Colorado Commission on Criminal and Juvenile Justice

Opioid Investigations Subcommittee

Minutes

February 13, 2020 / 9:00AM-11:30AM
2nd Floor Meeting Room, 710 Kipling, Lakewood, CO

ATTENDEES:

SUBCOMMITTEE MEMBERS
Bill Kilpatrick, Subcommittee Co-chair, Golden Police Chief
Matt Lewis, Subcommittee Co-chair, Mesa County Sheriff
Tom Gorman, Rocky Mountain HIDTA*
Peter McNeilly, US Attorney's Office
Ray Padilla, CDIA*
Jeffrey Taylor, DUR Board Pharmacist, HCPF*
Dan Volz, Assistant Director of Investigations, CBI*
Scot Williams, Boulder County Sheriff's Office

ABSENT
Lindsey Myers, CDPHE*
Jose Esquibel, CCPDAP*
Todd Fahlsing, West Metro Drug Task Force
Lisa Raville, Harm Reduction Action Center

STAFF
Damien Angel, Division of Criminal Justice
Kim English, Division of Criminal Justice
Richard Stroker, CCJJ Consultant
Stephane Waisanen, Division of Criminal Justice

GUESTS
John Camper, CBI Director, CDPS*

* Acronyms (may be found above or in the text below)
CBI- Colorado Bureau of Investigation
CCPDAP- Colorado Consortium for Prescription Drug Abuse Prevention
CDAC - Colorado District Attorney's Council
CDIA- Colorado Drug Investigators Association
CDPHE- Colorado Department of Public Health & Environment
CDPS- Colorado Department of Public Safety
CIAC- Colorado Information Analysis Center
DORA - Colorado Department of Regulatory Agencies
DUR- Drug Utilization Review
EMS - Emergency Medical Services
HCPF- Colorado Department of Health Care Policy and Financing
(RM)HIDTA- Rocky Mountain High Intensity Drug Trafficking Area
ODMAP - Overdose Detection Mapping Application Program
PDMD - Prescription Drug Monitoring Program

Issue/Topic	Discussion
Introductions, Approval of Minutes & Review of Agenda Matt Lewis & Bill Kilpatrick, Co-chairs	Chief Matt Lewis initiated member introductions. He requested a motion to approve the prior meeting minutes. The request was met and with no further discussion or objections, the minutes were approved. Matt provided a brief overview of the meeting agenda and invited Richard Stroker to facilitate the further development of recommendation concepts offered by Subcommittee members in the previous meeting.

Issue/Topic	Discussion
Law Enforcement Needs Survey Dan Volz & Members **ACTIONS** Maria Butler & Dan Volz will explore further analysis of survey data; Damien can create a map of the respondents.	Before beginning the discussion of recommendation topics, Dan Volz shared the results of a law enforcement needs survey that was circulated after the January meeting. The survey solicitation was sent to the sheriff and police chief associations and just over 100 agencies responded and, with the exception of the far northeast of the state, these represented a good cross-section of the state. Dan offered highlights of the data prepared by his office, and members discussed the results. The following points were offered: • Opioids were perceived as a moderate to major issue by more than 80% of reporting agencies statewide and nearly all agencies (> 95%) would welcome additional assistance in investigating opioid crimes. - Members agreed that these data reaffirmed the recommendations they were developing. • About 70% of agencies ranked either opioids or meth as the top two drugs causing the most problems. - Members felt this confirmed their attention to both the meth and the opioid issues around the state. • Nearly 75% of reporting agencies indicate having insufficient (over 50%) to non-existent (about 20%) investigative resources for addressing opioid issues. - The group felt that a disproportionate number of these counties may be in rural/frontier counties and agreed that additional analysis to verify that assumption would be helpful. Maria Butler agreed to help Dan with this additional analysis. • In estimating how many times a year agencies might request investigatory assistance, if available, nearly 50% indicated more than 10 times per year. - The potential for such a large number of agencies to make more than 10 assistance requests per year represents a huge demand for such resources. These are likely to be in more rural areas. Additional analysis will be performed to separate the results by urban and rural agencies.

Issue/Topic	Discussion

OVERVIEW:
Recommendation Topics
Richard Stroker, CCJJ Consultant
& Members
	Richard provided a detailed overview of the three recommendation topics outlined in the January meeting. Consistent, overarching points made during the course of previous discussions were to avoid creating unfunded/ underfunded mandates, and to address the challenges faced by rural agencies. The following is the outline of the three <u>recommendation topics</u> and associated elements:
	
	• **TOPIC 1: Create a statewide entity to develop strategy, coordinate efforts, and share information.**
	
	  o There should be a statewide *team* (rather than an "office") or meeting of stakeholders to facilitate data/information sharing. Relevant parties would include law enforcement agencies (both urban and frontier), emergency health care agencies, drug task forces, and state agencies, as well as a standing invitation to federal agencies that are also working in illicit drug interdiction.
	
	  o Information sharing would enhance awareness of ongoing law enforcement efforts and illicit drug trends, as well as prepare agencies to implement proactive measures.
	
	  o The team/stakeholders do not serve in an oversight capacity.
	
	  o The location to house any FTE's generated by this recommendation will be determined by CDPS at a later date. The CIAC was identified as a potential destination for this coordination/analysis function.
	
	  o This team, and its analysts/coordinators, will lead Colorado's implementation of the ODMAP system.
	
	• **TOPIC 2: Allocate additional resources to rural/frontier agencies in need.**
	
	  o The additional support for regional/rural/frontier agencies will come in the form of a 16-person CBI team modeled after the black market marijuana team.
	
	    ▪ This new team can work in cooperation with the black market marijuana team to assist with investigations.
	
	    ▪ In response to pervasive poly-drug use, this team will have the flexibility to investigate opioids and other types of drugs.
	
	    ▪ General fund monies will be pursued to fund this team.
	
	• **TOPIC 3: Require participation in a statewide emergency medical service tracking and reporting system (for example, ODMAP).**
	
	  o The group has debated but not settled on identifying a specific overdose reporting system. Doing so might provide the quickest path to statewide implementation.
	
	  o Members have identified entities that would mandated to participate in the data collection system.
	
	  o The implementation / roll-out of the system might best be managed by the team / stakeholder body created in TOPIC 1.

Issue / Topic	Discussion
NEXT STEPS: **Recommendation Development** Richard Stroker, CCJJ Consultant & Members	Richard referenced the outline of the topic/recommendation areas to initiate further discussion and development of draft recommendations. As the group generated additional details for each topic area, Richard also requested members consider whether fiscal notes were necessary and, if so, to offer estimates (especially FTEs) associated with each recommendation.
Recommendation TOPIC 1	Regarding **TOPIC 1**, there was concern regarding the creation of a "statewide office" and whether it would have oversight powers. The scope of necessary tasks was discussed and whether the functions implied by TOPIC 1 could be accomplished virtually (via simple emails and electronic bulletins) or whther more complex data gathering activities would be required. The group quickly coalesced around the idea of creating a regular stakeholder meeting, rather than another state office, and that the stakeholder meeting would not have oversight powers. Nonetheless, this would still require staff to collect and distribute information and to coordinate meetings of a coordinating council or commission of relevant stakeholders. Potential stakeholders were discussed, for example: CIAC/CDPS, U.S. Attorney, Attorney General, CDAC, CCPDAP, HIDTA, CDPHE, CDIA, HCPF, Sheriffs, Chiefs, DEA, Coroners, rural and urban law enforcement representatives, treatment providers, etc. (see acronyms on page 1). Other participants could be invited to attend meetings to share information. The group discussed the necessary FTEs to coordinate and support a stakeholder meeting that could accomplish the goals of TOPIC 1. The members agreed that recommending 2 FTEs was appropriate. While a few alternate state agencies to house the new FTEs (for example, CIAC) were proposed, they decided that CDPS could determine how the recommendation would be implemented.
ACTIONS DCJ Staff will draft a recommendation for **TOPIC 1**	Kim English and staff at DCJ offered to draft the recommendation for this topic area.
Recommendation TOPIC 2	Regarding **TOPIC 2** above, members voiced two major concerns: 1. How to maximize synergy between a new CBI investigation team and the existing Black Market Marijuana team? 2. Would there be legislative support for an additional CBI investigative team? Dir. John Camper began the discussion of (1.) above by sharing a few concerns surrounding the generation of multiple drug enforcement teams that are specialized in pursuing a single type of drug (e.g. a black market marijuana team as well as an opioid investigation team). He was concerned that, while creating multiple, isolated, investigation teams didn't make sense, the creation

Issue / Topic	
NEXT STEPS: **Recommendation Development** Richard Stroker, CCJJ Consultant & Members **Recommendation TOPIC 2** (continued)	of a single agency to investigate all drug types may be a politically untenable solution as well. Instead, the group suggested the creation of a new CBI team that could offer investigation services without a limitation on drug type. This team could work in cooperation with the Black Market Marijuana team (which is specifically designated in statute).
	In addressing (2.) above, the group discussed the funding source and amount necessary for the new CBI team. There was concern to keep the fiscal note as small as possible, but also to avoid an overly conservative request that would compromise public safety and effectiveness. The members concluded by proposing funding for 16 FTEs comprising 12 agents, 2 technical analysts, and 2 administrative personnel. This staff would be divided into two groups with one each assigned to the western slope and eastern slope.
ACTIONS Dan will draft a recommendation for **TOPIC 2**	Dan Volz volunteered to draft the recommendation for TOPIC 2.
Recommendation TOPIC 3	Regarding **TOPIC 3** above, the topic was reviewed and the available information on ODMAP was discussed and the following major points were made:
	o ODMAP:
	▪ is a free service created and is administrated by D.C./Baltimore HIDTA through federal funding by the Office of National Drug Control Policy.
	▪ ODMAP is only available to government (tribal, local, state, and federal) entities serving the interests of public safety and/or public health as part of its official mandate.
	▪ HIPAA protected information is removed by users (e.g. EMS) prior to ODMAP data entry.
	o EMS enters overdose information in a CDPHE system. Is this process comprehensive or are other entities required to achieve complete coverage of these events? There are situations where coroners, law enforcement and hospitals (ERs) might be necessary. It would be necessary to ensure redundant reporting detection capability and that the system allows updates to overdose instances with additional information.
	o Requesting an interoperability API would be important to prevent EMS from having to "double-report."
	o To move quickly on the initiative, it would be advantageous to mandate reporting and the reporting entities in statute. Creating an FTE for a data coordinator position would not be necessary. The entity created in TOPIC 1 could provide guidance on the implementation of and training coordination on an overdose data entry system.
	o The system should record all overdose instances for any drug and include general location data, if not exact location information.
	o Although the effort would require reporting effort, it was not felt that funding would be necessary to support the enterprise. ODMAP provides

Issue / Topic	
NEXT STEPS: **Recommendation Development** Richard Stroker, CCJJ Consultant & Members **Recommendation TOPIC 3** (continued) **ACTIONS** DCJ staff will draft a recommendation for **TOPIC 3**	training on the use of the system. The group is still somewhat concerned if there might be unexpected costs. o Discussions of public access concluded that that would not be an issue, given that user access is controlled by HIDTA/ODMAP. o Alternative reporting platforms were discussed and whether the recommendation and eventual legislation should mention a specific platform or whether the Subcommittee should recommend a specific choice. Recommending ODMAP specifically was determined to be acceptable, and that doing so may lead to a faster rollout of a statewide emergency medical service tracking and reporting system. Ray Padilla indicated that he is exploring the creation of an informal pilot site by proposing that one of the state drug task forces register and begin reporting with ODMAP. Kim English and staff at DCJ offered to draft the recommendation for this topic area.

Issue / Topic	Discussion
Wrap-up, Next Steps & Adjourn Matt Lewis & Bill Kilpatrick, Co-chairs	Richard broadly recapped the work completed during the meeting and the assignments mentioned in the "ACTIONS" above. Kim highlighted the group's timeline for completing recommendations and proposed that drafts be circulated to the Subcommittee for initial feedback prior to the March meeting. The group members felt that they can finalize and vote on recommendations at that meeting. Matt emphasized a request that members review any drafts distributed in advance of the March meeting and, with no further business, adjourned the meeting.

Next Meetings
2nd Floor Meeting Room
710 Kipling St., Lakewood, CO
(unless noted otherwise…)

March 12, 2020 / 9:00am-11:30am
April 9, 2020
May 7, 2020 [if necessary, **700 Kipling, 4th Fl. Training Rm]**
June 6, 2020 [if necessary]