



Commission on Criminal and Juvenile Justice

Minutes
November 18, 2011

Jefferson County District Attorney's Office
500 Jefferson County Parkway
Golden, CO 80401

Commission Members Attending:

James H. Davis, Chairman	Tom Clements	Alaurice Tafoya-Modi
David Kaplan, Vice-Chairman	Jeanne Smith	Claire Levy
Peter Hautzinger	Mark Waller	Regina Huerter
Reo Leslie, Jr.	John Morse	Debra Zwirn
Regis Groff	Steven Siegel	Doug Wilson
Michael Dougherty	Julie Krow	Anthony Young
Rhonda Fields	Gilbert Martinez	Eric Philp

Absent: Bill Kilpatrick, Inta Morris, Don Quick, Ellen Roberts, Grayson Robinson, Charles Garcia

CALL TO ORDER AND OPENING REMARKS

The Chairman, James H. Davis, called the meeting to order at 12:47 p.m. and reviewed the day's agenda. Regi Huerter moved to approve the October minutes. Reo Leslie seconded the motion. The motion passed unanimously.

Member attendance was briefly discussed. Mr. Davis and Mr. Kaplan will contact CCJJ members who have been excessively absent to determine whether they want to continue serving on the Commission.

TASK FORCE/SUBCOMMITTEE UPDATES

1. Comprehensive Sentencing Task Force: This task force continues its work on a model by which it will review the criminal code. The process of reviewing the code is starting with theft and subsequently moving to other areas of the criminal code. The Task Force has recently created a number of working groups, some to address specific dimensions of the criminal offense code, starting with theft:
 - a. The Classification Working Group is focused on classifications and formulating a recommendation for value-based theft crimes to address inconsistencies.
 - b. The Habitual/Mandatory Working Group is looking at how theft convictions fit into mandatory and habitual charges. A recommendation will possibly be brought forth regarding walk-away escapes and how those convictions fit into habitual charges.

- c. The Consolidation Working Group is examining whether boutique theft crimes can be consolidated into a general theft statute.
 - d. The Statewide Diversion Working Group is examining the possibility of creating an adult diversion program similar to juvenile diversion. This could eventually be a statewide program, or possibly a boiler plate recommendation that counties could adopt for their individual use. The group is examining pre-filing diversion programs. One topic being discussed is funding and how to pay for the supervision of individuals diverted from the criminal system.
 - e. The Parole Working Group was created to review the practices regarding the structure of sentencing and the transition to parole.
 - f. Is there an anticipated schedule for when recommendations from this Task Force will be presented? The Classification and Consolidation groups hope to have a joint proposal in the spring of 2012. Retail stakeholders will give their input before any recommendations are put forth.
2. Juvenile Justice Task Force: The Juvenile Justice Task Force first created guiding principles to measure recommendations. Next, the group began working on service, structural and outcome based guidelines.
- a. The Assessment Working Group has identified all of the assessment tools available throughout the state. That group will look at these tools and develop related recommendations. This group has created study groups on Crossover Youth, Evidence-Based Practices/Transfer of Information, and Training Guide Revisions.
 - b. The Education Working Group is divided into three topical areas:
 - i. Truancy Study Group
 - a. There is a difference of opinion among judges as to how to handle detention. Some federal funding is tied to the reduction of the number of truants. This study group is also trying to identify best practices.
 - ii. Transitions Study Group
 - a. Addresses DYC educational matters. DYC is not considered a school district. The education credits obtained there are not recognized by other schools and cannot be used for graduation requirements. The detention facility is to provide educational services, but there is no definition of how long these services are to be administered. Is it 2 hours of education, 10? Who are the teachers?
 - iii. School to Jail Study Group
 - a. They are also looking at school discipline from school to jail
 - c. The Judicial Working Group is focused on multiple areas, creating study groups on the following topics:
 - i. DYC Admitants Study Group looking at who is in DYC (e.g., the profile of these juveniles).
 - ii. DUI Study Group looking at issues surrounding juvenile DUI's. This includes treatment: who should oversee juvenile DUI's? If an offender has a DUI prior to age of 18, will this count as a second DUI if you get another as an adult? Where do you house a juvenile who has a DUI?
 - iii. Professional Standards/Roles Study Group, and
 - iv. Municipal Court Study Group.

3. Minority Over Representation (MOR) Subcommittee: This group met for the first time on October 19th and discussed the seven MOR recommendations that came out of the CCJJ last year. These recommendations have been divided among the committee members who will work on them prior to the next MOR meeting in January 2012.
4. Bail Subcommittee: A planning group met on October 19th to begin to determine the Bail Subcommittee's structure, which stakeholders should be on the subcommittee, and identify issues. Also in October, DORA released its 2011 Sunset Review of Bail Bonding Agents and the Bail Bond Advisory Committee. At this point, the Bail Subcommittee has representatives from the sheriffs, chiefs of police, private defense attorneys, judges, district attorneys, the public defender's office and the bail industry. The first meeting of the full group will be on December 2nd to talk about the scope of work and the process to be used.

VOTING PRIMER

Paul Herman presented instructions on the voting process. Each recommendation will be presented in its entirety. Some recommendations have several elements. After the entire recommendation has been overviewed, each element will be presented in depth, discussed and then a vote will be taken on each element. The element vote is a simple majority (51%). A vote for (A) means the commission member approves the element. A vote for (B) means the commission member does not approve the element.

After reviewing and voting on all the elements, the entire recommendation will be voted on (excluding any elements that do not pass), with the super majority needed for passage. A (1/A) vote means "I support it." A (2/B) vote means "I can live with it." A (3/C) vote means "I do not support it." 1/A and 2/B combined must equal at least 75% for the item to pass. If C(3) equals 30% or more the item does not pass.

SEX OFFENSE / OFFENDER TASK FORCE

FY12-SO1. Clarify and create in statute the registration requirement for and self-verification by sex offenders who "Lack a Fixed Residence."

DISCUSSION: The registration of offenders who lack a fixed residence (often referred to as "transient" or "homeless") is implied but not explicitly defined in Colorado statute. Law enforcement jurisdictions have differing policies regarding the treatment of such offenders. In some cases, the registration of these offenders is accepted and in other cases the registration of these offenders is not accepted and offenders are encouraged to travel to a jurisdiction where their registration will be accepted. This places an unfair burden on "accepting jurisdictions." Additionally, the People v. Griffin case regarding intent to reside is pending in Colorado courts and may require statutory clarification regarding the definition of "residence."

Colorado statute should be modified to clarify the responsibility of offenders, who lack a fixed residence, to register and to require that law enforcement jurisdictions accept the

registration of such offenders. Offenders who find themselves without a traditional, stable living situation will not be referenced as “transient” or as “homeless,” but as offenders who “lack a fixed residence.” The terms “transient” and “homeless” have specific meaning defined by Federal law that direct specific provision of services and individual rights.

The following 9 items comprise this single recommendation.

- a) **“Lacks a Fixed Residence.”** Add definition: 16-22-102 (7.6) – “lacks a fixed residence” means that a person does not have a living situation that meets the definition of residence pursuant to 16 -22-102(5.7). This includes, but is not limited to, outdoor sleeping locations or any public or private locations not designed as **TRADITIONAL LIVING** ~~regular sleeping~~ accommodations. “Lacks a fixed residence” also includes public or private housing or temporary shelter facilities, residential treatment facilities, or any other residential program or facility ~~if the owner or facility providing the housing consents to the person utilizing the location as his or her temporary address for purposes of registration as a person without a fixed residence and if the person remains at the location for less than 30 days.~~

Also, Move 16-22-102 (5.7) to 16-22-102 (7.5).

[PLEASE NOTE: This definition will conflict with language in 16-22-105(3) which says, “Notwithstanding the existence of any other evidence of intent, occupying or inhabiting a dwelling for more than 14 days in a thirty day period shall constitute the establishment of a residence.” Also, language throughout article 22 of title 16 is currently in dispute in the case of People vs. Griffin (08CA2694) regarding “intent” to reside. Modifications of the above (and other conforming revisions of statute) may be required by the Griffin case.]

Regi Huerter moved to approve section (a). Anthony Young seconded the motion.

Vote: SUPPORT: 18 DO NOT SUPPORT: 1

- b) **Shelters as a residence.** Amend definition in 16-22-102(5.7) of “residence” to clarify that it only applies to occupancy in a shelter for a time period longer than 30 days.

Regi Huerter moved to approve section (b). Reo Leslie seconded the motion.

Vote: SUPPORT: 18 DO NOT SUPPORT: 1

- c) **Requirement to register and to accept registrations.** Change 16-22 -108 -- each person who is required to register pursuant to 16-22-103 shall register with local law enforcement in each jurisdiction in which the person resides “or is located without a fixed residence pursuant to 16-22-102 (7.6).” Law enforcement is required to accept the registration of offenders who “lack a fixed residence.”

If the location at which a person attempts to register would be in violation of a local ordinance, law enforcement shall so advise the offender. The offender shall then

be required to secure alternate residence and remain in compliance with all other provisions of this article. Law enforcement officials are not required to accept a person's registration to an unlawful location or residence.

Reo Leslie moved to approve section (c). Regi Huerter seconded the motion.

Discussion:

1. Do we need language here that says that law enforcement should be required to accept the registration without verifying if it is true? This is covered by the fact that it is a crime to register to a false location in another area of statute.

Vote: SUPPORT: 19 DO NOT SUPPORT: 0

- d) "Geo-locations."** Change 16-22-109(1) – If a person lacks a fixed residence as defined in 16-22-102 (7.6), the person shall be required to provide to local law enforcement the public or private locations where the offender habitually sleeps. This can include, but is not limited to cross streets, intersections, direction and identifiable landmarks of the locations.

Claire Levy moved to approve section (d). Reo Leslie seconded the motion.

Discussion:

1. Within the five day period of time, the offender should identify their location. If it is over 5 days, the offender is required to file a change of address.

Vote: SUPPORT: 19 DO NOT SUPPORT: 0

- e) Self-verification.** Change 16-22-109 (3.5) to add:

(I) If a person lacks a fixed residence, verification of the location reported by the registrant shall be accomplished by self-verification reporting as described in section 16-22- (INSERT THE NEW SECTION REFERENCE HERE THAT DEFINES THE ENHANCED REPORTING REQUIREMENTS/VERIFICATION EVENT AS SEEN BELOW IN "1g").

Also, add language that says:

(II) "Law enforcement shall not be required to verify the physical address of an offender who is required to comply with section 16-22-.... (AS SEEN IN "1g") ~~--- because verification for offenders who lack a fixed residence shall be accomplished through the self verification enhanced reporting process."~~

If law enforcement is not required to verify address, what is the requirement?

Registration requires law enforcement to verify the address. Law enforcement has the option to follow-up on self verification.

Anthony Young moved to approve section (e). Reo Leslie seconded the motion.

Vote: SUPPORT: 19 DO NOT SUPPORT: 0

- f) Residence/non-fixed residence changes.** Add new section regarding changing to and from "lacks a fixed residence":
- i.** a person with a residence as defined in 16-22-102 (7.5) who vacates the residence and, subsequently, has no fixed residence shall report that change in status within 5

days after ceasing to have a fixed residence and shall comply with the requirements of 16-22 – (AS SEEN IN “1g”) and 16-22-109 for the time period during which the person has no fixed residence.

- ii. A person who lacks a fixed residence as defined in 16-22-102 (7.6) who obtains fixed residence as defined in 16-22-102 (7.5) shall report the change in status within 5 days after establishing the residence.
- iii. Make clear that failure to comply with this section is a failure to report a change of address and punishable as provided under current law as a failure to register.

Regi Huerter moved to approve section (f). Michael Dougherty seconded the motion.

Vote: SUPPORT: 19 DO NOT SUPPORT: 0

- g) **Reporting requirements and Penalties.** Add a new section regarding the self-verification process describing the enhanced reporting requirements and penalties:
- i. In addition to any other requirements pursuant to this section, a person who is subject to annual registration and without a fixed residence shall, **AT LEAST** every 90 days, report to local law enforcement in whose jurisdiction or jurisdictions the person is registered for self-verification of the location of the offender. This self-verification process shall be accomplished consistent with any time schedule established by the local jurisdiction, **WHICH MAY INCLUDE A TIME SCHEDULE THAT IS WITHIN 5 BUSINESS DAYS BEFORE OR AFTER THE OFFENDER’S BIRTHDATE.** The person shall verify his or her location and provide any information required to be reported pursuant 16-22-109.
 - ii. In addition to any other requirements pursuant to this section, a person who is subject to quarterly registration pursuant to this section and who is without a fixed residence shall, **AT LEAST** every 30 days, report to local law enforcement in whose jurisdiction or jurisdictions the person is registered for self-verification of the location of the offender. This self-verification reporting shall be accomplished consistent with any time schedule established by the local jurisdiction, **WHICH MAY INCLUDE A TIME SCHEDULE THAT IS WITHIN 5 BUSINESS DAYS BEFORE OR AFTER THE OFFENDER’S BIRTHDATE.** The person shall verify his or her location and provide any information required to be reported pursuant 16-22-109.
 - iii. An offender without a fixed residence who fails to comply with the provision of this section shall be subject to prosecution for the crime of failure to verify location. Failure to verify location by an offender without a fixed residence shall constitute a criminal misdemeanor offense punishable by a sentence to the county jail of up to 30 days. A third or subsequent offense shall constitute a misdemeanor offense punishable by a sentence of up to one year in the county jail. Failure to verify location shall not be labeled a sex offense per 16-11.7-102(2)(a)(II) which would subject the offender to the requirements of evaluation and identification required in CRS 16-11.7-104 and the treatment required by CRS 16-11.7-105.

iv. Determine whether the drafter thinks this offense should be in Title 18.

Regi Huerter moved to approve section (g). Anthony Young seconded the motion.

Discussion:

1. Under subsection III, what is the rationale for not treating it as a sex-offense? Probation preferred that it not be considered a new sex offense for which a new evaluation (requiring extensive resources) would have to be done.
2. If we adopt element (g), the annual reporting will go from quarterly to annually? Registration requirements do not change. Sexually Violent Predators and others committing specific offenses already are required to increase their reporting from quarterly to monthly.
3. If homeless sex offenders don't report correctly, this makes it easier to charge them with another felony. This doesn't seem fair that this is an extra requirement only for the homeless. There are transportation issues to get to the police department to register. It seems inappropriate to focus this burden on this population. With this, the task force was attempting to accommodate the homeless without placing on them an inordinate burden or increasing the likelihood of their committing new crimes. The offense for failure to self-verify is not proposed as a felony, but as a misdemeanor offense.
4. The language about the schedule being developed by each jurisdiction is awkward. Maybe this should be refined in drafting.
5. What does (iv) in the (g) section mean? This means that the drafter may need to do some research to ensure the citation is correct.

Vote: SUPPORT: 14 DO NOT SUPPORT: 5

- h) Offender notification.** Amend section 16-22- 106 and 107 to require a notification to any offender required to register, pursuant to this section, of the duty to report the change of address to "lacks a fixed residence" status and the requirement to comply with the statutory provisions regarding self-verification.

Rhonda Fields moved to approve section (h). John Morse seconded the motion.

Vote: SUPPORT: 18 DO NOT SUPPORT: 1

- i) Data reporting.** Add language that requires local law enforcement and CBI to report to CDPS information regarding the number of offenders who lack a fixed residence and any other information requested by the Department to follow up with this legislation to assess its effectiveness and/or need for modification.

Regi Huerter moved to approve section (i). Alaurice Tafoya-Modi seconded.

Discussion:

1. This may have a fiscal note assigned to CBI and may have to be amended during the session. Are we prepared to do this? If we amend something out during the session, will that mean we lose CCJJ support? It was stated that CBI is already collecting this data. There will be no fiscal note.

Vote: SUPPORT: 17 DO NOT SUPPORT 2

VOTE ON THE ENTIRE RECOMMENDATION, FY12-SO1:

Regi Huerter moved recommendation FY12-SO1 and all its elements. Reo Leslie seconded the motion.

Vote: SUPPORT IT: 14 CAN LIVE WITH IT: 2 DO NOT SUPPORT IT: 3
Recommendation FY12-SO1 passes: 84% to 16%

FY12-SO15. THE COMMISSION SUPPORTS A STATEWIDE PUBLIC POLICY AND AN EDUCATION STRATEGY LED BY THE SOMB TO PROMOTE THE USE OF CHILD SAFETY ZONES IN LIEU OF RESIDENCY RESTRICTIONS AND ZONING ORDINANCES REGARDING SEX OFFENDER HOUSING.

DISCUSSION: This has been re-worded as a policy statement. Colorado municipalities and counties continue to implement sex offender housing restrictions and zoning ordinances which reduce options for housing that promotes public safety. These actions tend to result in a domino effect causing adjacent municipalities and counties to also implement restrictions to discourage the “re-settlement” of displaced offenders. These restrictions result in negative consequences that impede better public safety options for managing sex offenders on probation and parole. Child safety zones define protected areas that sex offenders are prohibited from entering except in limited and safe circumstances. These zones are a more effective public safety option that is typically included among the conditions required of sex offenders who are under parole or probation supervision. The size and design of child safety zones should be carefully defined to prevent the zone from becoming a de facto residency restriction. The Commission will monitor the educational efforts and will consider legislative solutions on this matter at some point in the future after the 2012 legislative session.

Regi Huerter moved to approve the above recommendation. Reo Leslie seconded the motion.
Discussion;

1. This recommendation was presented at the October meeting as a prohibition of residency restrictions. The recommendation has been reworded to make it a policy recommendation. It also requires the Commission monitor the educational efforts.
2. What does it mean when it refers to a state-wide public policy? How do we implement this? Last time the task force was asking for legislation to prohibit restrictions. We are not ready for that yet and we need to educate local communities on the adverse effects of restrictions.
3. There is no entity that adopts state-wide public policies. As written, this won't be very effective.
4. There is no evidence-based research supporting child safety zones. The child safety zones have recently been created and are similar to what is currently required of sex offenders. Why should the Commission “support the use of child safety zones” when there is no research on those zones?
5. How does an offender know they are at the edge of a “child safety zone?” Do you put signs up? How do people find out about these? We have licensed and un-licensed child care facilities in residences. How does a sex offender know that by simply walking down the street, that they have violated a safety zone? This is written as a loitering ordinance.

You can pass through an area, but you cannot stand on the street. Parole and probation officers define these areas all the time.

6. This recommendation still pre-empts local municipalities' authority.
7. Have you included representatives from MACC (Metro Area County Commissioners) in this discussion? The topic is on the MACC's radar. The working group did have the lobbyist from CML (Colorado Municipal League) participate in one meeting and that has opened the door for dialogue.
8. In looking at this recommendation, both sides felt that it was good public policy. The reason it came back as a policy recommendation is because it was perceived that the Commission would not support the recommendation if it was to create legislation. The CCJJ should move forward and try to stop bad policy. You can educate through legislation.
9. If this is supported, it will give the Sex Offender Management Board the ability to go into a community and speak to the locals about the effect of a restriction they might be implementing.
10. Why can't the Sex Offender Task Force continue to study the problem? Why do we need to vote on something that just says the issue needs to be studied more? Why should the state go into communities to discuss their ordinances and encourage the creation of child safety zones when there is no research on those?
11. Educating the public and local entities about the effect of zoning restrictions is a good idea.
12. Regi Huerter made a friendly amendment to the recommendation. The amended recommendation reads "The Commission supports statewide education led by the SOMB to discuss the use of child safety zones in lieu of residence restrictions and zoning ordinances regarding sex offender housing."
 - a. Reo Leslie seconded the amended language.

Vote: SUPPORT IT: 11 CAN LIVE WITH IT: 3 DO NOT SUPPORT IT: 4
 Recommendation FY12-SO15 passes: 78% to 22%

Drug Policy Task Force:

For the remainder of the meeting Paul Herman suggested that the supermajority vote on an overall recommendation continue to be preceded by a motion and second, but that, for efficiency, the individual elements, where applicable, simply be discussed and subjected to the simple majority vote without bothering with a motion and second. The Commission members agreed.

John Morse moved recommendation FY12-D1 including sections "a" through "d" and sections "g" through "j." Regis Groff seconded the motion.

Vote: SUPPORT: 17 DO NOT SUPPORT: 0
 The motion to consider passed.

FY12-D1. Legislative Proposal for Treatment Funding Consolidation and Reporting

Recommendation Synopsis: Consolidation of the Drug Offender Surcharge Cash Fund (to include the HB-1352 GF appropriation) and the Drug Treatment Fund (created in SB03-318) into a single fund (Correctional Treatment Cash Fund) . In addition, consolidation of the three oversight bodies into a single decision making body.

DISCUSSION

Legislative Intent of the Bill: The intention is to increase efficiency and foster cross-agency collaboration in the delivery of treatment to people under supervision of the criminal justice system and enhance reporting requirements on specific treatment outcomes and programs.

Background/Problem: Currently, there are three major funding sources for substance abuse treatment for people in the criminal justice system including, Drug Offender Surcharge revenues, funding per HB10-1352, and funding per SB03-318. Each of these three funding sources has its own fund in state statute, has a separate oversight and/or decision-making body (with different membership), and different permissible uses of the funds and reporting requirements.

Proposed Solution (Details):

The following is being recommended to the Drug Policy Task Force within the Colorado Criminal and Juvenile Justice Commission (CCJJ) by the Interagency Advisory Committee on Adult and Juvenile Correctional Treatment (IACAJCT), Interagency Task Force on Treatment (ITFT), HB-1352 Advisory and the CCJJ Structure Work Group.

- a) The fund would retain interest earned and at year end all unexpended monies would remain in the fund as re-appropriated funds.
Vote: SUPPORT: 17 DO NOT SUPPORT: 0

- b) Consolidation of the three oversight bodies into a single decision making body would include one voting representative from each statutorily named department, division, office or professional association; Department of Corrections, Judicial Department (Division of Probation Services), Department of Public Safety, Department of Human Services, Office of the State Public Defender, Colorado District Attorneys Council, Colorado Sheriff's Association and Colorado Counties Association. The new body will have 8 voting members.

CCJJ Questions:

1. Who is representing juveniles on this matter? Human Services has had two representatives.
2. Are there any purposes to these funding streams that will be lost through the consolidation? Because this is drug offender surcharge money, all their purposes have been expanded.

Vote: SUPPORT: 17 DO NOT SUPPORT: 0

- c) The statutorily identified purposes for the funds will be consolidated and expanded to include data collection, analysis and administrative support. The following would be approved purposes:

- Screening
- Testing
- Assessment/Evaluation
- Education
- Statewide conference
- Treatment- assessed substance use and co-occurring disorders
- Recovery support services- to be defined by oversight body
- Data collection, data analysis, and administrative support

CCJJ Questions:

1. Is this for both substance abuse and mental health? These funds are for co-occurring disorders, but not for stand-alone mental health issues.
2. Does that also include substance abuse and trauma? This would be considered co-occurring.

Vote: SUPPORT: 17 DO NOT SUPPORT: 0

- d) The populations to be served with funds shall be:

- Diversion: adult and juvenile
- Probation: adult and juvenile
- Parole: adult and juvenile
- Community corrections
- Jail

Vote: SUPPORT: 16 DO NOT SUPPORT: 1

- e) Enhance the data collection and reporting on treatment outcomes for people in the criminal justice system. Although treatment-related detail is already collected by treatment providers through the Drug/Alcohol Coordinated Data System (DACODS) maintained by Division of Behavioral Health there has not been a history of reporting this information to criminal justice system stakeholders. DBH would be required to report the following details by treatment program (organized by Judicial District):

- Referring criminal justice agency
- Treatment program name and location (county and judicial district)
- Client name and demographic information including gender and ethnicity
- Level of treatment delivered
- Actual length of time in treatment
- Discharge status (with reasons for negative discharge)
- Special licenses held by the treatment program (offender, youth, gender specific, bi-lingual, etc.)

Vote: SUPPORT: 17 DO NOT SUPPORT: 0

~~f) It is not currently possible to include either a client's assessed treatment need level or a risk/need assessment score. DACODS does not have a field for either of those variables. DBH has been working on an electronic dashboard report on each treatment program that receives funding. The dashboard would include performance indicators like: length of stay in treatment, any reduction of drug use during course of treatment, any change in employment status, any change in housing, and any change in criminal involvement. A prototype of the dashboard will be in the field by the end of the year. DBH is also in the process of developing its Offender Management System (OMS) which would ultimately envision linking databases with probation, parole and drug courts to collect and report progress information on all offender clients receiving treatment services. The concept is similar to the DRS (DUI/DWAI Reporting System) which shares information that has been implemented with DUI clients in treatment who are also under criminal justice supervision.~~

NOTE: Section (f) was eliminated by the Task Force and, thus, was not considered by the Commission.

g) Local SB318 boards will be re-constituted to ~~include~~ **allow for the inclusion of additional members**, one from community corrections boards, one local parole representative (sheriff of designee) and one representative from local government to represent county jails. **Both juvenile and adult substance abuse and co-occurring treatment needs will be addressed considered.**

CCJJ Questions:

1. Not all SB318 boards include members from jail or community corrections boards. If they have community correction boards, then this section applies. If the local boards do not have such a board, the SB318 board is able to move forward.
2. Sections "g," "h" and "i" speak only to adult entities. What about juveniles? The SB318 boards already go to juvenile programs now. All we are adding are representatives from the community corrections boards, a parole representative and a local government representative.
3. Who would the juvenile representative be? Language needs to be changed. Local boards can add whoever they want.
4. Regi Huerter moved to strike the word "include" and add the language, "allow for the inclusion of additional members." Julie Krow seconded the motion.

Vote: SUPPORT: 17 DO NOT SUPPORT: 0

5. Regi Huerter moved to add the language, "Both juvenile and adult substance abuse and co-occurring treatment needs will be addressed." Rhonda Fields seconded the motion.

Vote: SUPPORT: 17 DO NOT SUPPORT: 0

6. John Morse moved to strike the word "addressed" and amended to "considered". Steve Siegel seconded the motion.

Vote: SUPPORT: 17 DO NOT SUPPORT: 1

- h) The role of the local SB318 boards will be expanded to allow local SB318 boards to coordinate with the single decision making body regarding the allocation of treatment dollars from all funding sources in order to meet the local treatment needs.

CCJJ Questions:

1. Who is the single decision making body? It is the 8 member body.

Vote: SUPPORT: 16 DO NOT SUPPORT: 0

- i) The single decision making body shall prepare an annual treatment funding plan ~~pursuant to a formula~~ that will ~~allow for~~ consider a fair and reasonable allocation of resources throughout all regions of the state. The single decision making body shall develop this plan based on the available data and in consultation with the local SB318 boards. The re-constituted SB318 boards should tender recommendations to the single decision making body based on Assessed local needs and the information available to the re-constituted boards as to what the most effective treatment programs would be to meet those needs.

CCJJ Questions:

- 1 Tom Raynes said the single decision making body will make a treatment funding plan pursuant to a formula. There was a discussion about the formula. Currently, SB318 dollars are the only dollars that go to local boards.
2. SB318 boards would like to strike the “words pursuant to a formula.”
3. We need to change the “allow for” to “consider.”
4. John Morse moved to strike the language, “pursuant to a formula.” Regi Huerter seconded the motion.

Vote: SUPPORT: 17 DO NOT SUPPORT: 0

- j) Additional stakeholders may be invited to participate in meetings but would not be a voting member. The oversight body would be responsible for developing the funding ~~allocation formula plan~~ between agencies, how to gather input on local needs, the annual conference budget and a mechanism to retain drug courts as a high priority, a plan for data collection and analysis, and any written guidelines or policies governing the operations of the oversight body.

CCJJ Discussion:

1. John Morse moved to strike “allocation formula” and change it to “plan”. Second by Anthony Young.

Vote: SUPPORT: 17 DO NOT SUPPORT: 0

VOTE ON THE ENTIRE RECOMMENDATION, FY12-D1:

Vote held on FY12-D1 with amendments (previously moved and seconded):

Vote: SUPPORT IT: 16 CAN LIVE WITH IT: 1 DO NOT SUPPORT IT: 0

Recommendation FY12-D1 passes: 100% to 0%

FY12-D2. Public safety requires that drivers not be impaired from alcohol, cannabis, or any other medication or drug, while operating a motor vehicle.*DISCUSSION*

Accidents are the fifth leading cause of death in the U.S. and nearly half of these are motor vehicle accidents. Motor vehicle accidents are the leading cause of death in those under 30. Drunk drivers are involved in 25% of motor vehicle fatalities, and many accidents involve drivers who test positive for cannabis. Public education campaigns and proactive, preventive messaging regarding cannabis use and driving should follow the lead of MADD campaigns.

Rhonda Fields moved recommendation FY12-D2. Tom Clements seconded the motion.

CCJJ Questions:

1. Why are we doing this? We all agreed that driving drunk or high is not a good idea. Part of the discussion included an education campaign. This was a consensus statement.

Vote: SUPPORT IT: 15 CAN LIVE WITH IT: 2 DO NOT SUPPORT IT: 0
Recommendation FY12-D2 passes: 100% to 0%

FY12-D3. Government entities should expand and improve efforts to collect and share data related to drugged driving and traffic fatalities with the purpose of producing a single annual report on the characteristics of all drivers (living and dead) involved in fatality crashes.*DISCUSSION*

Strategies to decrease traffic fatalities and incidents are dependent on our understanding of these events. Current data collection efforts involve multiple parties and multiple reporting efforts, and face regulatory limits and HIPPA protections, resulting in a fragmented approach with problems of data quality and missing data. The Colorado Department of Transportation should be given the authority to convene relevant parties to facilitate the production of an annual motor vehicle incident and fatality report.

John Morse moved recommendation FY12-D3. Doug Wilson seconded the motion.

CCJJ Questions:

1. Is the intent drugged driving?
2. Would this result in additional rules on juvenile drivers? Department of Human Services already has an extensive way of tracking juvenile fatalities. This is not mandating anyone to collect additional data.

Vote: SUPPORT IT: 14 CAN LIVE WITH IT: 2 DO NOT SUPPORT IT: 0
Recommendation FY12-D3 passes: 100% to 0%

FY12-D4. Increase the number of Drug Recognition Experts (DREs) ensuring sufficient coverage in rural and frontier areas of the state.*DISCUSSION*

A DRE is a law enforcement officer who has received specialized training and has been certified by the International Association of Chiefs of Police to evaluate and determine if a subject is behaviorally impaired, what drug category(s) is/are causing the impairment or if a medical condition is causing the impairment. A law enforcement officer will often ask for assistance from a specialized DRE officer if they are having difficulty determining the cause of impairment. Colorado had 173 certified DRE officers in 2010. The number of DRE certified officers is growing and is estimated to soon reach 200 in Colorado; however experts estimate the need to be 250-300. Rural and frontier parts of the state frequently do not have immediate access to DREs. Funding for more DREs is a challenge at both state and local levels.

Claire Levy moved recommendation FY12-D4. Mark Waller seconded the motion.

Vote: SUPPORT IT: 12 CAN LIVE WITH IT: 1 DO NOT SUPPORT IT: 1
Recommendation FY12-D4 passes: 93% to 7%

FY12-D5. A strong public education campaign that focuses on disseminating information to dispensary owners, customers and the public is a priority to enhance public safety on the roadways.

- a. The campaign should mention the severe impairment that results from the combined use of marijuana and alcohol.**
- b. A sub-campaign should target young people because they are prone to engage in risky behavior.**
- c. The Department of Revenue Medical Marijuana Enforcement Division should impose labeling requirements on receipts from dispensaries stating that patients should not consume cannabis and drive.**

DISCUSSION

Impaired driving significantly decreases public safety. The success of the MADD campaigns should inspire the method and underscore the need for a broad-based public education campaign aimed at the public, youth, and medical marijuana patients.

Doug Wilson moved recommendation FY12-D5. Reo Leslie seconded the motion.

Vote: SUPPORT IT: 13 CAN LIVE WITH IT: 1 DO NOT SUPPORT IT: 0
Recommendation FY12-D5 passes: 100% to 0%

Other Drug Policy Task Force Business:

The fifth revision of the drug sentencing grid was distributed by Maureen Cain who asked Commission members to review it. The Structure Working Group is still talking about parole issues, the 90 days and 180 days as condition of community placement, and equal protection issues. They are going through a process of obtaining feedback from judges, prosecutors and the defense bar. They also have submitted a request for data collection from DOC. This recommendation should be presented to the task force and the potentially the Commission for a final vote in December.

The Prevention Working Group is continuing to work with the Juvenile Task Force on their recommendations and will also present their final recommendations to the task force and potentially the Commission in December.

Next Meeting:

Out next meeting is on December 9th. Staff will begin distributing legislative fact sheets at the December meeting.

A Parole Task Force has been suggested. Michael Dougherty will be the Chair and Tom Clements will be the Vice-Chair. If Commission members wish to participate they are to contact Germaine Miera.

The meeting adjourned at 4:27 p.m.