

Fwd: Overdoses - Beginning July 1, 2022 - Please read and disseminate

From: Carr - CDPS, Michael (michael.carr@state.co.us)

To: ksmalley@adcogov.org; undersheriff@lincolnsheriff.net; myowell@lincolnsheriff.net; dcunningham@lincolnsheriff.net; Travis.Belden@kitcarsoncounty.org; tony_schiefelbein@fairpoint.net; police@calhan.co; lyowell@townoflimon.com; RLengel@townoflimon.com

Date: Thursday, July 21, 2022 at 05:56 PM MDT

All,

This is the reference to the required overdose notification that I spoke about at the EPLE today. This is specific to the 18th but applies across all judicial districts. Hope this helps.

Thanks,
Mike

Sergeant Michael Carr
Colorado State Patrol, Troop 3D
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ColoradoStatePatrol.com
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[Twitter.com/CSP News](https://twitter.com/CSPNews)

----- Forwarded message -----

From: **OD Notification** <ODNotification@da18.state.co.us>
Date: Mon, Jul 11, 2022 at 10:43 AM
Subject: RE: Overdoses - Beginning July 1, 2022 - Please read and disseminate

All,

In the first week of this required reported, we had 15 reports of ODs and 2 deaths. Thanks to all who are sending reports. So far we have only received reports from ACSO, DCSO, Englewood and Lone Tree, which I assume means that word has not gotten out about the law. Please send reports for any ODs occurring after July 1, 2022, as the new law requires.

We're trying to figure this out as we go along. Here are some of the good questions I've gotten, along with my answers:

Q: Does all discovery need to be sent to ODnotifications@DA18.state.co.us, or just the initial report?

A: Just the initial report. We can follow up if we need additional information, or go into the actual criminal filing if an arrest was made.

Q: Will CAD notes suffice?

A: Yes, unless an arrest was made.

Q: Does this reporting requirement apply to both fatal ODs and non-fatal ODs?

A: Yes.

Q: Does this apply to alcohol and THC as well as opioids?

A: Yes.

Clinton

Clinton McKinzie

Chief Deputy District Attorney

18th Judicial District

720-733-4539

From: Clinton McKinzie <cmckinzie@da18.state.co.us>

Sent: Thursday, June 30, 2022 2:15 PM

To: gthompson@arapahoegov.com; Travis Stewart <TStewart@arapahoegov.com>; Hildebrand, Mark <mhildebr@auroragov.org>; Lanigan, Jad <janigan@auroragov.org>; ccarlson@auroragov.org; Joseph.morris@arapahoe.edu; jeitel@auroragov.org; Connor Christian <connor.christian@southmetro.org>; Sam Varela <SVarela@cr.gov>; tgorman@cr.gov; pweathers@cherryhillsvillage.com; Jason Lyons <jlyons@cherryhillsvillage.com>; 'bcottrell@columbinevalley.org' <bcottrell@columbinevalley.org>; Stucker - DNR, Luke <luke.stucker@state.co.us>; matthew.packard@state.co.us; tim.keeton@state.co.us; Michael Dickson <MDickson@da18.state.co.us>; kduffy@dcsheriff.net; sjohnson@dcsheriff.net; Melvin Berghahn <mberghahn@townofelizabeth.org>; vfender@englewoodgov.org; tjones@englewoodco.gov; Roy Martin <rmartin@glendale.co.us>; jbradley@greenwoodvillage.com; Jared Arthur <jarthur@greenwoodvillage.com>; meyman@littletongov.org; Andrew Smith <asmith@littletongov.org>; Ron Pinson <Ron.Pinson@cityoflonetree.com>; david.brown@cityoflonetree.com; Prior, James <JPrior@parkeronline.org>; cpeters@parkeronline.org; jmacdonald@sheridangov.org; 'BValenzuela@ci.sheridan.co.us' <BValenzuela@ci.sheridan.co.us>; Tyler Everitt <tyler.everitt@southmetro.org>; lyowell@townoflimon.org; tony_schiefelbein@fairpoint.net; hugomarshal@estra.com; tim.norton@elbertcounty-co.gov; sheriff@lincolnsheriff.net

Cc: OD Notification <ODNotification@da18.state.co.us>

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Commanders,

Please be aware of yet another new law regarding fentanyl that goes into effect on July 1. It requires all police responses to emergency overdoses be reported to the DA's Office. A summary of the requirement is below, and the language of the new law is quoted after that.

In order to facilitate these reports to the DA's Office, we have created the following email address: ODNotification@da18.state.co.us

Please call Intake at 720-874-8541 if you have any questions.

I'm sending this to just one or two commanders in each agency in the hope that you will get the word out to your detectives and patrol.

Clinton

Clinton McKinzie

Chief Deputy District Attorney

18th Judicial District

720-733-4539

Under 18-1-711, and starting July 1, 2022, police must:

1. Any police agency that responds to any emergency drug or alcohol overdose*,
2. Shall report to the DA's Office*,
3. Whether or not an arrest was made.

**Please send a copy of the completed reports.*

The DA's Office then must:

1. The DA's Office shall prepare a report,
2. Indicating each instance when a person **was not** prosecuted,
3. If the overdose involved fentanyl, etc.
4. And/or shall prepare a report,
5. If prosecuting someone who sought emergency overdose assistance,
6. Detailing why the immunity provisions did not apply,
7. And make these reports to the Colorado General Assembly.

Relevant parts of 18-1-711, C.R.S.

(6) (a) STARTING ON JULY 1, 2022, AND FOR THREE YEARS THEREAFTER, A LAW ENFORCEMENT AGENCY THAT RESPONDS TO AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT SHALL REPORT TO THE DISTRICT ATTORNEY'S OFFICE IN THE LAW ENFORCEMENT AGENCY'S JURISDICTION WHETHER AN ARREST WAS MADE AS A RESULT OF THE INVESTIGATION OF AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT OR WHEN AN ARREST WAS NOT MADE PURSUANT TO THE PROVISIONS OF THIS SECTION.

(b) STARTING ON JULY 1, 2022, AND FOR THREE YEARS THEREAFTER, EACH DISTRICT ATTORNEY'S OFFICE THAT RECEIVES A REPORT REGARDING AN ARREST FROM LAW ENFORCEMENT PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION SHALL PREPARE A REPORT INDICATING EACH INSTANCE WHEN A PERSON WAS NOT PROSECUTED FOR AN OFFENSE PURSUANT TO THIS SECTION IF THE EVENT INVOLVED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g). IF THE DISTRICT ATTORNEY PROSECUTES A PERSON WHO SOUGHT EMERGENCY ASSISTANCE FOR AN EMERGENCY DRUG OR ALCOHOL OVERDOSE EVENT IF THE EVENT INVOLVED FENTANYL, CARFENTANIL, BENZIMIDAZOLE OPIATE, OR AN ANALOG THEREOF AS DESCRIBED IN SECTION 18-18-204(2)(g), THE DISTRICT ATTORNEY SHALL PREPARE A REPORT DETAILING THE FACTS AND CIRCUMSTANCES FOR THE DECISION THAT THE IMMUNITY PROVISIONS OF SUBSECTION (1) OF THIS SECTION DID NOT APPLY.

(c) EACH DISTRICT ATTORNEY SHALL PROVIDE THE REPORTS COLLECTED PURSUANT TO THIS SUBSECTION (6) TO THE LEGISLATIVE SERVICE AGENCIES OF THE COLORADO GENERAL ASSEMBLY FOR THE PURPOSE OF A POST-ENACTMENT REVIEW.

(d) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2026.