



Colorado Commission on Criminal and Juvenile Justice

Minutes

October 9, 2020 / 1:00pm-3:30pm

Virtual Meeting

Commission Member Attendance

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

Call to Order and Opening Remarks

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

Abigail Tucker, CCJJ Vice Chair, representing Mental Health Treatment Providers

Mr. Hilkey called the meeting to order at 1:02 pm and thanked Commissioners for attending. Mr. Hilkey inquired whether there were additions or corrections to the September 11 minutes. A motion was offered and seconded to approve the minutes; Commissioners unanimously approved the minutes.

Sentencing Reform Task Force Update

Rick Kornfeld/Michael Dougherty, Task Force Co-chairs

Mr. Dougherty and Mr. Kornfeld offered a power point presentation that can be found on the Commission website under the October 9, 2020 meeting tab at ccjj.colorado.gov/ccjj-mtgs2020.

The Sentencing Reform Task Force held its first meeting on September 9, 2020. This Task Force will address the sentencing topics delineated in the 2020 Biennial Letter from Gov. Jared Polis pursuant to House Bill 2018-1287.

A summary of the Task Force work to date follows:

- Review of the Governor's letter,
- Review of sentencing reform discussions from an existing team working in the area of structural sentence reform,

- Began discussion of guiding principles regarding sentencing-related work, and
- Establishment of four Working Groups.

Working Groups

- *Sentence Structure Working Group*--study felony and misdemeanor sentencing grids, sentence ranges, sentence enhancements (habitual, extraordinary risk) and will work to promote consistency and certainty in sentencing and to simplify various aspects of the sentencing code.
- *Sentence Progression Working Group*--examine the use of options and incentives to promote positive progress during incarceration, preparing individuals throughout incarceration for release and successful reentry; and review opportunities to expand alternatives.
- *Sentencing Alternatives/Decisions & Probation Working Group*--examine the operation of probation regarding the use of conditions, the length of supervision, responses to violations, and consider alternatives that can be used at the time of sentencing.
- *Parole Working Group*--examine current parole operations related to supervision length, conditions, risk and protective factor information as they relate to parole supervision options, and parole eligibility options.

The Task Force's next steps will be to establish the working group membership, the working group meeting schedules, and to reach consensus on guiding principles.

The Task Force update presentation can be found on Commission website under the October 9, 2020 meeting tab at ccjj.colorado.gov/ccjj-mtgs2020.

Presentation: Community Law Enforcement Action Reporting (CLEAR) Act

Kim English, Division of Criminal Justice

Ms. English provided a presentation on the analysis of data pursuant to the CLEAR Act (Community Law Enforcement Action Report Act; Senate Bill 15-185). The full content of the presentation along with the document can be found on Commission website under the October 9, 2020 meeting tab at ccjj.colorado.gov/ccjj-mtg2020.

The highlights of the 2019 analysis are provided below.

- In 2015, the General Assembly passed Senate Bill 185, the **Community Law Enforcement Action Reporting Act** (C.L.E.A.R. Act) mandating that the Division of Criminal Justice (DCJ) analyze and report data annually from law enforcement agencies, the Judicial Department and the adult Parole Board to reflect decisions made at multiple points in the justice system process.
- The CLEAR Act calls for the analysis of race/ethnicity and gender at the major decision points in the justice system, including arrests, court filings, case outcome, initial sentencing, and parole.
- In 2019, statewide: Blacks represented 4% of the adult state population and accounted for 12% of arrests and 11% of adult district court filings. Hispanic adults represented 19% of the adult state population and accounted for 28% of arrests and 30% of adult district court filings.

- The 2019 statewide summary is that Blacks were more likely to be arrested (more likely arrested for violent offenses), and Blacks and Hispanics were less likely to get deferred judgements and more likely to receive a sentence to prison.
- Regarding sentencing, many factors can influence a sentencing decision such as prior cases, prior convictions for specific violent crimes, other concurrent cases, felony conviction level, instant offense type (drug, property, other, violent) and whether the instant offense was a specific violent crime. Statistically controlling for these factors, the analysis revealed that adult Blacks and Hispanics were still more likely compared to Whites to receive a sentence to the Department of Corrections and, for juveniles, to the Division of Youth Services, and less likely to receive a deferred judgment.

Ms. English provided multiple resources for recommendations to improve minority overrepresentation in the justice system, including reports from the Sentencing Project (2016), the National Research Council (2013), the Brennan Center for Justice (2015) and the Task Force on 21st Century Policing (2015). Links to the complete CLEAR Act report, the resources described, and the link to the data dashboard can be found on the Commission website under the October 9, 2020 meeting tab at ccjj.colorado.gov/ccjj-mtg2020. This information is also available on the Division of Criminal Justice's Office of Research and Statistics website at ors.colorado.gov/ors-sb185.

Presentations: Public Health and Safety Drug Trends

Elyse Contreras, Colorado Dept. of Public Health and Environment

Heather Tolle, Office of Behavioral Health

Jack Reed, Division of Criminal Justice

Mr. Hilkey welcomed the panel of presenters. The presentations can be found on the Commission website under the October 9, 2020 tab at ccjj.colorado.gov/ccjj-mtg2020.

Marijuana Use Trends and THC Concentration in Colorado

Elyse Contreras, Colorado Dept. of Public Health and Environment

- Youth and Marijuana Use and Trends
Every two years, a self-report survey entitled, the Healthy Kids Colorado Survey (HKCS) is distributed in Colorado schools to determine the prevalence of substance use.
 - In 2019, 21.7% of Colorado high school students and 20.6% of Colorado middle school students used marijuana in the past 30 days.
 - In 2019, 29.6 % of high school students used alcohol, 25.9% electronic cigarettes, and 20.6% marijuana in the past 30 days.
 - The most frequent method of use among high school students currently using marijuana is smoking (77.9%) followed by dabbing (52%).
 - About 11.2% of high school students drove in the past 30 days after marijuana use and 5.9% drove after alcohol use.
- Adult Marijuana Use and Trends
The Behavioral Risk Factor Surveillance System (BRFSS) is an annual telephone survey.

- In 2018, 18% of adults used marijuana in the past 30-days.
- A large proportion of marijuana users were ages 18-25 years (30% in 2018).
- Adult users are most likely to smoke marijuana (more than 80%).
- In 2018, 22.3% of adult users in Colorado reported driving after consuming marijuana.

Summary

Past 30-day use is stable among Colorado populations; more adults are using marijuana daily; methods of consumption have changed for youth; and driving after use is increasing among both adults and youth.

- THC Concentration in Colorado: Key Findings
 - Strong to moderate evidence exists that the level of THC concentration can have negative mental health effects on adolescents, young adults and adults.
 - Insufficient evidence exists regarding the impact of dependence on concentrate products and acute health effects.
 - The effect on blood levels varies by product type.

Summary

- Almost all retail marijuana products in Colorado contain THC in high concentrations (>10%).
- More research is needed on products with higher THC concentrations, and potential associations with health effects.
- Improvement in data collection is needed, including type of product and the amount of THC.

Substance Use Disorder Treatment: Colorado Drug Trends

Heather Tolle, Office of Behavioral Health

- Key Takeaways
 - Treatment admissions remained relatively stable across CY2018 and CY2019 with an increase of only 276 treatment admissions (N = 43,731).
 - Alcohol has consistently had the highest number of treatment admissions between 2010 and 2019.
 - 42% of treatment admissions in 2019 were for heroin or methamphetamine.
- Key Findings
 - Alcohol continues to constitute the majority of treatment admissions, and these continue to rise.
 - Treatment admissions for methamphetamine and heroin have been increasing greatly over the past decade.
 - Individuals admitted to treatment were most often between ages 26 and 39; those using marijuana tended to be a little younger, while those using cocaine or crack tended to be a little older.

- Men were over-represented in treatment admissions, as were Native Americans, Hispanics and, to a lesser degree, African Americans.

Public Safety and Substance Use Trends

Jack Reed, CDPS Division of Criminal Justice

- Drug Crime Trends
 - Drug arrests and district court filings for drug possession charges increased in Colorado from 2013 – 2018.
 - In 2019, stimulants (n=10,662), narcotics (n=6,676) and marijuana (n=4,364) were the top three drugs seized in Colorado.
 - In 2019, amphetamine represented the highest number of drug-related offenses (n=7479) in Colorado followed by marijuana (n=4571) and heroin (n=2,665).
 - Black arrest rates were 2.8 times higher than Whites and Hispanic arrest rates were 1.5 times higher than Whites.
 - The drug offense rates were higher in the 18-20 age group; an increase in the rates for older age groups was primarily driven by methamphetamine possession arrests.
- Traffic Safety
 - In 2019, fatality rate in Colorado was about 13.9 per 100,000 residents.
 - About 23% of drivers tested positive for any Delta-9 THC in fatal crashes in 2019.
 - In 2018, about 84% of toxicology tests resulted in a level of 0.08 BAC or more.
 - About 49% of cannabinoid positive drivers had a THC level of 5ng/mL or more.
- School Discipline and Law Enforcement Contacts
 - In the 2018-19 school year, 3,493 marijuana violations resulted in suspensions compared to 1,698 for other drugs.
 - Marijuana possession was the most frequent drug-related offense for high school students, followed by possession of dangerous drugs, tobacco and liquor/alcohol.

Marijuana violations are the primary reason for school suspensions, expulsions, and referrals to law enforcement. It is important to intervene early with substance use prevention efforts and promote alternative disciplinary methods to reduce the school-to-prison pipeline

Public Comment

No members of the public signed up to offer comment.

Wrap-Up and Adjournment

Details of the upcoming Commission meeting on November 13, 2020 at 1:00 pm will be forwarded to Commissioners and posted on the Commission website. Mr. Hilkey thanked members for their time and, with no further business raised by members, adjourned the meeting at 3: 30 pm.