



Colorado Commission on Criminal & Juvenile Justice

FY2020 RECOMMENDATION/FY20-DR02 Support a Public Health Model of Deflection [Policy]

Status: Implementation Unknown

Actions/Updates

2023 UPDATE (JUNE)

During the FY 2023 Legislative Session, Senate Bill 2023-158 to reauthorize the Colorado Commission on Criminal and Juvenile Justice (CCJJ) was postponed indefinitely on May 7, 2023. Therefore, with the sunset of the Commission, all activities of the CCJJ ceased on June 30, 2023.

No further monitoring of CCJJ recommendations will occur.

2021 UPDATE (JUNE)

Senate Bill 2021-137 was passed by the General Assembly on June 8, 2021 and was signed by the Governor June 28, 2021. This bill addressed multiple aspects of drug treatment, intervention and services across the state. The bill offered minimal integration or coordination with the criminal justice system.

2020 UPDATE

This policy recommendation, approved by the Commission on September 11, 2020, recommends a multi-system, public health approach to respond to substance abuse (and co-occurring mental health) treatment needs in the community to prevent the involvement of individuals in the criminal justice system. This recommendation was derived from the work on the CCJJ mandates included in Senate Bill 2019-008. The report in response to this mandate is available on the CCJJ Reports webpage (see the "SB 19-008 - Drug Offenses & Substance Abuse Issues Report" [Sept. 2020] at, ccjj.colorado.gov/ccjj-reports).

Description

Fund public health interventions that strengthen community resources and expand alternatives to filing criminal charges against adults and youth with substance use issues who are at risk of justice involvement. By aspiring to a public health approach — which redirects adults and youth with substance abuse issues engaging in behaviors that can lead to incurring criminal charges from the justice system entirely — this recommendation shifts priorities in funding upstream, supporting the still inadequate system for care coordination and treatment. Recognizing that funding diversion programs that are post-arrest continues to inadvertently reinforce the justice system as the point of intervention for many adults and youth with substance use disorder treatment needs, notwithstanding potential for co-occurring mental health needs, true alternatives

are still needed to avoid the justice system operating as a healthcare system of intervention and care.

To facilitate this approach, implement the following:

- Priority #1: Provide funding and improve access to coordinated treatment provider and care coordination systems so that adults, youth and families can access services, interventions, supports, and treatment modalities within their community, leading to a decrease in call volume for first responders and reliance on the justice system as a point of intervention and to improved community wellness.
- Priority #2: Continue to improve training and to enhance service provider collaboration with law enforcement including but not limited to expanding co-responder and law enforcement diversion programs and deflection models that also include the critical component of care coordination, treatment when and where necessary and community engagement. Without community supported and appropriately funded alternative case management and treatment options, first responders will continue to be left without options that match the complexity of needed care.
- Priority #3: Continue to increase post-arrest diversion opportunities to create multiple “off-ramps” from criminal and juvenile justice system entanglement and prioritize programs using a harm-reduction approach to address the underlying needs of individuals, the community, and victims.

Agencies Responsible

Colorado General Assembly, adult and youth substance abuse treatment providers, mental/behavior health providers, law enforcement agencies, and criminal justice deflection and diversion programs.

Discussion

In response to worldwide shifts in our collective experience and perspective regarding racial and ethnic equity, as well as considering the dramatic changes implemented in response to the COVID19 pandemic, this public health model recommendation seeks to shift the primary response to individuals with substance and mental health needs to the behavioral and public health systems instead of relying on the criminal and juvenile justice systems to handle these health needs. This approach allows individuals to avoid justice system entanglement, and improves health and safety outcomes for individuals and communities.

Footnotes

To ensure integrity to the legislative mandate to the Commission specified in Senate Bill 2019-008, The Drug Offense Task Force attached an abandoned recommendation that was the initial focus of work. The abandoned recommendation is appended to FY20-DR #02 as Appendix 1, which may be found using the "Recommendation Text" link. However, Recommendation FY20-DR #02 reflects the perspective of the Drug Offense Task Force in response to the mandate and outlines a larger system shift in resources.