



**Colorado Commission on Criminal and Juvenile Justice**

**Minutes**

September 11, 2020 / 1:00pm-2:00pm

**(Virtual Meeting)**

**Commission Member Attendance**

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

**CALL TO ORDER AND OPENING REMARKS**

**Stan Hilkey, CCJJ Chair, Executive Director/Colorado Department of Public Safety**

**Abigail Tucker, CCJJ Vice Chair, Chief Clinical Officer/Community Reach Center**

Mr. Hilkey called the meeting to order at 1:02 pm and thanked Commissioners for attending. Mr. Hilkey reviewed the agenda and asked for any additions or corrections to the August 14 minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the minutes.

**BEST PRACTICE TRAINING: BOARDS AND COMMISSIONS**

**Ingrid Carlson Barrier, Attorney General's Office**

Mr. Hilkey introduced Ingrid Carlson Barrier from the Attorney General's Office. He explained that Ms. Barrier is the attorney assigned to the Colorado Department of Public Safety and so is connected to the work of the Commission. Ms. Barrier explained that legislation was passed in 2018 calling for a fairly robust, annual training for all of Colorado's boards and commissions (24-3.7-102, C.R.S). The training highlighted topics including statutory duties, Board and Commission conduct, conflicts of interest, the Sunshine Law, and the Colorado Open Records Act. Ms. Barrier provided a PowerPoint presentation, the full content of which can be found on the Commission website, <https://ccjj.colorado.gov/ccjj-mtgs2020>

**PUBLIC COMMENT**

No members of the public signed up to offer comment.

**DRUG OFFENSE TASK FORCE****Megan Ring / Tom Raynes, Task Force Co-Chairs****Final Recommendation Presentation****Joe Thome, Diversion Working Group Co-Leader****Abigail Tucker, Diversion Working Group Member**

Mr. Thome directed Commissioners to Recommendation FY20-DR#02, Support a Public Health Model of Deflection (Policy), provided in the meeting materials. The current recommendation replaced a previous recommendation that was developed and subsequently abandoned (see Appendix 1 of the recommendation). Recommendation FY20-DR#02 reflects a shift in perspective by the members of the Diversion Working Group and the Drug Offense Task Force, away from a law enforcement centered approach and toward a public health diversion response for those with substance abuse issues who have committed a drug offense.

Dr. Tucker explained that the change in perspective was the result of recent events, including the budget challenges related to COVID-19, efforts to achieve racial equity and justice, and the need to redirect responses to social problems away from the criminal justice system.

***Recommendation excerpt reflecting amendments approved below.*****FY20-DR #02. Support a Public Health Model of Deflection [Policy]**

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 individuals** 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 **individuals**, adults and youth with substance use disorder treatment needs not withstanding 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 individuals** 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.

## DISCUSSION

Ms. Jackson commented that the recommendation aligns with the work of the Colorado Behavioral Health Task Force and the State Safety Net Subcommittee. She commended these efforts and suggested that the Commission along with the Behavioral Health Task Force jointly voice their support for a first public health response.

It was noted that the first paragraph of the recommendation states that public health interventions are available for adults and youths. Commissioners discussed the importance of clarifying that this approach include youth, and Representative Gonzales-Gutierrez moved to amend the recommendation to replace the language where stated from “*criminal justice*” with “*criminal and juvenile justice*”. Mr. Raynes seconded. With no further discussion, Mr. Hilkey called for a recommendation amendment vote (*Requires a supermajority threshold of 66% voting for alternatives A or B: A= I support it, B= I can live with it, or C= I do not support it*).

***Vote to amend the recommendation to add juvenile references to the recommendation text.***

A: 26, B: 0, & C: 0

***Amendment was APPROVED (see revisions above)***

Mr. Hilkey requested a motion and second to approve the recommendation as amended. A proper motion was established and, with no further discussion, Mr. Hilkey called for a supermajority vote (*See above, A= I support it, B= I can live with it, or C= I do not support it.*)

***Final vote: FY20-DR #02. Support a Public Health Model of Deflection [Policy]***

A: 26, B: 0, & C: 0

***Recommendation FY20-DR#02 was APPROVED***

**CCJJ BYLAWS: PROPOSED REVISION**

Dr. Tucker reminded the group that the proposal for a Commission *Bylaws* amendment was sent electronically to Commissioners on August 10 and included in the meeting materials. The proposed amendment (in **CAPS/bold**) is as follows:

Section 7.4: Decisions shall be made, as defined in the *CCJJ Process and Protocols* document, by majority or supermajority vote of Commission members present at any scheduled Commission meeting. **UPON THE ANNOUNCEMENT OF VOTE RESULTS, VOTES ARE CONSIDERED FINAL.**

On July 10, 2020, due to a notable lack of pre-vote discussion on particular recommendations earlier in the meeting and points raised in later recommendation discussions, some Commissioners felt that their earlier votes no longer reflected their stances on the issues. These members requested and were allowed to revise specific recommendation votes that occurred early in the meeting.

It has become apparent that an unfortunate consequence of teleconferencing may be a reduction in deliberative discussion. That is, individuals are more likely to remain silent during a video meeting compared to an in-person meeting. Nonetheless, in future, efforts will be made to enhance and

encourage discussion prior to votes. In addition, staff will confirm that votes conducted during virtual meetings have been recorded accurately before a vote result is announced. Because the events of July 10 appear related to process concerns that will be addressed, the *Bylaws* amendment was proposed to disallow the option of vote revision [Commission *Bylaws* and *Process and Protocols* documents are available at, [ccjj.colorado.gov/ccjj-bylaws-policy](http://ccjj.colorado.gov/ccjj-bylaws-policy)].

#### DISCUSSION

Commissioners asked for clarification on vote protocols including votes to reconsider recommendations, recommendation review and straw vote protocols. The amendment language does not preclude the option to employ the recommendation reconsideration protocol. The Commission process and protocols can be found on the Commission website at, [ccjj.colorado.gov/ccjj-bylaws-policy](http://ccjj.colorado.gov/ccjj-bylaws-policy).

Mr. Hilkey requested a motion and a second to approve the proposed revision to the CCJJ *ByLaws*. A proper motion was established and, with no further discussion, Mr. Hilkey called for a majority vote.

#### **Final vote: CCJJ *ByLaws* Amendment**

Yes: 26

No: 0

**The CCJJ *ByLaws* amendment was APPROVED**

#### WRAP-UP AND ADJOURNMENT

Chief Kilpatrick told the Commissioners that Mr. Bo Zeerip, 21<sup>st</sup> Judicial District chief deputy district attorney, a member of the Pretrial Release Task Force and the Leader of the Preventive Detention Working Group, was recently appointed to serve as a judge on the Delta County Court.

Ms. Gretchen announced vacancy openings to serve in the Juvenile Parole Board. All the Juvenile Parole Board members are appointed by the Governor and can apply on the Governor's Colorado Boards and Commissions webpage.

Ms. Jackson informed the group that the Rocky Mountain Crisis Partners is now accepting Board Member applications.

Commissioners observed a moment of silence to honor the victims of the September 11, 2001 terrorist attacks.

Details of the upcoming Commission meeting on October 9 at 1:00 pm will be forwarded to Commissioners and posted on the CCJJ website. Mr. Hilkey thanked members for their time and, with no further business raised by members, adjourned the meeting at 1:54 pm.