

Colorado Justice Report

Founded in 1999, CCJRC is a network of organizations, faith communities, and individuals working to eliminate the overuse of the criminal justice system in Colorado.

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CCJRC 2017 Legislative Recap

Here's to another legislative session being over! Like most years, this session was filled with politics, long nights, disappointing losses and a lot of successes. In fact, given our budget shortfall and the current political climate it is actually quite amazing to take a look at all of the positive legislative wins that we are able to celebrate.

First off, CCJRC's Justice Reinvestment bill (HB17-1326) passed out of the legislature with bipartisan support! HB1326 reinvests \$4 million into crime prevention initiatives in North Aurora and Southeast Colorado Springs focused on expanding small business lending, direct services, and other community development strategies. The funding will come from the prison budget due to savings made by reducing the amount of time someone convicted of a nonviolent offense can go back to prison for a technical parole violation. In addition to the specifics of this bill, HB1326 also has the potential to re-define and re-imagine how to improve public safety through community-based strategies and funding that is aimed at expanding opportunity, achievement, stability, and connection rather than over-relying on police, courts, and incarceration. You can read more about HB 1326 a little later on in the newsletter.

Criminal Justice Reforms

Here are some of the other criminal justice related bills that made their way through the legislative process:

SB48 – Require Arrests of Intensive Supervision Program Escapees from Dept. of Corrections (DOC) - Requires mandatory arrest and referral for prosecution for escape if someone on intensive supervised parole knowingly removes or tampers with an ankle monitor that they are required to wear as a condition of parole.

HB1015 – Clarify Good Time Sentence Reductions in Jail – Provides uniform earned time standards for jails.

HB1208 – Record Sealing Clarifications - Cleans up and clarifies the criminal record sealing process related to the expedited process that is available for people who have been acquitted, have completed a diversion agreement, have completed a deferred judgment and sentence or whose case has been completely dismissed.

HB1313 – Civil Forfeiture Reform - Requires seizing agencies (ex: law enforcement) to submit biannual reports to the Department of Local Affairs (DOLA) specifying information about proceeds seized from a forfeiture and how the proceeds were used. This information will be searchable and publicly available on the DOLA website. If the seizing agency fails to report, they will be required to pay civil fine(s). Beginning December 31, 2019 and each year after, DOLA must submit a report detailing seizure and forfeiture activities to the Governor, Attorney General and the General Assembly. Limits are placed on a seizing agency to only collect forfeiture proceeds from the federal government if they are in excess of \$50,000 and it is related to a filed criminal case.

HB1308 – Individualized Conditions of Parole – There are many conditions of parole that are set in statute. This bill removes some of the conditions from statute and would give the Parole Board discretion in whether to impose specific conditions. Examples include: removes the requirement that the Parole Board fix the manner and time of payment for restitution payments and modifies the requirement that a person on parole obtain consent before moving residences. Instead a person would only need to notify her/his parole officer prior to moving. Removes language barring association with other justice involved people. It also eliminates the requirement that every person on parole be drug tested and instead allows the Parole Board to have discretion as to whether a random drug test is required for an individual while they are on parole.

HB1330 – No Escape Convictions for Habitual Criminals - Currently, a conviction for escape or attempted escape may not be used to adjudicate someone as a habitual criminal unless the conviction is based on an escape or attempted escape from a correctional facility. The bill clarifies this prohibition to current and prior convictions for escape or attempted escape. The bill also states that community corrections facilities are not considered a correctional facility.

HB1360 - Allow Criminal Record Sealing Subsequent Offense - Currently, a person can petition a court to have a municipal or petty offense sealed if the person was not charged or convicted of another crime within 3 years following the discharge of the offense. HB 1360 allows a person to seal their record if they had a single non-felony conviction that did not involve domestic violence, unlawful sexual behavior or child abuse during that 3-year period and no other convictions (felony, misdemeanor or misdemeanor traffic offense) in 10 or more years from the final disposition of all criminal proceedings.

Behavioral Health

This session we saw a big focus on improving access to behavioral health services funded primarily from tax revenue from marijuana sales.

SB254-Long Bill (state budget) -\$2.5 million was allocated to pilot Law Enforcement Assisted Diversion (LEAD) in four cities throughout the state. LEAD is a harm-reduction based, pre-booking diversion program that aims to improve public health outcomes and reduce recidivism rates. It allows law enforcement the ability to refer individuals that could be arrested for low-level offenses to intensive case management services instead of following the typical criminal justice cycle of booking, detention, prosecution, conviction, etc. \$12 million was allocated to expand access to drug treatment, particularly to expand residential treatment pursuant to SB16-202 that passed last year. \$15.3 million was devoted to funding affordable housing construction grants, loans and low-income housing assistance.

SB21 - Assistance to Released Mentally Ill Offenders – Directs the Division of Housing (DOH) to establish a housing program that provides housing vouchers and other support services to people with a mental health or co-occurring behavioral health disorder who are transitioning out of DOC, Division of Youth Corrections or a county jail. DOH shall also provide grants or loans for the acquisition, construction or rehabilitation of rental housing for people with behavioral health disorders.

SB74 - Create Medication-assisted Treatment Pilot Program - Creates a medication-assisted treatment (M.A.T.) expansion pilot program to expand access to these medications to people dependent on opioids in Pueblo and Routt counties.

SB207 - Strengthen Colorado Behavioral Health Crisis System - Improves Colorado's behavioral health crisis system by requiring crisis services facilities and the crisis services system to adequately care for individuals who are in crisis and those who are placed on an emergency 72-hour mental health hold. These system-based improvements to the crisis system must be in place by January 1, 2018. The practice of holding an individual on a mental health hold in a jail will no longer be allowed in Colorado after May 1, 2018.

HB1351 – Study Inpatient Substance Use Disorder Treatment – Requires the Department of Health Care Policy & Financing to prepare and submit a report to the General Assembly by November 1, 2017 to study how Colorado may provide and improve access to residential and inpatient substance use disorder treatment services in the state either through Medicaid or through some other means.

In addition to all of the legislation passed this session there will also be three interim committees meeting this summer to look at sentencing reform, opiate use/overdose, and jail overcrowding.

Even with all of these wins, there were a few bills we were following this year that did not survive the legislative process. Those included repealing the death penalty (SB95), diversion for veterans (HB1168) and ban the box (HB1305).

Justice Reinvestment Crime Prevention Initiative

Our big news to share pertains to legislation that CCJRC worked hard on this session. HB17-1326 is the Justice Reinvestment Crime Prevention Initiative that will direct cost savings from parole reforms into crime prevention initiatives in North Aurora and Southeast Colorado Springs with a focus on community/economic development and direct services .

Despite spending over \$1 billion annually on corrections, many of the neighborhoods that experience higher rates of crime and criminal justice involvement have seen little or no progress. In fact, by many metrics the overuse of the criminal justice system has many negative consequences by damaging families, straining police and community relations, exacerbating inequality and racial disparity, and making it harder for people with a criminal record to find employment and housing to support their families.

CCJRC is advocating for a new paradigm related to public safety that sees strengthening communities as a core public safety strategy. Making investments to expand small businesses, improving academic achievement for young people, and providing needed direct services are known, effective strategies to help prevent crime by promoting community well-being, equity, and opportunity.

Funding for the crime prevention initiatives will come from parole reforms that will reduce the amount of time someone convicted of a nonviolent offense could go back to prison for a technical violation of parole. These savings in the prison budget will be redirected through an approach called Justice Reinvestment.

The proposed model for the Justice Reinvestment Crime Prevention Initiative is based on:

- Local-control that empowers planning teams in N. Aurora and S.E. Colorado Springs to be innovative and identify their crime prevention priorities;
- Relies on the expertise of the private-sector, both the for-profit and non-profit sectors, in key roles;
- Community Development Financial Institutions (micro-lenders) will help to cultivate and support entrepreneurship through small business lending. A community foundation will help facilitate the local planning team process, and manage the grant making and evaluation processes to ensure accountability;
- The Department of Local Affairs will provide over-all management, oversight and reporting to the General Assembly.

What HB17-1326 Does: (Goes into effect August 10, 2017)

- Reduces the amount of time someone convicted of a nonviolent offense can be re- incarcerated for a technical parole violation to 30 days if convicted of DF3, DF4, F4, F5, F6 and to 90 days if convicted of DF2 and F3;

- Improves parole release planning by requiring the DOC to conduct a parole plan investigation prior to the parole hearing and allows the Parole Board to table the parole decision if a parole plan is inadequate and request the DOC, with consultation from the inmate, to submit a revised parole plan within 30 days;

- Will reinvest savings from the parole reforms to fund the Justice Reinvestment Crime Prevention Initiative in N. Aurora and S. E. Colorado Springs.

Take Care Health Matters Update

Before we jump into what is happening at the federal level, we wanted to let you know that here in Colorado there was a piece of legislation that passed this session that will increase Medicaid co-payments for emergency room visits, pharmacy benefits and outpatient treatment. This means if you have Medicaid, you will be required to pay a little bit more out of pocket when accessing these services. Beginning July 1, 2017, emergency room services will cost \$6, prescription medications could cost up to \$6 and outpatient services will cost \$4 to receive. People with no income will not be required to pay these co-pays.

Now on to the feds.....There is a lot of noise and movement at the federal level to roll back some of the key areas of health care reform that CCJRC has been engaged in the past few years here in Colorado. In fact, the House of Representatives recently passed a bill that would end Medicaid expansion by 2020 and gradually reduce the number of people eligible for Medicaid going forward.

The focus on repealing Medicaid expansion is of grave concern to our organization and the impact it would have on justice involved people.

Since 2013, CCJRC has been working to connect justice involved people with Medicaid and gain access to health care services through our Take Care Health Matters campaign. Our work has focused on helping justice involved people access care in the community by working with our criminal justice, health and behavioral health care partners. Our work has also recently been focused on hearing directly from justice involved people who are newly enrolled in Medicaid about their experiences accessing health care services:

- “Medicaid has helped in my alcoholism. Over-indulgence in alcohol has led to detox treatment multiple times. I am currently taking Vivitrol shots monthly to curb the craving and have seen a therapist to help with issues. Without Medicaid I would not be able to afford these treatments to help me in my recovery.”
- “I lost my job and group coverage in November 2014. My Medicaid coverage began in January 2015. Without it, I would have not been able to get treatment for frost-bite, hypothermia, various acute illnesses, detox services, and other life-threatening/life-changing services over the next two years where I was homeless and going through difficult times. I am thankful for Medicaid!”
- “Having health insurance is one of the best benefits a human being can have.”

These stories inspire and help to drive our work regarding the importance of having access to health and behavioral health care services. For us, access to health care is a fundamental human right and an essential element to mothballing the failed war on drugs for a new health-centric and harm reduction approach to drug policy.

Regardless of the political climate, CCJRC will continue to advocate so that people involved in the criminal justice system have access to health care. To learn more visit: takecarehealthmatters.org

Doing More for Democracy

After the 2016 election, people across the country became more eager to participate in organizing around key issue like: healthcare, immigration, racial justice, criminal justice and most important – VOTING! The election elevated national conversations and controversial debates about lower voter turnout, voter suppression, disenfranchisement and misinformation of people, especially people of color.

In 2006, CCJRC launched our civic engagement campaign, called “Voting With Conviction” (formerly known as “Can I Vote?”) to raise awareness about voting eligibility for people with criminal backgrounds in Colorado. Colorado does not have permanent disenfranchisement but that is not widely known. Our education campaign has focused on increasing awareness of the nuances of eligibility and voting rights and building electoral power specifically with people who have been directly impacted by over-criminalization and mass incarceration.

In 2016, we expanded our civic engagement campaign by partnering with the Denver Election Commission and the Denver Sheriff’s Department to pilot the first jail-based voting project at both jail facilities. People in jail who are pretrial detainees or serving a misdemeanor sentence are eligible to vote but face unique barriers to exercising their constitutional rights. In addition to providing comprehensive voter education, CCJRC also helped register over 300 people in jail to vote! This small but important success served as a milestone that can be expanded to other jails.

But we also asked ourselves, *what more can we do* in anticipation of the 2018 election cycle, especially since statewide, voter turnout in the 2016 election among registered African Americans voters was 50% lower than in the last two presidential elections (22 points lower than White and 9 points lower than Latino/a voter turnout). This lower voter turnout was also true of African American millennials. So, early this year CCJRC decided to double-down and greatly expand our civic engagement campaign and to start NOW!. We hired a new staff person to focus on civic engagement and community organizing and hired a consultant to help us build a strong field campaign.

From a nonpartisan approach, we also wanted to better understand what affected the choice of African Americans to either vote or not vote. We will also wanted to learn more about what strategies and messages could be effective to increase Black voter turnout in 2018. So we recently launched two surveys, one for Black people that did vote and the other for Black people that did not vote. If you or any of your friends would like to complete a survey, you can go to our Facebook page <https://www.facebook.com/CCJRC/> or use these links

Did Not Vote Survey Link Below:

<https://www.surveymonkey.com/r/NLYPX2W>

Did Vote Survey Link Below:

<https://www.surveymonkey.com/r/N853RNQ>

We are also reaching out to churches, nonprofits, and community leaders to help build a stronger coalition focused on voter engagement in the Black community. We are also putting more effort to expand and better engage our members. In March of 2017, we held member meetings in both Colorado Springs and Aurora and will continue to host-membership meetings and will send out dates and time for upcoming-meetings soon.

That’s what Doing More For Democracy looks like at CCJRC. Please join us.



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On Wednesday, September 27, 2017, we will celebrate our ninth annual night of fun and fundraising with an open bar, delicious food, and a magnificent silent auction at Mile High Station in Denver, Colorado. We would like to invite you to join us at this event. Tickets and sponsorship opportunities available at www.ccjrc.org

This year, CCJRC is proud to honor:

Phil Cherner

with the Rupert-Tate Game Changer Award.

This year, we are honoring Phil Cherner with the Rupert-Tate Game Changer Award. Phil is a deeply respected criminal defense attorney, educator and avid photographer who is a trail blazer, a game changer and advocate for criminal justice reform. Growing up in Detroit, Phil was influenced in his early years by the turbulence of the 1960s by both the Civil Rights and anti-war movements. He moved to Denver in the mid-seventies and became the Deputy State Public Defender in 1979. Phil has skillfully and successfully tried many cases, big and small, from stop sign violations to the death penalty. He has lent his powerful perspective to a number of commissions and committees over the years. Phil has always been an advocate for those people whose voices are often silenced and we are honored to be able to present this award to Phil.

YES! Count me in! I want to support CCJRC and help eliminate the overuse of the criminal justice system in Colorado. Enclosed is my tax-deductible contribution!

Your support makes all the difference!

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