



FY2013 RECOMMENDATION/FY13-DP03 DEVELOP A JAIL OPTION FOR THE COMPLETION OF SPECIFIC DRUG-RELATED, SHORT PRISON SENTENCES.

Status: Implementation Complete

Actions/Updates

2019 ACTION TO DATE

Introduced March 22, 2019, House Bill 2019-1263 (Offense Level for Controlled Substance Possession; Sponsors Reps. Herod/Sandridge and Sens. Marble/Lee) makes the possession of some amounts of certain drugs a Level 1 Misdemeanor.

This bill was not initiated by CCJJ, but included elements of a previous CCJJ recommendation. The bill shifts the focus of intervention to treatment rather than incarceration for these individuals, which was the intent of the recommendation. The bill was signed by the Governor May 28, 2019.

Action on this recommendation is considered complete.

2018 ACTION TO DATE

Implementation unknown.

2017 ACTION TO DATE

Implementation unknown.

2016 ACTION TO DATE

Implementation unknown.

2015 ACTION TO DATE

Implementation unknown.

2014 ACTION TO DATE

Implementation unknown.

2013 ACTION TO DATE

Implementation unknown.

2012 ACTION TO DATE

Update pending.

Description

Request that the Department evaluate the feasibility of allowing defendants sentenced to prison with a relatively short sentence who need substance abuse treatment to serve their prison sentence in the county jail if the jail can provide the appropriate level of substance abuse treatment. The Sheriff and the DOC would need to both agree to a defendant serving his/her prison sentence in jail. DOC would be responsible to pay for the cost of incarceration at the jail per diem set by the legislature.

Agencies Responsible

Discussion

People sentenced to prison for relatively short sentences who have substance abuse treatment needs are not likely to receive treatment while in prison. There is a lack of treatment available in prison, particularly for people with shorter sentences. Processing inmates through the DOC Denver Reception & Diagnostic Center (DRDC) is very costly and involves numerous tests and assessments.

*The treatment funds appropriated to the Division of Behavioral Health from HB 10-1352 have been used to expand or develop the capacity to provide substance abuse treatment in jail through the Jail Based Behavioral Health Services (JBBS) program. In FY11-12, \$1,450,000 was appropriated to the Division of Behavioral Health and JBBS grants were awarded to the Sheriff's Departments in Alamosa , Arapahoe, Boulder, Delta, Denver, El Paso, Jefferson, La Plata, Larimer, and Logan counties.**

Allowing inmates to serve a relatively short prison sentence in jail may increase their likelihood of receiving substance abuse treatment services while incarcerated. If allowed to serve the prison sentence in jail, inmates may have better access to family visitation and re-entry support services offered by the jail or local community-based programs. This may help promote successful re-entry following release.

This recommendation may present some operational and logistical challenges for the jail, DOC administration, and the Parole Board. For example, DOC inmates in jail would need to be eligible to be awarded any earned time as other DOC inmates. A DOC inmate serving his/her sentence in jail would still be eligible under state law to be referred to community corrections (unless waived) or, in the alternative, whether a DOC inmate could be eligible for a jail work-release program, if offered. DOC inmates in jail would still be eligible under state law for consideration by the Parole Board when eligible. Further discussion would be needed on these issues to determine whether this recommendation is viable and further discussion may also be needed regarding whether the current jail reimbursement rate paid by DOC would be adequate in this circumstance.

Footnotes

**Treatment Funding Work Group. (September, 2012). Impact of CCJJ bills on substance use disorder treatment.*