

**Pueblo Law Enforcement Assisted Diversion - LEAD  
Key Stakeholder Policy Committee Meeting (KSPC)  
July 18, 2019 ▪ 3:00pm – 4:00pm  
Pueblo County Emergency Services Bureau, Leide DeFusco Room  
101 W 10<sup>th</sup> Street, Pueblo CO 81003**

The LEAD Key Stakeholder Policy Committee (KSPC) meeting was called to order at 3:00 PM on July 18, 2019.

**In attendance:**

Board of County Commissioners	Garrison Ortiz
10 <sup>th</sup> Judicial District Attorney's Office	Jeff Chostner, Tony Marzavas
Pueblo County Sheriff's Office	David Lucero
Pueblo Police Department	Chris Noeller
Pueblo County Community Corrections	Brian Gomez
Pueblo Department of Public Health & Environment	Randy Evetts
Colorado Public Defender's Office - Pueblo	Albie Singleton
Crossroads' Turning Points, Inc.	Charles Davis, Rob Archuleta
Community Member	Shaun Gogarty
Community Member	Eileen Dennis
Community Member	Kathy Cline

**Absent:**

Pueblo Department of Human Services

**Approval of the Agenda**

Ms. Zeitvogel presented the meeting agenda for approval.

Mr. Chostner moved to approve the agenda; seconded by Mr. Evetts.

*The motion passed unanimously.*

**Approval of the Minutes**

Ms. Zeitvogel presented the minutes from the April 18, 2019 meeting for approval.

Mr. Lucero moved to approve the minutes from the April 18, 2019 KSPC meeting; seconded by Mr. Singleton.

*The motion passed unanimously.*

**Public Comment**

A ten-minute public comment period was included in the meeting. District Judge Kim Karn stated that she is excited about LEAD and all that can be done for the community. Judge Karn has a criminal docket and has found that most clients report heroin as their drug of choice with many individuals using other drugs as well. It is rare for an individual to only be charged with a drug offense because law enforcement must have probable cause to stop them. Judge Karn asked if the group would be open to expanding the program to include low level crimes like shop lifting or minor traffic offenses or a different drug in possession to get more people into the LEAD program and give them services. When asked what the most common crime associated

with drug use is, she stated it is shoplifting which sometimes turns into a Class 4 Felony because the person is a habitual offender and gets trespassed from the store and then shoplifts again from the store. Mr. Singleton added motor vehicle theft and traffic offenses. Judge Karn said that it is very rare for people to only pick up drug charges because there is usually another crime as well. Mr. Chostner stated that his office started using trespass letters about 4 years ago because a commercial group along the Front Range were saying that nothing was being done about shoplifting. Issuing the trespass letters moved the charges from Municipal Court to State Court. Judge Karn believes that if merchants are asked if they want the shoplifters to get drug treatment and not come back to shoplift their stores, that many would want shoplifters to get treatment. Mr. Archuleta stated that sometimes victims are angry because no one is being held accountable, and he asked if the merchants send a representative to court. Judge Karn stated that Walmart and Kohls do not come to court for the shoplifting cases. Mr. Chostner stated that Walmart and King Soopers do come to his office. In 2014, Southside Walmart reported a loss of \$2.9 million in shoplifting which dropped to \$1.5 million after the trespass letters were started. Beyond protecting the victims, it is important to keep Pueblo economically viable and allow people to feel safe going into the stores. He further stated that victims do want to see people get help, but they also want them held accountable and it is our mission is to find the balance and do what is right by the public and progressive enough to give real help to the people who need it.

The DA's office is working with Judge Karn to create a holistic program with pretrial services for people who have addiction problems. This program looks at people pre-charging, charging, incarceration, and post-incarceration treatment so people are off drugs completely and never get reintroduced into the system. Mr. Chostner stated that Judge Karn has done a great job with that and it is similar to what we are doing with LEAD. Judge Karn stated that she is the facilitator for the judicial pod from SURE (Substance Use Response Ecosystem) and that the goal is to increase communication so that people receiving services can continue to receive them when they are incarcerated or under supervision through RMOMS or in probation.

Expanding the number of people eligible for LEAD is less an issue of expanding the amount of drug, and more of an issue of expanding the type of drug. Rob Archuleta spoke about the resurgence of Methamphetamine.

Judge Karn also stated that she feels like we hear a lot about the negatives in the community and not the successes. She sees many people who succeed often after a long jail sentence and they have gone through the JBBS program.

### **Policy review**

Mr. Chostner stated that he is willing to expand the eligibility criteria to include non-opioids. The DA's office is willing to divert for personal use amounts but not distribution. There is other equipment that would suggest distribution, such as scales and packaging material. The law will change in March of 2020 and the new laws do not specify a drug quantity for possession charges. The potential penalty will shift from 6 to 12 months in state prison to 6 to 18 months in county jail. There are many factors considered when charging for possession vs distribution.

The group discussed broadening the types of substances eligible for diversion using the following wording from CRS 18-1.3-103.5 as a starting point: Possession of a controlled substance; but only when the quantity of the controlled substance is not more than four grams of a schedule I or schedule II controlled substance, not more than two grams of methamphetamine, heroin, ketamine, or cathinones, or not more than four milligrams of flunitrazepam.

Mr. Noeller pointed out that at some point, even a dealer gets down to 4 grams, so the same person with under 4 grams may be considered a dealer with additional information. Seattle allows subsistence dealers in LEAD, but our Police Department is opposed to diverting subsistence dealers.

Commissioner Ortiz stated that the three issues that can expand eligibility are the type of associated crime, type of drug, and the amount of drug; we expect the amount to have the least impact on increasing diversions. Mr. Chostner stated that we have taken baby steps to craft a program that works, build the group's confidence in the program implementation, and do right by our constitutional duty. Our criteria are conservative within the state of Colorado but not compared to national sites.

There is group consensus on expanding the substances we will divert. Mr. Noeller stated that the Police Department is not willing to increase the amount of divertible substances but would expand criteria to divert for possession of the common street drugs methamphetamine and cocaine in addition to opioids. There are some date rape drugs that fall under Schedule 1, and Mr. Noeller does not want to divert for date rape drugs or uncommon street drugs. When discussing benzodiazepines, the Schedule 1 and 2 lists are very long and not practical for inclusion with divertible amounts. Dr. Gogarty stated that it is very difficult to define an upper limit for benzodiazepines. Mr. Singleton stated that Ketamine, GHB, psilocybin, and LSD cases are very uncommon. Cocaine cases are increasing, and methamphetamine cases have been a constant, so expanding the criteria to include methamphetamine and cocaine will fit what we are seeing on the street. The committee agreed that officer discretion is built into the process and need not be delineated further in the policy.

Ms. Zeitvogel will draft expanded criteria and send them to the KSPC members for comment and approval. Mr. Chostner summarized the discussion: the divertible substances will be expanded without increasing the allowable amount.

Mr. Noeller stated that the Police Department is not prepared to have victim related crimes included in the criteria. Dr. Gogarty stated that LEAD needs to take low-level criminals as social referrals after they have been detoxed in jail. Mr. Archuleta stated that expanding the substances should increase enrollment, but we are not receiving as many social referrals as we were expecting. Dr. Gogarty stated that as the jail starts people on suboxone, every one of those individuals should be a social referral upon release. They will have been in jail for a co-occurring crime and will receive treatment before release: these are the people the community needs to help to make a difference. Mr. Chostner wants to see clients released from jail into follow-on treatment because he is concerned that people get clean in jail but are reincarcerated in three months. Dr. Gogarty will see the clients as MAT patients, but he cannot provide the supports or pressure that can be applied to help clients stay out of jail. Ms. Zeitvogel stated that LEAD has struggled to develop a good process to hand off clients from the jail into the LEAD program and our jail clients have disappeared upon release. Dr. Gogarty pointed out that there is a big difference going forward: the clients will now have received suboxone in jail, so even if they use heroin immediately after release, they will not get high. He further stated that Marco Macaluso is trying to set up a system so that the clients are released and connected with a MAT provider and involving LEAD would give clients the greatest opportunity for success. Mr. Noeller stated that the Police Department is absolutely in support of any treatment programs that occur after county jail. Mr. Chostner shared that legislators want to use the reclassification of drug crimes to deal

with these offenses as a public health issue instead of a criminal justice issue. The problem is that the state is not providing any resources to help. We are not helping ourselves if we are only putting people on the street without a carrot to get them assistance, even jail. Dr. Gogarty stated that many of his patients are successful because they were in jail. Ms. Dennis stated that many parents pray their children will go to jail. Mr. Chostner is concerned with what happens after people are let out of jail, and since this is a pilot program, feels we need to be very active in our recommendations back to the state on how LEAD should be modified going forward.

### **Funding sustainability after end of grant on June 30, 2020**

The committee discussed sustainability of the program after the grant ends on June 30, 2020. There is some discussion at the state level on possibly continuing funding of the four pilot sites. Pueblo needs to discuss potential funding sources and create a plan to provide existing clients with case management to maintain their forward progress if there is no further funding. Commissioner Ortiz spoke about the grant nearing an end and that the program is gaining some momentum. One benefit of the program was the identification of good opportunities to combat the problem. When the county lobbyist is hired Commissioner Ortiz would like to have answers to funding question. We should also invite City Council and the Mayor to show them the value of the LEAD program. We must determine the amount of funding required and if we will have autonomy on how we use these funds because we could increase the number of participants if they are coming from the jail. The ballot issues are being run under the public safety statute and may be able to provide some LEAD funding. In the worst case, the city and county will need to fund the program from their general funds going forward. Dr. Gogarty stated that his organization is not receiving LEAD funding. Mr. Archuleta pointed out that Medicaid referrals are providing funding to associated programs. Ms. Zeitvogel stated that funding the case management piece is critical for client continuity. She further described the issues encountered in Santa Fe. Dr. Gogarty agreed that funding case management is critical. Mr. Davis stated that connectivity – going and getting clients – is also valuable. What sets LEAD apart is that case management team does more than give clients a referral; they help and directly support the clients in getting them to their appointments and court appearances.

Commissioner Ortiz stated that there are a lot of funding possibilities but no certainty at this time. Toward the end of the year, it may be important to present to city and county government to request funding. LEAD has state funding until June 30, 2020.

### **Presentation and discussion of the Quarterly Report to be submitted to OBH**

Ms. Zeitvogel presented the quarterly report covering 4/1/19 to 6/30/19.

Arrest Diversions: In the second quarter of 2019, there were no arrest diversions.

Social Contact Referrals: There were 21 social contact referrals in this reporting period of which 18 (86%) were approved for enrollment with 9 ultimately enrolling. 3 individuals were ineligible, 6 could not be contacted, and 3 declined services.

Since LEAD launched, we have received 44 social contact referrals with 31 coming from law enforcement and 13 referred by self, family or another agency via the Operational Work Group. As of 6/30/19, 7 social referrals remain actively engaged.

In July, one client threatened one of the case managers with a knife. This individual will be discontinued from LEAD for safety reasons. This will be the first client withdrawn from LEAD for any reason.

Progress: The case management team has established partnerships with a wide range of service providers. Our referral base is slowly expanding. We have hosted educational meetings and lunch and learn presentations for a number of providers and community members. Our enrollment is growing. Three clients have found employment. One client who was very ill is addressing health issues and applying to disability.

Staffing Changes: Case Manager Troy Ard and District Attorney Joe Tolman were promoted and are no longer with LEAD.

Challenges: We continue to struggle with social contact referrals especially when they are homeless and we cannot locate them after the initial law enforcement contact. We tried housing them in hotels immediately upon referral, but that was not a successful or cost-effective strategy. Seattle and Santa Fe had similar experiences and Seattle found that putting clients in hotels did not improve outcomes. We are now working with both law enforcement agencies to flag all approved LEAD referrals so that our access specialists are notified when one of the LEAD clients is contacted.

We have not been successful when transitioning clients from jail into LEAD. Most have been released without a hand-off to LEAD staff and have vanished. We are working to develop and implement a process to release LEAD clients directly to LEAD staff to give a better opportunity to engage these individuals and develop a relationship with them.

There are rumors in the community that LEAD is a “snitch” program. This is not uncommon; Alamosa and Santa Fe have dealt with these allegations as well. We hope that time and experience will take care of the rumors.

We have encountered some individuals who want to take as many services as possible without addressing any of their own difficult issues. Our case management team works very hard to successfully support clients and meet their needs in a compassionate and cost-effective manner.

Housing for homeless clients remains a challenge. Ms. Cline stated that while the homeless shelter is not yet operational, she conducts continuous outreach and may be able to help connect the case management team with clients they cannot locate. She may also be able to connect clients with the Coordinated Entry System.

Services Provided to Clients: This quarter clients have received temporary housing, medical care, substance use treatment, mental health care, medication assisted treatment, psychological counseling, transportation, food, laundry and clothing vouchers.

### **Other Business**

Mr. Archuleta will share outcome information with the group via email.

### **Next Meeting**

The next meeting is scheduled for Thursday, October 17, 2019, 3:00 PM – 4:00 PM in the Leide DeFusco Room, Pueblo County Emergency Services Bureau, 101 West 10<sup>th</sup> Street, Pueblo.

**Adjournment**

The meeting was adjourned 4:13 PM.

Respectfully submitted,

Christine Zeitvogel, LEAD Project Manager

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