

Drug Policy Task Force

Date: August 8, 2012 Time: 1:30 – 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
Evelyn Leslie / Colorado School for Family Therapy / CCJJ Member
Eric Philp / Probation Services / Judicial Department / CCJJ Member
Helen Morgan / District Attorney's Office, 2nd Judicial District
Maureen Cain / Colorado Criminal Defense Bar
Brian Connors / State Public Defender's Office
Terri Hurst / Colorado Behavioral Healthcare Council
Christie Donner / Colorado Criminal Justice Reform Coalition
Dan Rubinstein / District Attorney's Office, 21st Judicial District
Tom Raynes / Colorado District Attorney's Council
Chris Brousseau / District Attorney's Office, 1st Judicial District
Marc Condojani / Division of Behavioral Health

Absent:

Regina Huerter / Denver Crime Prevention and Control Commission/ CCJJ Member
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
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

Others:

Reo Leslie, Michael Elliott, Spencer Nottingham, Shelby McKinzey, Ed Wood

Staff:

Paul Herman, Kim English, Christine Adams, Adrienne Loye

Issue/Topic:	Discussion:
Welcome	Grayson Robinson called the meeting to order at 1:35 and reviewed the day's agenda.

Issue/Topic:	Discussion:
Public Comment	<p>Michael Elliott spoke about two proposals currently before the Denver City Council. Both proposals concern advertisement by medical marijuana facilities. Councilman Ortega's proposal prohibits advertisement within 1000 feet of schools or day care facilities. The medical marijuana industry is advocating the prohibition of all sign flipping and advertisement in Denver. Councilman Chris Herndon has taken on this proposal. One main issue surrounding this proposal is whether it violates free speech. Mr. Elliott was asked what the ACLU's position is on this ordinance but he has heard nothing.</p> <p>Spencer Nottingham told his story of why he is a medical marijuana patient.</p>

Issue/Topic:	Discussion:
<p>Denver Drug Courts Action</p>	<p>When the Drug Task Force and the Commission discussed recommendations to change the level of a drug offense, the question "How would this change affect the drug courts?" always comes up. Helen Morgan made a presentation on the Denver Drug Court.</p> <p>History of Denver Drug Court:</p> <ul style="list-style-type: none"> • Established in 1992. • Started as a District Court • Took every drug case but had too many people going into it. • 1998 – 1999 the Drug Court changed and offenders started in a regular court where the judges or magistrates would then determine if they thought the offender should go to Drug Court. • In March 2007 the Denver Drug Court was re-established. <p>How do you get in to Denver Drug Court?</p> <ul style="list-style-type: none"> • An offender is arrested or can receive a summons on felony level drug crime (summons' rarely happen in Denver). • The matter is assigned a detective. • Detective sends the suspected controlled substance to the crime lab for testing and the results are received within 72 hours. • The matter is reviewed by the Drug Court Intake Unit made up of the detective, the DA and the DA Investigator. • In the meantime, the arrested defendant goes to County Court for advisements. • As part of the Drug Court Intake function, the DA decides if the offender is preliminarily accepted or not. • If an offender is preliminarily accepted, they go to Denver Drug Court for a second advisement. • At second advisement, the defendant can plead guilty and is sentenced. • Everyone gets the same sentence but the treatment may be different. • If the defendant doesn't want to accept the offer, the defendant goes to a preliminary hearing.

All felony level drug offenders are excepted with the following caveats:

- The offender must live in the Denver metro area.
- The offender cannot be currently on probation or parole.
- Persons with no demonstrated substance abuse problems are excluded.
- Person cannot be convicted of any acts instrumental in causing serious bodily injury or death.
- Person with a criminal history of violent crimes or deemed unsuitable for other reasons.
- Person currently charged with possession, sale or possession of 25 grams or more of a controlled substance.
- Persons charged with sex offense.

Who decides which treatment provider is used?

- A team of probation officers who work only with drug offenders. These probation officers know who the treatment providers are.
- One probation officer is specifically assigned to ISP. Three probation officers have training to deal specifically with mental health issues.
- Have to be ADA certified and state certified through the Department of Public Health and Environment.
- Tried to address needs of the individuals with a proven treatment program.

What is the most prevalent reason an offender is found to not be eligible for Drug Court? Crime involving serious bodily injury (SBI); parole violations or is a sex offender.

An evaluation of offenders 3 years after their graduation found a 20% recidivism rate. For those who didn't make it through the Drug Court program the recidivism rate was 35%.

There are three phases of the program. Each phase is identified by how many times you see a probation officer, when you see a magistrate and how many UA's you are required to take. The fastest you can get out is 13 months. Previously offenders were being released from treatment at the nine to ten-month marker, but best practices discovered that was the period most likely for reoffending.

Have specialized dockets:

- Veterans' docket
- Mental Health Docket developed in conjunction with Colorado Coalition for Homeless and MHCD
- Traumatic brain injury (TBI) and developmentally disabled (DD) docket
- Young men's docket deals with ages 18 – 24 years of age with kids
- High risk/high need docket deals mostly with opiate addicts

Get funding from grants.

There are 24 adult courts located in 23 counties. There are 71 Problem Solving Courts (PSC) in the State. Forty percent of active PSC participates are in Denver.

Issue/Topic:	Discussion:
<p>Treatment and Prevention Working Group</p> <p>Action</p>	<p>Teri Hurst gave an update on the Treatment and Prevention Working Group.</p> <ul style="list-style-type: none"> • Currently they are collecting information on how much funding has gone into treatment as a result of CCJJ bills and what this money has been used for. • The Working Group is developing a picture of how treatment has increased resulting in the increase of capacity for services and/or an increase in the number of beds. • The group is receiving feedback on gaps that still exist.

Issue/Topic:	Discussion:
<p>Structure Working Group</p> <p>Action</p>	<p>Maureen Cain gave an update on the Structure Working Group.</p> <ul style="list-style-type: none"> • Proposals and concepts are being discussed between the District Attorneys' Council and the defense bar. • Questions are being asked, such as, "Is the drug grid proposal viable or should the group return to sentencing around a presumptive maximum range?" • The group meets every week. • The defense bar is talking to its members across the state to obtain their perspectives and the CDAC had a similar meeting where their proposal has been approved.

Issue/Topic:	Discussion:
<p>DUID Working Group</p> <p>Action</p>	<p>Sheriff Robinson stated the DUID Working Group did not have the opportunity to meet prior to today's meeting. He anticipates the first meeting will occur prior to the September Drug Task Force meeting.</p>

Meeting adjourned at 3:20 p.m.