

Drug Policy Task Force

Date: July 11, 2012 Time: 1:30 p.m.

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
Helen Morgan / District Attorney's Office, 2nd Judicial District
Maureen Cain / Colorado Criminal Defense Bar (via phone)
Terri Hurst / Colorado Behavioral Healthcare Council
Christie Donner / Colorado Criminal Justice Reform Coalition
Dan Rubinstein / District Attorney's Office, 21st Judicial District (via phone)
Tamar Wilson for Tom Raynes / Colorado District Attorney's Council
Chris Brousseau / District Attorney's Office, 1st Judicial District
Christine Flavia / Division of Behavioral Health

Absent:

Regina Huerter / Denver Crime Prevention and Control Commission/ CCJJ Member
Reo Leslie / Colorado School for Family Therapy / CCJJ Member
Eric Philp / Probation Services / Judicial Department / CCJJ Member
Evie Hudak / Colorado State Senator, Senate District 19
Brian Connors / State Public Defender's Office
Kathleen McGuire / Douglas County Office of the Public Defender
Mark Hurlbert / District Attorney, 5th Judicial District
Tim Hand / DOC – Division of Parole
Mark Waller / State Representative, House District 15
John O'Dell / Parole Board
Pat Steadman / Colorado State Senator, Senate District 31

Issue/Topic:	Discussion:
<p>Introductions and Review of Agenda</p> <p>Action</p>	<p>Grayson Robinson called the meeting to order at 1:40 p.m. Sheriff Robinson welcomed Helen Morgan, a new Task Force member from the Denver District Attorney's Office, replacing Greg Long. She introduced herself to the group.</p> <p>Sheriff Robinson outlined matters coming before the Commission. The next CCJJ meeting is on Friday, July 13th. The Drug Task Force will not be forwarding any recommendations at this time. However, our work will be forwarded at meetings this fall.</p> <p>Over the next few months, the CCJJ will be presented with and vote on recommendations from Task Forces.</p> <p>The Commission's other focus is on the statutory sunset date. The CCJJ technically sunsets in 2013. At present, it appears there will be support for legislation to continue the work of the Commission.</p>

Issue/Topic:	Discussion:
Public Comment	None

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<p>Treatment and Prevention Working Group</p> <p>Action</p> <p>Ms. Hurst and Sheriff Robinson will meet to review past members of the Prevention Working Group to establish the core Treatment group members.</p>	<p>Sheriff Robinson opened the conversation by stating that the energy and purpose of the Treatment and Prevention Working Group has waned. Should the group be reconstituted or should it be set aside? The Chair of the working group, Carmelita Muniz, has stepped down from the task force and so if the group is to continue a new chair must be determined.</p> <p>The Center for Behavioral Health has done extensive work with the Department of Corrections surrounding treatment in prison. Terri Hurst believes this work can dovetail with the work of the Task Force. Several recommendations of the CCJJ have focused on putting DOC savings toward more treatment. There is a huge need to continue to look at treatment.</p> <p>Ms. Hurst is interested in working in a leadership position on the Working Group. Since the Juvenile Task Force has undertaken the issue of prevention, Ms. Hurst would like the Working Group to focus exclusively on treatment.</p> <p>Where do Probation and Community Corrections fit in? Ms. Hurst's work with DOC includes all spectrums of the criminal justice system including Probation, Community Corrections, and Parole.</p> <p>Christie Donner asked if the Treatment Working Group could be mindful of implementation issues that come up when discussing the consolidation of the funding streams.</p> <p>It was requested that the group look into where the treatment money that has already been received (via previous CCJJ legislation) has gone. Specifically, how many treatment slots have been created with this money? Ideally, we'd like to know the outcome of this treatment but we realize that this research takes time.</p>

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Issue/Topic:	Discussion:
<p>Structure Working Group</p> <p>Action</p>	<p>The issues the Structure Group is working on are:</p> <ol style="list-style-type: none"> 1. Do we create a misdemeanor level offense for a certain levels of possession? At what point does the possession elevate to a felony? Is there research on the issue? There are filing challenges for District Attorneys. What is the impact on drug courts? Is the use of Community Corrections a possibility? The unique needs of Denver are also being discussed. 2. Do we differentiate the level of possession based on the form of the drug? Drug dosage is different based on the form the drug comes in, such as powder versus tablets versus liquid. 3. The group is discussing the possibility of creating a crime of drug sharing to differentiate it from drug distribution. 4. The group is also researching California's wobbler system. When can a felony convert to a misdemeanor and vice versa? Using the wobbler system also allows for sealing records after a specified period of time. They are trying to draft something that won't have Blakely issues. 5. Can civil remedies be used, such as civil forfeitures and consumer protection laws? 6. Is there any research that shows that receiving Diversion on the first offense, as opposed to a felony conviction, has a better outcome? No. The Sentencing Task Force will be making its own presentation on Diversion. They are looking at how drugs fit into a diversion recommendation. What are the components of a successful diversion program? 7. Dan Rubenstein spoke about the diversion recommendation coming from the Sentencing Task Force. The recommendation is still under construction. Currently it develops two different tracks. One is the supervised or court track whereby the Diversion agreement is filed with the court. The other track is unsupervised where nothing is filed with the Court. In the unsupervised track the district attorney can come up with its own requirements. Funding is only available if you follow the National Diversion Alliance standards. The two different tracks allow the district attorneys to divert the case after arrest. The Sentencing Task Force is researching creating a new type of case number, such as SW for search warrant, which would be used for Diversion cases and would avoid assigning a CR number. This concept is still being developed. <p>There are differing opinions within the Working Group. Recommendations may come out with several options. The Task Force could then discuss each option and vote on a final recommendation. Paul Herman, consultant, suggested the Working Group find one or two fundamental issues where there is consensus and build from there. Using this strategy would avoid expending energy in developing multiple options.</p> <p>One major area of difference is felt by the district attorneys. They have been told effective treatment reduces recidivism. Previous recommendations made</p>

by the Commission have included reduction in offense classifications. Savings from those reductions have been realized with the savings being directed toward treatment. Now the district attorneys are asking how things have changed. How many treatment slots have been created? What is the outcome of this treatment? They need to see the results.

Issue/Topic:	Discussion:
<p>DUID Working Group Action</p>	<p>Grayson Robinson stated that within the next few weeks, the DUID Working Group will be reconstituted. The former members will be asked if they wish to participate. Additional stakeholders have been identified and their representatives will be asked to the table. Sheriff Robinson anticipates the DUID Working Group will meet before the August Drug Policy Task Force meeting.</p> <p>Will the DUID Task Force examine creating a felony DUI charge for the repeat offender? The Structure Task Force is looking at that issue.</p> <p>Will the Commission take a position on Amendment 64? No, the Commission will remain silent.</p>

The meeting adjourned at 2:56 p.m.

Next Meeting:

Wednesday, August 8

1:30-5:00pm

710 Kipling, 3rd Floor Conference Room