

Colorado Criminal Justice Reform Coalition

Prison Activist Notes

the newsletter of the Colorado Criminal Justice Coalition Coalition

CCJRC Receives Results of Opinion Poll Complete Poll Results Available Online at www.ccjrc.org

by Christie Donner

This fall, the CCJRC commissioned Ridder/Braden, Inc. to conduct a statewide survey of 500 active voters in Colorado regarding their attitudes on drug abuse and drug policy. The survey was conducted as part of CCJRC's campaign for drug policy reform in Colorado. The margin of error of the survey is $\pm 4.38\%$. Funding for the poll was provided by the Lindesmith Center-Drug Policy Foundation.

On September 24th, CCJRC Co-Coordinator Christie Donner released the findings from the survey at a hearing before the legislative Interim Criminal Justice Committee on Sentencing Reform. The following are some of the key findings from the survey:

Colorado voters believe that we are losing the war on drugs

◆ 83% of voters believe that we are losing the "war on drugs."

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 Raher, Co-Coordinator
2508½ W. Colorado Ave., Ste. 3
Colorado Springs, CO 80904
(719) 475-8059
stephen@epimethian.org

◆ 88% believe that we will never be able to stop drugs from coming into this country until demand is reduced.

◆ 85% believe that the war on drugs is dealing with symptoms of drug abuse but failing to solve underlying causes.

◆ 59% believe the drug war has been ineffective in reducing drug use. Only 2% said the war on drugs is very effective, while another 27% believe it has been somewhat effective in reducing drug use.

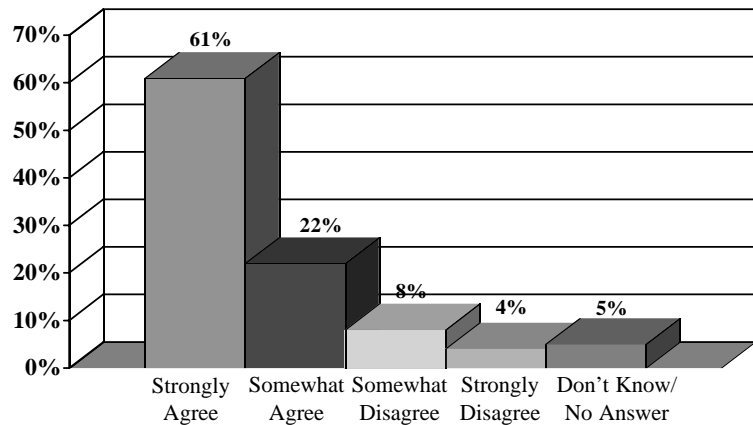
◆ 61% believe the war on drugs has been ineffective in reducing drug supply. Only 3% said the war on drugs is very effective, while another 22% saying it has been somewhat effective.

Colorado voters view drug addiction more as a health

problem than a crime.

■ 59% of voters view drug addiction as primarily a health problem that should be treated. Only 11% view drug addiction as

Voters were asked to agree or disagree with the following statement: "We are losing the war on drugs."



83% either strongly or somewhat agreed with the statement. These results are consistent across all demographic categories.

primarily a crime that should be punished. 16% responded "both."

Colorado voters believe treatment is an effective solution and support increasing funding

■ 86% of voters believe that providing treatment to people with a drug problem would be effective in reducing drug use. 80% of voters also believe that providing effective treatment would help reduce drug related crime.

■ 74% support greatly increasing funding to expand the availability of treatment.

■ Voters believe funding is too heavily weighted toward criminal justice costs. 77% favored increasing the percentage spent on drug education, treatment, and prevention. Only 12% thought the current funding levels were appropriate, and only 5% favored increasing the percentage spent on criminal justice.

Colorado voters support reducing sentences for drug possession

● 73% believe that it would be better to decrease criminal penalties for drug possession from a felony to a misdemeanor

see "Poll Results" on back page

Drug Policy Update: Interim Legislative Committee

by Christie Donner

Over the summer, an Interim Legislative Committee on Sentencing Reform met and heard testimony regarding the criminal justice system in Colorado. One of the subcommittees addressed possible reforms to drug policy. On October 23, 2001, this Committee approved legislation for introduction in the 2002 legislative session entitled "Drug Offender Treatment." The main provisions of this legislation are:

1. Minor sentencing reduction for conviction of possession of 1 gram or less (first offenders only) Estimated to reduce the need for prison beds by 100 by the 3rd year and dedicate any cost savings (estimated at \$2.2 million by the 3rd year) to treatment
2. Increases the fines given to people convicted of a drug offense ("Drug Offender Surcharge")
3. Directs that 25% of the fines paid in "drug offender surcharge" be placed in a new fund, called the "Drug Offender Treatment Fund"
4. Creates "Drug Offender Treatment Boards" in each judicial district to decide what community treatment programs get funded from the "Drug Offender Treatment Fund". Members of this Board include a district attorney, a public defender and a probation officer
5. Increases the amount of time a person on probation can be sent to jail for a probation violation from 90-180 days.

Members of the Colorado Criminal Justice Reform Coalition have some significant concerns about this legislation, including:

1. Not significant drug policy reform. Sentencing reduction is minimal and will not have much impact on the number of people going to prison for possessing very small quantities of drugs.

2. Despite testimony given all summer about the funding crisis for treatment, there is no real commitment to increasing the state treatment budget. The only new funds for treatment under this legislation would come from an increase in the fines assessed to people convicted of a drug offense (who generally don't have the money to pay the fines, anyway). Allocating money "saved" on some hypothetical savings in prison costs is not a definite source of funding and wouldn't kick in until the 3rd year. It also doesn't expand the availability of voluntary treatment. By requiring that additional funds be spent on treatment for people on probation, this legislation only exacerbates the trend that you have to get arrested in order to be able to access treatment.

3. This legislation DISEMPOWERS the treatment community even more than they already are by creating a new and unnecessary bureaucracy (Treatment Boards), of which there is no representation from the treatment community.

Because these Treatment Boards get to decide which programs get funded, it shifts decision making power from the Alcohol and Drug Abuse Division to the judicial department since the Treatment Boards are made up of a district attorney, a probation officer, and a public defender (who have no expertise or qualifications to evaluate treatment effectiveness).

Members of the CCJRC are working with treatment providers to craft possible amendments. The Coalition is interested in receiving comments from our members. If you have ideas or thoughts contact Christie Donner at (303) 444-6981 or via email at cdonner2@juno.com--please send comments by the middle of December □

Promising Private Prison Legislation appears in U.S. Congress

by Stephen Raheer

On May 8, 2001 Sen. Russ Feingold (D-WI) introduced S. 842 (the Public Safety Act) in the U.S. Senate. On May 30, an identical companion bill, H.R. 1764, was introduced in the House by Rep. Ted Strickland (H.R. 1764 currently has 32 co-sponsors).

The legislative declaration of the Public Safety Act finds that:

- ♦ Privatized correctional facilities do not fulfill sufficient safety and security standards.
- ♦ Certain courts have "prohibited the transfer of additional convicts to private prisons because of the danger to prisoners and the community."
- ♦ State and local governments are left with the bill to clean up after escapes and riots at private facilities
- ♦ A profit motive is inappropriate in a correctional setting
- ♦ The U.S. Supreme Court has found that private prison employees are not covered by qualified immunity like government prison employees are
- ♦ No credible evidence exists to show cost savings from privatized prisons
- ♦ Coercive police powers are inherently governmental and should not be delegated to private parties

The bill itself proposes two actions:

1. State Grants. States who use private prisons would be ineligible for Violent Crime Control and Law Enforcement Act grants.

2. Bureau of Prisons. The Federal BOP would be prohibited from using private prisons.

Currently, S. 842 has been referred to the Senate Judiciary Committee and no action has been taken. H.R. 1764 has been referred to the House Judiciary Committee's Subcommittee on Crime and no action has been taken by the subcommittee. The CCJRC is examining possible ways to support this legislation, we will keep you posted on developments. □

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 communication/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 Epimethian Press, with "CCJRC" in the memo line. Gifts will be used solely to cover the cost of printing and distributing handbooks.

News Briefs and Announcements

DOC dealt large blow during Special Session

During the special session of the Colorado legislature (which convened on September 20), legislators learned that state revenues will be much lower than previously expected. As a result, many construction projects were cancelled. While the Department of Corrections and the governor expected that no prison construction would be effected, 3 of the 4 prison construction projects on the table were **cancelled!** The only one to remain on track is the Fort Lyon Correctional Facility for geriatric and mentally ill inmates. The cancelled projects were the High Security Expansion at Arkansas Valley Corr. Fac., the expansion of the Denver Reception & Diagnostic Ctr., and the expansion at the San Carlos Corr. Fac.

The DOC has submitted a \$574.4 million budget request for Fiscal Year 2002-03. The DOC's number one construction priority is the expansion unit at Arkansas Valley Correctional Facility.

Don't Forget Our New Name!

Please remember that the Colorado Prison Moratorium Coalition is now known as the Colorado Criminal Justice Reform Coalition. Traffic to our old website, www.prison-moratorium.org will be redirected to our new site at www.ccjrc.org.

CCJRC receives grant

The Rocky Mountain Peace & Justice Center and
page 3

Epimethian Press were jointly awarded a \$30,000 grant from the Catholic Campaign for Human Development in Washington DC to coordinate statewide efforts for criminal justice reform. Many thanks to Al Hooper (Archdiocese of Denver), Larry Howe-Kerr (Diocese of Pueblo) and Rochelle Finzel (Diocese of Colorado Springs) for supporting our work and our grant proposal.

Welcome To the Newest Member of our Coalition

The Social Concerns Committee of St. Thomas of Aquinas University Parish in Boulder has recently decided to join the CCJRC. We would like to extend a warm welcome to the Social Concerns Committee.

We continue to expand the number of endorsers. If you know of any organizations that you think might be interested in joining the Coalition, please contact Christie at (303) 444-6981 or cdonner2@juno.com.

Private Prisons Afoot

It looks like Colorado will soon have a new private prison. The GRW Corporation (a small private prison operator out of Tennessee) has bought the former High Plains Youth Facility in Brush, which has been vacant for several years. GRW does not know what type of facility it will open, but is considering a youth facility, an INS detention center, or an adult prison.

Internal Communications Committee
c/o Epimethian Press
2508½ W. Colorado Ave., Suite 3
Colorado Springs, CO 80904

Non-Profit Org.
U.S. Postage
PAID
Colorado Springs, CO
Permit 387

Address Service Requested

"Poll Results" from page 1

and spend the money saved on prison costs to increase drug treatment, education and prevention.

● 85% believe that people convicted of drug possession should be allowed to remain in the community under supervision (like alcoholics) and receive treatment rather than be sent to prison.

● 60% believe incarcerating people convicted of drug possession is ineffective in reducing either drug use or drug related crime. 10% said incarceration is very effective and 28% said incarceration is somewhat effective.

Colorado voters rank prison expansion low on funding priorities

The overwhelming majority of voters OPPOSE reducing state spending on public education (94% oppose), colleges (92% oppose), transportation (85% oppose) or public health/mental health treatment (90% oppose) to fund prison expansion.

* * *

In Colorado, it is a felony to possess or use any quantity of any illegal drug, except marijuana. There are currently 3,226 people in prison who have been convicted of a drug offense. Of those, 1,714 inmates (53.1%) were convicted of drug possession. According to a recent Human Rights Watch report, Colorado is only 1 of 9 states where over 50% of people in prison for a drug crime were convicted of drug posses-

sion. Incarcerating these 1,714 inmates costs taxpayers in excess of \$44.5 million annually. Construction costs to build 1,714 prison cells exceeded \$111 million. In comparison, the entire budget for drug treatment and prevention is \$23 million a year, \$21 million of which comes from block grants from the federal government. The state contributes only \$1 million in taxpayer money to fund both alcohol and drug treatment in the entire state both for juveniles and adults.

According to the Colorado Alcohol and Drug Abuse Division (ADAD), treatment is available to less than 20% of the people who need it, leaving an estimated 11,500 people currently needing treatment out in the cold. Average cost of treatment is \$1,500 a year compared to incarceration which costs taxpayers \$26,000 a year.

Public opinion on the effectiveness of treatment is supported by numerous research studies, including a 1998 follow-up study by ADAD which found that drug and alcohol use, arrest rates, and unemployment plummeted for people who completed treatment. Another 3 year study in California showed that \$7 is saved for every dollar spent on alcohol and drug abuse treatment and criminal activity declined by 2/3 for those who received treatment.

The full text of the report, including graphed responses to specific questions, is available online at www.ccjrc.org. □