



Colorado Commission on Criminal and Juvenile Justice

Minutes

March 13, 2020

VIRTUAL MEETING
1:00PM-1:40PM

Commission Member Attendance

Stan Hilkey, Chair – ABSENT	Serena Gonzales-Gutierrez - ABSENT	Tom Raynes
Abigail Tucker, Vice Chair-ABSENT	Kristen Hilkey	Cliff Riedel – ABSENT
Chris Bachmeyer	Nancy Jackson	Megan Ring – ABSENT
Minna Castillo-Cohen - ABSENT	Jessica Jones – ABSENT	Gretchen Russo
Shawn Day – ABSENT	Bill Kilpatrick - ABSENT	Matt Soper – ABSENT
Janet Drake – ABSENT	Rick Kornfeld – ABSENT	Jennifer Stith
Valarie Finks – ABSENT	Matt Lewis	Glenn Tapia – ABSENT
Bob Gardner – ABSENT	Andrew Matson	Anne Tapp
Priscilla Gartner	Greg Mauro	Dean Williams - ABSENT
Julie Gonzales - ABSENT	Angie Paccione	Joe Thome, <i>ex officio</i>

Substitutions: DJ Johnson for Dean Williams;

CALL TO ORDER AND OPENING REMARKS

Joe Thome, Director of the Division of Criminal Justice (CO Department of Public Safety)

Joe Thome called the meeting to order at 1:03pm. Mr. Thome informed the group that Mr. Stan Hilkey and Dr. Abigail Tucker were unable to attend the meeting. He explained that a virtual meeting had been called to practice physical distancing to reduce the spread of COVID-19. Mr. Thome noted the number of absent Commissioners, many of whom were attending other COVID-19-related meetings. Mr. Thome asked Commissioners to introduce themselves and reviewed the agenda.

TASK FORCE UPDATES

Mr. Thome provided a slide presentation comprising previews of upcoming recommendations (See colorado.gov/ccjj/ccjj-mtgs-2020, under “March 13, 2020-Virtual Meeting.”)

Age of Delinquency Task Force

Jes Jones and Joe Thome, Co-chairs

The Task Force, formed in February 2018, is currently exploring options and approaches regarding the management of emerging adults (18 - 24 year olds) in the criminal justice system pursuant to mandates in House Bill 2019-1149. The Age of Delinquency Task Force has created two Working Groups:

- 1) The **Youthful Offender System (YOS) Working Group** has studied YOS eligibility, capacity and regulations. The Working Group has drawn the following conclusions:

- The existing YOS program does not appear equipped to accommodate effectively an immediate expansion of eligibility for those up to 24 years old.
- New statutory criteria and policy changes will allow flexibility in program choices for young adults.
- Current criteria in statute defining the time spent in YOS program phases may not effectively serve individual needs.
- The current YOS program was designed to adhere to the original statutory mandates, which have become dated, impede program flexibility and do not reflect best practices.
- Statutory changes can create the necessary flexibility in the YOS program.
- There is a need to improve and mandate information sharing between YOS and other agencies for more effective and efficient service provision.
- There are opportunities to expand the use of restorative justice.
- An independent evaluation to focus on the relevance of and gaps in existing YOS programs would be beneficial.
- Re-entry/program violation/revocation/re-sentencing procedures may require statutory modifications.

This Working Group is developing two potential recommendations:

- Modify YOS statutes to increase flexibility in programming and program phases allowing a more individualized approach; improved information sharing; for greater consistency in the revocation process; and more clarity in required staff training.
- Propose an evaluation of YOS including, YOS operations; evidence-based and best practices to improve outcomes, including recidivism; and the expansion of YOS eligibility (based on age and/or crime types, etc.) and the impact on the delivery of services/programs.

2) The **Community Supervision Working Group** was tasked to identify opportunities to expand diversion options, improve community supervision practices, and review specialty court and community corrections options for the 18-24 age group. The Working Group canvassed and held several meetings with chief probation officers on policy standards regarding:

- Revision of case planning and engagement strategies;
- Better preparation of those who work with this population through training on supervision methods and risk/needs assessment tools;
- Improvements in family member engagement; and
- Dissemination of brain development research.

This Working Group is developing a single recommendation:

- To propose a policy update to probation standards to include a section on young adults. The standards, promulgated by the Division of Probation Services in the State Court Administrator's Office, will include supervision policy and standards, training for management of young adults, and identify and provide training on risk/needs assessment tool(s) for this population.

Drug Offense Task Force

Megan Ring and Tom Raynes, Co-chairs

The Drug Offense Task Force was seated by the Commission in September 2019 to address mandates in Senate Bill 19-008 (*Concerning treatment of individuals with substance abuse disorders who come into*

contact with the criminal justice system). The Task Force established two Working Groups to address these mandates: the *Diversion Working Group* and the *Sealing Working Group*.

- 1) The ***Diversion Working Group*** was established to study and develop recommendations concerning alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug-related offenses. The Working Group established three **Study Groups** on these diversion topics: **Eligibility Criteria, Service Delivery and Screening Tools & Process & Referral Authority**.

From information developed by these three Study Groups, the Working Group is developing a single recommendation:

- To create an adult pre-filing diversion program at 4 pilot sites. These pilot programs will:
 - Serve adults with co-occurring substance abuse/mental health disorders who committed a drug-related offense.
 - Programs designed to meet/address local community assets, resources and needs. Local jurisdictions define the type of drug charges eligible for diversion.
 - Programs offer early, innovative diversion-to-treatment approach. Support new or expand existing innovative programs (not merely fund/supplant pre-existing programs).
 - Pilot sites to be located in urban and rural jurisdictions.
 - Programs will provide critical care and will coordinate case management.
 - Preference for pre-charge diversion.
 - Four years of funding based on research.

- 2) The ***Sealing Working Group*** was established to study and develop recommendations concerning a process for automatically sealing criminal records for drug offense convictions. The Working Group is developing a single recommendation:

- To provide policy guidance for the creation, implementation and funding of an electronic process to seal records. The recommendation describes data (record) flow between and responsibilities of the following entities to evaluate records for sealings the Office of the State Court Administrator, the Colorado Bureau of Investigation, and the District Attorneys' Offices.

Opioid Investigations Subcommittee

Sheriff Matt Lewis and Chief Bill Kilpatrick, Subcommittee Co-chairs

Sheriff Lewis described that the Subcommittee was seated by the Commission in September 2019 to address specific mandates in Senate Bill 19-008 (*Concerning treatment of individuals with substance abuse disorders who come into contact with the criminal justice system*). Specifically, the Subcommittee has studied best practices to investigate unlawful opioid distribution in Colorado, including the potential creation of black market opioid investigatory entities at the state and local levels. The Subcommittee will propose three statutory recommendations:

- Recommendation 1: Create a *Dangerous Drug Coordinating Council* within the Department of Public Safety to coordinate and facilitate data sharing and case intelligence information to proactively identify and respond to existing and emerging illicit drug problems.
 - Include representatives from these CO entities: Information Analysis Center, District Attorneys' Council, Consortium for Prescription Drug Abuse Prevention, Department of Health Care Policy

- and Financing, Coroners Association, Department of Health and Environment, Department of Public Safety, Attorney General's Office, Chiefs and Sheriffs from urban and rural jurisdictions.
- Invite participation by Drug Enforcement Administration, U.S. Attorney's Office, U.S. Postal Service Office of Investigations, RMHIDTA, and U. S. Homeland Security.
 - Cost for participant travel and staffing (1 position)
- Recommendation 2: Allocate additional investigative resources to regional/rural/frontier agencies in need via a *Dangerous Drug Investigations Team*. Points relevant to this recommendation include:
 - Statewide resources in conjunction with the "Council" can supplement local efforts.
 - The additional support provided by a 16-person CBI team modeled after the Black Market Marijuana Interdiction Team.
 - Create two 8-member teams, one assigned to the western slope and one to the eastern slope, comprising 6 investigators, 1 tactical analyst and 1 administrative assistant.
 - Survey responses from law enforcement agencies indicated that 95% need additional investigation resources.
 - Recommendation 3: Mandate participation in a statewide emergency medical service tracking and reporting system, specifically the ODMAP system.
 - Overdose Detection Mapping Application Program (ODMAP) provides real time overdose surveillance data to support public safety and public health efforts to mobilize an immediate response.
 - First responders, poison control, medical examiners, coroners, and hospital/ERs input data accessible by law enforcement, behavioral health, public health and others. APIs exist to enable system interoperability.
 - "Live" nationwide since April 2017, ODMAP is a free resource used by more than 2,600 agencies across 48 states that is managed by the D.C./Baltimore HDTA* Office (*High Intensity Drug Trafficking Area; see also, odmap.org).

ADJOURNMENT

The next Commission meeting on April 10, 2020 at 1:00 pm will also be conducted virtually. Details of the meeting will be posted on the CCJJ website and communicated to Commissioners by email. Mr. Thome thanked Commissioners for their time and asked the group for any final comments.

Ms. Stith asked whether new Task Forces would be created soon to work on the topics identified by Commissioners at the Nov. 2019 meeting. Ms. English responded that the Commission will revisit these potential topics later during Spring 2020 and that the capacity to address these new topics will be affected by any mandates received from the General Assembly, by any directives received from the Governor, and by the necessity for existing committees to continue their work.

With no further business or questions, Mr. Thome adjourned the meeting at 1:40pm.