
Colorado

Criminal Justice Reform Coalition

Prison Activist Notes

the newsletter of the Colorado Criminal Justice Reform Coalition

Another Year Under the Belt

The (Very) Good, the Bad, and the Ugly from the 2002 Legislative Session

Overall, the Second Regular Session of the Sixty-Third General Assembly was middle-of-the road in terms of criminal justice and prison issues. There were two major pieces of *good news* to come from this year's session:

Passage of House Bill 1404. CCJRC was the primary catalyst behind the drafting and introduction of HB-1404 which dramatically changes Colorado's civil forfeiture laws. For a summary of the bill, see the table on page 2.

Many thanks to members of CCJRC who contacted their legislators. They definitely heard us! Ari Armstrong from the Colorado Libertarian Party (member of CCJRC) deserves special recognition for his outstanding media work. Dave Kopel from the Independence Institute also lent his valuable support. Ari and Dave's contributions were invaluable in mobilizing their people to demonstrate that HB-1404 has strong support from the right and left

ends of the political spectrum. We also owe so much to the lobbyists that worked with us particularly, Melanie Layton (CCJRC), Terrance Carroll (Colorado Progressive Coalition), Maureen Cain (Colorado Criminal Defense Bar Association) and Linda Meric (9 to 5). We also owe a lot of thanks to our sponsors Representative Shawn Mitchell (R-Broomfield) and Senator Bill Thiebaut (D-Pueblo) for their leadership and tenacity in challenging the significant opposition raised by prosecutors and law enforcement.

Despite the fact that Representative Mitchell and Senator Thiebaut rarely agree on anything and given the very partisan nature of this legislative session, it was remarkable to see them come together so solidly and effectively.

No new prisons for the coming year. The Department of Corrections (DOC) received no funds to expand prison capacity in FY 2002-03. Most notably, the ill-conceived and unnecessary plan to build 384 new high security beds at Arkansas Valley Correctional Facility was scrapped by the legislature fairly early in the budget process. The only DOC construction projects funded for this year are an expansion of the gym at Fremont Correctional Facility and minor construction projects pertaining to Correctional Industries (Juniper Valley). These projects are funded by canteen revenues and Juniper Valley revenue, respectively.

The DOC also hopes to bring additional beds online at the Fort Lyon Correctional Facility during the course of the coming year, but this activity is funded by last year's budget.

On the horizon is a new *private* prison (the "pre-parole and revocation center"), slated to open in the summer of 2004. The contract for this facility has not been awarded yet, and CCJRC will continue to monitor any developments.

Other Legislative News. See page 2 for a chart of legislation in which CCJRC was involved. We have also included a special insert showing detailed information on the DOC's FY 2002-03 budget.

Drug Reform Quashed Again. On June 7th, Governor Owens vetoed Senate Bill 39, a modest drug policy reform bill that passed both the state Senate and House by wide margins.

Senate Bill 39 would have reduced the possible sentence for low-level drug offenders convicted of drug use or possession of 1 gram or less and used the money saved from the reduction in prison sentences to expand the availability of treatment services

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Prison Activists Notes is the official newsletter of the Colorado Criminal Justice Reform Coalition (CCJRC), a newtork of over 80 organizations and faith communities from across the state who have come together to call for an end to further prison expansion in order to redirect funding and policy priorities to crime prevention, drug, alcohol and mental health treatment, and alternatives to incarceration, particularly for people convicted of non-violent drug offenses

www.ccjrc.org

Offices

Headquarters
Christie Donner, Co-Coordinator
P.O. Box 1156
Boulder, CO 80306
(303) 444-6981
cdonner2@juno.com

Southern Regional Office
Stephen Rahe, Co-Coordinator
2508½ W. Colorado Ave., Ste. 3
Colorado Springs, CO 80904
(719) 475-8059
stephen@epimethian.org

Summary of Major Criminal Justice Legislation - 2002 Session

Bill Number/Sponsors	CCJR C Position	Summary	Results
HB-1143 Lawrence/Hernandez	OPPOSE High Priority	Would have taken away statutory patients' rights from forensic patients (those awaiting trial or found not guilty by reason of insanity) in the state mental health institute.	<u>Killed</u> in Senate Public Policy and Planning Cmte.
HB-1404 Mitchel/Thiebaut	SUPPORT High Priority	This bill is a great step forward in protecting property owners and rolling back some of the most corrupting aspects of the war on drugs. Former Colorado civil asset forfeiture laws allowed the state to take property from an owner, even if the owner was never charged with or convicted of a crime; also, law enforcement agencies were allowed to keep the proceeds for their own budgets. HB-1404 requires that a property owner be convicted of a crime, with only a few exceptions, before his or her property can be forfeited. The bill raises the burden of proof for prosecutors, requires them to prove by clear and convincing evidence that the property was instrumental in the commission of the crime, and requires the judge to ensure that the value of the property forfeited must also be proportional to the crime committed. Forfeiture revenue will now be allocated through a budgeting process with one half earmarked for "public safety" and the other half for substance abuse treatment.	<u>Signed</u> by Gov. Owens on May 31. Went into effect on July 1.
SB-174 Tate	SUPPORT High Priority	Would have prohibited private prisons in Colorado from housing out-of-state inmates. Two private prisons in Colorado currently house prisoners from Wyoming and Kansas in order to lessen vacancy rates and increase profits.	<u>Died in committee</u> after missing deadline to be sent to floor.
HB-1021 Hefley/Hernandez	Monitor	Requires inmates who wish to waive a parole hearing to do so in writing. Once signed, the waiver remains in effect for six months.	<u>Signed</u> by Gov. Owens on March 21
HB-1448 Lee/Arnold	Oppose	Would have required local law enforcement officers to arrest and detain anyone suspected of being in the U.S. illegally.	<u>Killed</u> in Senate Judiciary Committee
SB-18 Linkhart/Hefley	Oppose	Changes the funding source for drug courts from the Drug Offender Surcharge Fund to the Offender Services Fund, and increases Offender Services Fund revenue by raising the monthly probation supervision fee from \$35 to \$45. It is estimated that SB-18 will increase revenue by \$843,304.	<u>Signed</u> by Gov. Owens on June 1. Went into effect July 1.
SB-39 Gordon/Hefley	Support	Would have reduced the possible sentence for low-level drug offenders convicted of drug use or possession of 1 gram or less and used the money saved from the reduction in prison sentences to expand the availability of treatment services. A more controversial provision within SB-39 would have created local Treatment Boards made up of a district attorney, a public defender and a probation officer to determine what treatment programs got funded.	<u>Vetoed</u> by Gov. Owens on June 7.
SB-50 Gordon/Decker	Oppose	Creates a Class 3 felony for the possession of ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to use the product as a precursor for the manufacture of methamphetamine. Fiscal analysis projected that SB-50 will result in thirty additional criminal felony cases being filed and seven people will likely go to prison annually with an average sentence of 47 months. The cost associated with the passage of SB-50 is \$3.8 million over the next five years.	<u>Signed</u> by Gov. Owens on June 6. Goes into effect August 7.
SB-115 Hernandez/Groff	Support	Would have commissioned a legislative study to examine factors resulting in the overrepresentation of people of color in the criminal justice system and the increase in the incarceration of women.	<u>Killed</u> in House Criminal Justice Committee

The resource that no Colorado prison reform activist can be without!

The CCJRC's Member Handbook is an 80-page manual of information on prisons in our state, and how you can change things. Sections address CCJRC structure, data on Colorado prisons, the criminal justice system, legislative information and how to lobby, and communications/media work.

You may be wondering, "how can I get this fabulous item?" All you have to do is send in this coupon! The handbook is free and includes an update service, wherein you will receive new information for the handbook as it becomes available. Mail this coupon to CCJRC Internal Communications, c/o Epimethian Press, 2508½ W. Colorado Ave., Ste. 3, Colorado Springs, CO 80904

Name: _____ Email (if applicable): _____

Organization/Business (if applicable): _____

Address: _____ City: _____ ZIP: _____

Phone: _____ home work Fax: _____

What is the best way to contact you: Email U.S. Mail Phone Fax

Are you interested in serving on a committee? If so, indicate which committee you are interested in:

Private Prisons Drug Policy Prison Conditions Internal Communications Outreach Media

Note: As a CCJRC member you can receive this handbook for free. However, if you are able to enclose a donation to help cover printing costs, we will be grateful. Gifts of any amount will be appreciated. Please make checks payable to CCJRC.

Nuts and Bolts

Parenting from Prison Manual Available

We are very pleased to announce the completion of a resource guide for incarcerated parents. This guide is the product of a two-year project involving parents in prison, caregivers, advocates, lawyers, court facilitators, child welfare professionals, and Department of Corrections (DOC) personnel.

In the past twenty years, there has been an unprecedented growth in the number of people incarcerated in the United States. What is often overlooked in the design of criminal justice policy is the fact that the majority of women and men in prison are parents. Although exact numbers are not known, it is estimated that over 15,000 children in Colorado currently have a mother or father in prison or jail and a much larger number have experienced the incarceration of a parent at some point during their childhood.

There can be many emotional, financial, and legal issues that arise when a parent is incarcerated.

Understanding how children are affected when a parent is incarcerated is very important. It is often said that when a parent is incarcerated, children and families do the time, too. This resource guide covers such issues as parenting from prison, making custody arrangements, seeking financial resources, dependency and neglect cases, paternity, and child support. It also contains sample forms and directories for relevant state agencies and courts throughout Colorado.

The DOC has agreed to distribute the manual to parents in prison in Colorado. Colorado prisoners can get a copy of the manual from their case managers, parenting instructors, or program managers at the prison. Copies will also be in libraries at all the prisons within the DOC. Folks on the outside can get a copy from Epimethian Press by contacting them at (719) 475-8059 or info@epimethian.org. In the near future, copies can be obtained on the

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c/o Epimethian Press & Distribution
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es. A more controversial provision within SB-39 would have created local Treatment Boards made up of a district attorney, a public defender and a probation officer to determine what treatment programs are funded.

Senate Bill 39's sponsors, Senator Ken Gordon (D-Denver) and Representative Lynn Hefley (R-Colorado Springs) were very disappointed and surprised by the Governor's veto. Senator Gordon met with the Governor after his veto to determine whether or not Owens would support a different type of drug policy reform. Governor Owens indicated that under no circumstances would he support legislation that reduced prison sentences.

Although CCJRC did eventually lend support to SB-39, it was not a priority for us because of the lack of substantive reform of criminal sentencing and the extreme disagreement over the creation of treatment boards on which there was no representative of the treatment community.

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CCJRC website at www.ccjrc.org.

Welcome aboard!

Emma Phillips of Friends and Families of the Imprisoned has joined CCJRC as our new Outreach Coordinator. You can contact her at (303) 537-4818 or emmas@emmasfriends.org.

Check your mailboxes soon...

Later this summer we will be conducting the first ever survey of CCJRC's members. Expect to receive your copy in late August or early September!

Juvenile Justice

CCJRC members interested in helping juveniles serving time in adult prisons are encouraged to contact Rob or Donna Grimes (parents of Isaac Grimes) at (719) 475-7609 or RWGDKG@aol.com.

Colorado Department of Corrections
 FY 2002-03 Budget Summary
 Prepared by Colorado Criminal Justice Reform Coalition, Based on HB 02-1420 (Long Bill)

Program	TOTAL	% of Dept. Total	Amount of Total from...							% Change from LY**
			Gen. Fund	Canteen	Corr. Ind.	DO/SO Fund	Inmate Fees	Federal \$	Other	
1. Management										
a. Exececutive Director's Ofc.	52,052,850	9.26%	50,228,251	175,712	1,480,616	23,545	2,324		142,402	-1.40%
b. External Capacity	53,521,663	9.52%	48,721,727					3,982,669	817,267	-17.85%
c. Inmate Drug Reduction	0	0.00%				--- program eliminated ---				-100.00%
<i>Management Program Total</i>	<u>105,574,513</u>	18.78%	<u>98,949,978</u>	<u>175,712</u>	<u>1,480,616</u>	<u>23,545</u>	<u>2,324</u>	<u>3,982,669</u>	<u>959,669</u>	-10.68%
2. Institutions										
a. Utilities	15,095,545	2.68%	14,350,591		744,954					6.66%
b. Maintenance	20,073,978	3.57%	20,073,978							8.79%
c. Housing & Security	129,371,523	23.01%	129,371,523							10.31%
d. Food Service	27,628,123	4.91%	27,548,123					80,000		7.87%
e. Medical Care	54,142,140	9.63%	54,096,664				45,476			14.31%
f. Laundry	3,613,322	0.64%	3,613,322							8.32%
g. Superintendents	16,128,880	2.87%	16,128,880							-4.58%
h. Boot Camp Prgm.	1,904,864	0.34%	1,904,864							6.08%
i. YOS	11,476,821	2.04%	11,476,821							6.10%
j. Case Management	13,497,697	2.40%	13,497,697							11.97%
k. Mental Health	5,684,995	1.01%	5,684,995							11.86%
l. Inmate Pay	2,686,348	0.48%	2,686,348							6.23%
m. San Carlos	12,453,725	2.21%	12,453,725							3.11%
n. Legal Access	1,231,478	0.22%	1,231,478							-2.79%
<i>Institutions Program Total</i>	<u>314,989,439</u>	56.02%	<u>314,119,009</u>		<u>744,954</u>		<u>45,476</u>	<u>80,000</u>		9.10%
3. Support Services										
a. Business Operations	6,046,024	1.08%	5,362,678	84,052	557,255			3,547	38,492	3.04%
b. Personnel Office	1,680,476	0.30%	1,680,476							4.46%
c. Offender Svcs. Office	1,891,576	0.34%	1,891,576							8.22%
d. Communications	2,628,495	0.47%	2,565,073		61,622				1,800	46.08%
e. Transportation	4,146,998	0.74%	3,971,536	13,270	144,038				18,154	4.28%
f. Training	2,137,816	0.38%	2,137,816							5.51%
g. Information Systems	3,270,393	0.58%	3,270,393							4.27%
h. Facility Services	1,880,202	0.33%	1,880,202							3.51%
<i>Support Services Program Total</i>	<u>23,681,980</u>	4.21%	<u>22,759,750</u>	<u>97,322</u>	<u>762,915</u>			<u>3,547</u>	<u>58,446</u>	7.75%

Program	TOTAL	% of Dept. Total								% Change from LY**
			Gen. Fund	Canteen	Corr. Ind.	DO/SO Fund	Inmate Fees	Federal \$	Other	
4. Inmate Programs										
a. Inmate Labor	5,664,708	1.01%	5,664,708							14.72%
b. Education	17,743,933	3.16%	15,895,479	433,890	667,800			746,764		1.38%
c. Recreation	5,914,200	1.05%	5,843,775	70,425						7.37%
d. Drug & Alcohol Treatment	7,458,631	1.33%	5,492,730			632,402		1,133,499	200,000	10.34%
e. Sex Offender Treatment	2,469,698	0.44%	2,440,387			29,311				-9.98%
f. Volunteer Program	447,164	0.08%		447,164						3.79%
g. Reintegration Program	1,807,725	0.32%	1,276,705					466,020	65,000	1.00%
<i>Inmate Programs Total</i>	<u>41,506,059</u>	7.38%	<u>36,613,784</u>	<u>951,479</u>	<u>667,800</u>	<u>661,713</u>		<u>2,346,283</u>	<u>265,000</u>	4.62%
5. Community Services										
a. Parole	6,943,546	1.23%	6,943,546							16.36%
b. Parole ISP	4,199,277	0.75%	4,199,277							16.57%
c. Community ISP	5,669,903	1.01%	5,669,903							0.06%
d. Community Supervision	4,173,821	0.74%	4,141,346						32,475	-2.49%
<i>Community Svcs Pgm Total</i>	<u>20,986,547</u>	3.73%	<u>20,954,072</u>						<u>32,475</u>	7.53%
6. Parole Board										
<i>Parole Board Total</i>	<u>985,956</u>	0.18%	<u>985,956</u>							7.11%
7. Correctional Industries										
<i>Correctional Industries Total</i>	<u>42,614,358</u>	7.58%				<u>42,614,358</u>				10.14%
8. Canteen Operation										
<i>Canteen Program Total</i>	<u>11,948,339</u>	2.12%		<u>11,948,339</u>						6.57%
GRAND TOTALS	<u>562,287,191</u>	100.00%	<u>494,382,549</u>	<u>13,172,852</u>	<u>46,270,643</u>	<u>685,258</u>	<u>47,800</u>	<u>6,412,499</u>	<u>1,315,590</u>	4.34%