <p>Do Denver fines go toward the pool of treatment dollars? Some do and some do not. The County Court in Denver assesses and collects the drug offender surcharge fees. Last year they collected \$96,000 that went into the state's surcharge fund. There is no way for those funds to go back to Denver. By statute Denver should assess a supervision fee of \$50. Until recently, Denver has not done that. Now, Denver is assessing a \$25 fee that is goes into Denver's budget. Probation is willing to account for the funds and give them back to Denver.</p> <p>Ms. Huerter will bring up this issue at the CCJJ meeting this Friday.</p>
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<p>Issue/Topic: Discussion on SB-46 Action</p>	<p>Discussion:</p> <p>Sen. Hudak discussed SB-46 (school discipline bill). Last month, the Prevention Working Group brought forth a recommendation to use the Healthy Kids Colorado Survey (HKCS) as a mechanism to collect data on school violence and safety. This survey includes some questions on school discipline. However, the HKCS is not wholly about school discipline and thus it is difficult to justify adding it to SB-46 which already has had challenges. It is important to note that this bill is from the work of the School Discipline Task Force. So adding the HKCS (through this recommendation) is not feasible.</p> <p>The current law says that surveys have to be available on the school district website so that the parents can see what the survey includes. The parent can</p>
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then opt their student out if they don't want their child to participate. The collection of survey data around the state is somewhat haphazard and it is difficult to do research. SB-46 is intended to clean up school reporting.

Issue/Topic:	Discussion:
<p>Strategic Planning for Upcoming Year</p> <p>Action</p>	<p>Sheriff Robinson explained that we are at a critical point for the Task Forces and the Commission. With the Sunset review beginning in the summer, there are potentially only months left for the Commission. Today the Task Force's responsibility is to prioritize issues that have value and can be accomplished within a short time.</p> <p>During Friday's meeting of the full Commission, there will be a discussion surrounding changes in Task Forces - their structure and focus. Membership and attendance will also be discussed.</p> <p>With issues becoming more complex, the Commission needs to see controversial views. Starting with the April meeting, the recommendations passed out of this task force will be approved by a simple majority, not the super majority as was previously done.</p> <p>What are the issues the Task Force should undertake in the next few months? Note that a few of the issues identified as potential areas of focus during last month's Drug Task Force meeting could be handled by another task force. For the purposes of time we must focus only on areas where we believe we can achieve something in the next 15 months.</p> <ol style="list-style-type: none">1. Sentencing.<ol style="list-style-type: none">a. Where can the drug grid go in the next 15 months? In order to get buy-in from the DAs, changes need to be made incrementally. District attorneys need to see the results of a few changes before they will be comfortable making more.b. Are there other disciplines that should be represented at the Structure Working Group's table that have not been there? Dan Rubenstein would like to see one or two judges included because restructuring sentencing also affects judges.c. The working group has done a great deal of work on the sentencing grid. But taking each change back to the DAs and trying to get their consensus is unproductive. The DAs working on the sentencing grid are there to represent the perspective of prosecutors.d. Sentencing changes have been presented to the DAs without showing how the change would improve public safety. This is where the pushback comes from. We need to show that other states have made similar changes that have not affected public safety.e. The Structure Group needs guidance from the Task Force. Is the goal in changing the sentencing grid to find ways to save money that can go toward treatment? Or is the goal to reduce sentences? The goal is not to save money for treatment. The goal is to develop the best policy for the state. The current sentencing policy of this state is not working because Colorado's recidivism rate is 50%.f. A main priority of the Task Force will be to develop a sentencing grid. The goal will be to present this to the Commission in the fall and

then to the legislature during the 2013 session.

- g. Is there still value in keeping the structure group alive under the Drug Task Force? Or should it move over to the Sentencing Task Force?
 - h. After 3 years, the recidivism rate is 40%. After 5 years, the recidivism rate is 60%. Only 19% of the offenders are charged with drug or alcohol crimes; however, 70% of offenders have drug issues. We sentence an offender and put them in prison but they are not treated for their addiction. When they come out of prison, they have the same problem. Treatment in prison does not give the offender skills to deal with their addiction in the real world.
- **Sentencing Deliverable:**
 - Grid to be applied incrementally in order to be accomplished.
 - Inclusion of representatives from the bench (specific consideration for judges with drug court experience).
 - Clearly define the expected outcomes of the drug sentencing grid.
 - Reduction of bed space?
 - Enhanced treatment funding?
 - Outcomes must be consistent with CCJJ Guiding Principles.
 - Commission may consider combining the DPTF Structure Working Group with the existing Comprehensive Sentencing Task Force.
 - The Drug Sentencing Reform – Sentencing Grid could be accomplished by November 2012, with an expectation of presentation of work product for the 2013 legislative session.

2. Treatment.

- a. What are the deliverables and the timeline? Do we have a responsibility to ensure that some of the ideas coming out of the Task Force have been followed through? Do we look at the quality of treatment being offered?
- b. Something to look at is the transition from DOC to parole. Does treatment continue from prison to parole in the community? It should also follow an offender if the offender violates probation and is sentenced further into the system.
- c. We need to clarify the treatment continuum and who provides it. There should be a coordination of care.
- d. We should identify the points on the continuum where treatment can be given as well as the services and best practices. Communities should map out what treatment services are available and where there are gaps.
- e. The coordination of services is also needed. We could develop a treatment template based on evidence based practices. We would need to identify who makes the decision for each type of treatment.
- f. The record of the offender's needs should be made available. If an offender fails in treatment and thus fails probation, the next step in the criminal justice continuum would need to know the clinical information found in the previous treatment providers files. The problem is that the offender would have to sign a waiver for the release of information.
- g. A bridge needs to be developed between state departments and community providers.
- h. The Commission passed two recommendations that address this topic.
 - a. Christine Adams will the recommendations from the

Treatment Funding group prior to the Commission meeting on Friday.

3. SB-104 addresses the consolidation of the treatment funding streams. If this bill passes, two plans need to be developed.
 - a. If the bill passes and there is no additional money coming, Probation is stuck with the \$6.2 million. Probation anticipates new customers expecting treatment. The funds would be limited (and spread thin with the addition of more clients) so where should they be spent?
 - b. If the bill passes and additional money comes in, Probation needs information from DAs and local jails to plan on who gets the dollars and how much. How many new people will be coming in and in need of treatment?
 - c. We have done some work on the adult side. Can the work be transferred to the juvenile side? Can there be savings realized through reducing the number of offenders in DYC and utilize those savings for juvenile treatment? There is limited treatment only dollars for juveniles.
 - d. We need to look at accountability. Is there a standard we can move toward in treatment that can be used? We have a lot of low-level outpatient services but we have a lot of offenders who require a high level of treatment. We need to push the capacity of treatment providers to provide more intensive services. Those who need the higher level see that they cannot get treatment, so they don't seek treatment. Because they don't seek treatment, the providers do not see there is a segment that is not being addressed. What is the role of the Drug Task Force on this? What is the accountability of the group to ensure 1352 funds are being used to address the high level needs?
 - e. If the court orders treatment, there is nothing to say that the treatment has to match the need. Residential treatment providers are prevalent in the metro area. What about an offender in the rural area who needs residential treatment?
 4. Can we look at culturally appropriate treatment services?
 - a. High crime areas have a lot of substance abuse issues. How do we have police interact in high crime areas without expanding minority over-representation? When it comes to juveniles, MOR is part of that scope of work.
 - b. There is a need to divert the juvenile from getting into the system in the first place. If the juvenile gets into the system, the Diversion program is another way to remove the juvenile from the system.
- **Treatment Deliverable:**
 - Develop a template to include a continuum of treatment from arrest to discharge from the criminal justice system to ensure that treatment is available throughout.
 - Ensure that clinical records, along with criminal justice records, follow a person throughout the system.
 - Provide for consistency of treatment throughout the system.
 - Evaluate the SAMSA five step treatment model.
 - Ensure funding distribution established the Senate Bill 12-104.
 - Evaluate outcomes and accountability of available funding.
 - Consistent evaluation of cost/benefit, meaningful outcomes and service provider accountability.
 - The Treatment initiative could be accomplished by October 2012.

5. Prevention:
 - a. We are missing players at the table for this discussion. Those players are the municipal courts. We need to link up more with the municipal courts especially in the area of juveniles.
 - b. We also need to talk about the lack of prevention dollars. The war on drugs should be a two-front attack. Not only should we go after the suppliers, but we need to invest in decreasing the individuals who use the drugs. This is the prevention piece.
 - c. Can this be delivered in the 15 months left for the Commission? We should develop a state strategy that can be available to the local community. There are several state agencies that are dealing with juveniles and prevention.
 - d. The funding may be an issue.
- **Prevention Deliverable:**
 - Although Prevention is an important strategic investment, the lack of adequate and sustainable funding will present a serious challenge to meaningful accomplishment on a state-wide basis.
 - Develop a recommendation for responsible multi-discipline stakeholders to develop a state-wide prevention strategy that includes but is not limited to early childhood interventions, broader implementation of established programs (i.e., Life Skills), enhanced mental health assessment tools and system accountability.
 - Application of prevention measures associated with the recognized risk factors/protective factors regarding juvenile.
 - The recommended prevention strategy could be accomplished by December 2012.

The meeting adjourned at 4:15.