

Colorado Justice Report

Founded in 1999, CCJRC is a network of organizations, faith communities, and individuals working to reverse the trend of mass incarceration in Colorado.
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2014 Legislative Wrap-up

Colorado lawmakers wrestled this year with everything from issues related to legalization of retail marijuana, education funding and oil and gas drilling. Regardless of such high profile bills, CCJRC was still able to continue our advocacy efforts by pushing key criminal justice legislation to the forefront of the 2014 legislative session. Looking back to events that happened last year around the murder of Director Clements we anticipated working in an environment at the Capitol that was focused on tougher approaches to people in prison and on parole – and we were right.

CCJRC led the opposition to a bill that would have radically reformed earned time and increased the length of stay for people in prison (HB14-1114). We also successfully advocated for several amendments to a bill that would have mandated that a person on parole be revoked for removing an electronic monitoring device (HB13-1044).

One of the more complicated debates involved increased funding for DOC initiatives to reduce recidivism. Ultimately, this debate

resulted in the introduction and passage of HB 14-1355. CCJRC in close partnership with the Colorado Criminal Defense Institute successfully advocated for a new section in HB14-1355 that requires the DOC to develop a grant program to fund community-based programs that can help people released from prison. This is the first time that any criminal justice agency in Colorado is required to partner with (and fund) community-based organizations that provide services to people involved in the system. At this time, the DOC is developing the grant guidelines and when those are released, CCJRC will let our members know.

Colorado currently spends over \$1 billion combined for probation, community corrections and the DOC. Not one dime of that money is used to expand or sustain a network of community-based nonprofits organizations that provide support services such as housing, employment, mentoring and other critical reintegration help to people. CCJRC is committed to changing that and HB 14-1355 is the first step. We've got to reduce spending in these massive systems and instead start seriously invest in community development strategies for housing, jobs, treatment and services that help people, including efforts to prevent people from becoming involved in the criminal justice system in the first place.

Legislative wrap-up continued on page 3

CAN I VOTE ?

**REMEMBER TO VOTE ON
NOVEMBER 4**

You can register to vote up to and including the day of the election

YES

Many people in Colorado think that if you have a criminal record you cannot vote!
THIS IS NOT TRUE!! KNOW THE LAW!!

You **can** vote in Colorado if:

- You have a criminal conviction and have served your sentence, including any required parole time.
- You are a pretrial detainee in jail
- You are on probation for a misdemeanor or felony
- You are currently serving a sentence in jail for a misdemeanor sentence

NO

You **cannot** vote in Colorado if:

- You are incarcerated for a felony in a jail or prison
- You are on parole or federal probation following release from incarceration
- You are a transition client in a community corrections facility on inmate status
- You are a residential diversion client sentenced for a felony to a community corrections facility

You should consult with an election official before registering to vote in Colorado if:

- You are on home detention as part of a sentence for a felony conviction*
- You are a diversion client in a community corrections facility who is on non-residential status*
- You are in jail awaiting a revocation hearing for a probation violation*

Elections Matter

As usual, the swing state of Colorado is being watched by politicians across the country this election year as we have some big races that may influence the political landscape nationally. In addition to the race for Governor and Attorney General, our state General Assembly is being watched closely as we will be losing 23 Colorado legislators due to term limits and those choosing not to run for re-election. As we get close to the end of summer, here is a snapshot of what to expect as you head to the polls on Election Day, Tuesday, November 4th.

On the federal level, Colorado Senator Mark Udall (D) is facing former state House and current 4th Congressional House of Representative member, Cory Gardner (R) and all of Colorado's seven Congressional Representatives are up for re-election this year.

At the state level, the Democrats currently have a one-seat majority in the Senate and a 9-seat lead in the House of Representatives. Representatives serve two-year terms and all 65 House seats are up this year. Seventeen incumbent Representatives are not seeking re-election either due to term limits or resignation. We will be losing a number of champions in the House and CCJRC is particularly grateful and will miss greatly Representatives Claire Levy (D), Mark Waller (R), Bob Gardner (R), and Speaker Mark Ferrandino (D). Their leadership and sponsorship in support of numerous criminal justice reform bills during their tenure helped decrease the number of people in prison, enact more sensible drug laws, increase funding for treatment and other services for people involved in the criminal justice system, and reduce barriers faced by people with criminal records.

In the state Senate, 18 out of the 35 Senate seats are up during this election cycle. Six incumbent Senators will not be returning due to term limits or resignation. CCJRC also deeply thanks and will greatly miss Senator Steve King (R) who often sponsored and voted in support of reform and who always had an open mind even when he didn't ultimately vote with us.

Fortunately, we still get to work very closely with Claire Levy in her new role as the Executive Director at the Colorado Center on Law & Policy. For the past year, CCJRC and CCLP have partnered on our "Take Care-Health Matters" campaign to increase healthcare access as a result of the Affordable Care Act to people involved in the justice system. CCJRC also named Claire as the recipient of our "Game Changer" award which will be given to her at our annual fundraiser. Get your tickets and help us thank Claire!!

Due to term limits, Attorney General John Suthers is not allowed to run for re-election. Former District Attorney of the 17th Judicial District, Don Quick (D), current Deputy Attorney General Cynthia Coffman (R), and David K. Williams (L) are all vying for the Attorney General position.

It's an old saying but it is true, "Elections Matter". Regardless of what party wins what seat or majority, the bottom line is that there are going to be a whole lot of new people in positions of political power in office. Their attitudes on criminal justice issues and appetite for reform will determine the new opportunities and challenges for change. In other words, we got a lot of work to do and we'll be reaching out to our members to help. Stay tuned and in touch.

Ankeney v Raemisch Update

Randy Ankeney filed an individual pro se habeas case in the state court and lost. He alleged DOC was violating the law by their failure to correctly apply good time to people sentenced after 1993. He then filed a pro se appeal to the Court of Appeals and in an unpublished opinion authored by Judge Daily, he won. In a 3-0 opinion they said DOC MUST apply good time to a prisoner's mandatory release date. The Colorado Court of Appeals remanded Mr. Ankeney's case back to the District Court which applied the Court of Appeals ruling and released him from parole. The Attorney General, representing DOC, has filed an appeal to the Colorado Supreme Court.

Attorney David Lane has filed a section 1983 civil rights suit in federal court on the same issue. DOC has filed a motion to dismiss and Lane has filed a response. DOC has filed a reply and they are waiting for a ruling by Judge Krieger.

There are two cases going at the same time – the potential class action suit in federal court and Mr. Ankeney's personal case in the Colorado Supreme Court. Because of the appeal pending in the Colorado Supreme Court, whether people in prison should have good time credited against their sentence has not been finally decided.

No one will be released or recalculated on their time unless and until either the Supreme Court rules in favor of Mr. Ankeney's individual lawsuit or if the 1983 lawsuit is decided upon favorably for the plaintiffs. If Lane wins the 1983 case, everyone in prison who was sentenced after 1993 to a term of years will automatically be included in the class action. This does not include people with an indeterminate sentence.

CCJRC's New Policy Coordinator



Aloha! My name is Terri Hurst and it's an absolute honor to be writing to you today as CCJRC's new Policy Coordinator. To say this is my dream job would be an understatement. I have wanted to work on the front lines of ending mass incarceration and the overuse of the criminal justice system for years and am humbled to find myself here working with CCJRC. I believe the "War on Drugs" is one of the biggest policy failures of our time. Not only have mil-

lions of people's lives been destroyed and harmed, but the amount of money and resources spent on this failed war is shameful. I became interested in fighting against this "war," when I was a teenager and my passion and conviction to end this "war" grows stronger every day. Professionally, I have worked on drug & healthcare policy reform for over 10 years and have provided direct services to active injection drug users, current and formally incarcerated individuals, and adolescents through the lens of harm reduction. I received my Masters of Social Work from the University of Hawaii at Manoa and have been on the Board of the Harm Reduction Action Center, Denver's largest syringe exchange program, since 2008. In my downtime, I enjoy hanging in the Colorado mountains, travelling, and there is no doubt that music satisfies my soul. I look forward to working on your behalf to help end mass incarceration and provide a more humane way of treating individuals with mental health and addiction disorders.

Capitol Success

Legislative wrap-up continued from page 1

CCJRC believes that communities have a right to fight for the appropriate allocation of public taxpayer money. Our former state Treasurer Cary Kennedy said that government budgets are a moral document because they are (supposed) to align with our collective values and priorities. When they don't align, it's imperative that we not only fight for policy reform but we also need to "FIGHT FOR THE MONEY" to truly build strong communities.

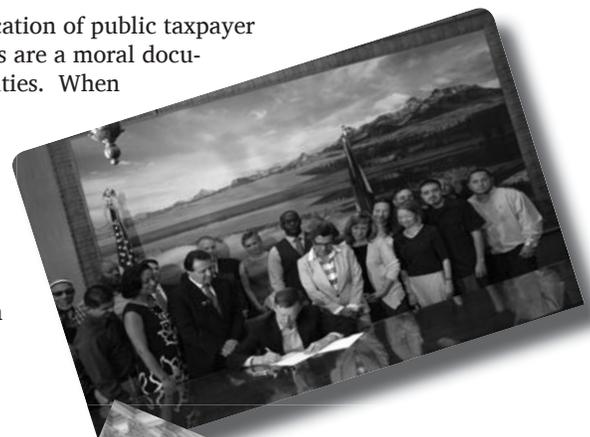
And we have a lot of work to do both in the community and at the Capitol. Last year, the number of people revoked on parole for technical violations has increased noticeably. This is the main reason why the prison population has been increasing after several years of decline. Not only does this affect the life of many people who are needlessly re-incarcerated, it also drives an increase in the DOC budget which increased from \$770 million to \$808 million.

2014 CCJRC Priority Bills

HB14-1355 Reentry Programs for Adult Offenders

Representatives Kagan (D) and Gardner (R) and Senators Guzman (D) and King (R) CCJRC Position: Support

This bill is a comprehensive effort to mandate reentry planning and programming for people leaving DOC and returning to the community. The bill funds additional reentry planning services within the department but also funds community based programs, through a grant program, in order to support assist offenders while in the community. There are numerous mandatory reporting requirements for the DOC including a requirement that the DOC reduces recidivism and technical parole violations through the use of evidence based practices. CCJRC needs to thank the Second Chance Center, Denver Inner City Parish, Servicios de La Raza, Denver Works, Center of Hope and the Community Reentry Project for working with us and testifying for the bill. Here are pictures from the bill signing. Status: passed Senate (32-3); passed House (47-15); sign into law by Governor.



HB14-1044 Parolee Tampering with Electronic Monitoring Device

Representative Dore (R) and Senator Tochtrop (D) CCJRC Position: Oppose-amend

A parolee who intentionally tampers with an electronic monitoring device in order to avoid supervision will be subject to an immediate arrest and the parole office must file a complaint seeking revocation with the Parole Board. CCJRC was able to successfully get three amendments to the bill. First, before making the arrest or filing the revocation complaint, the parole officer must determine that the "tamper" alert from the electronic monitor vendor was not the result of an equipment malfunction. Second, CCJRC was able to change the bill so that it was not mandatory for the Parole Board to revoke parole but instead give the Parole Board discretion to revoke parole or not depending on the circumstances. The third amendment removed the requirement that the Parole Board revoked for the remainder of the parole period and to adhere to the guidelines already in law as a result of SB03-252. Status: passed House (62-0); passed Senate (35-0); signed into law by Governor

HB 14-1114 – Concerning the administration of earned time by the state department of corrections

Representatives Waller (R) and McNulty (R) and Senator Herpin (R) CCJRC position: Oppose

Would have allowed the DOC to take away earned time once it is awarded for prison rules violations. The DOC could take away any or all earned time awarded in the last 12 months for a class III COPD violation and take away any awarded in the last 24 months for a class I or II. The DOC would have been required to withdraw all earned time awarded during the period of incarceration if the violation was a crime of violence. Status: died in the Senate State Veterans and Military Affairs Committee on March 12, 2014.

SB14-64 Reinstatement of Parental Rights

Senators Guzman (D) and Roberts (R) and Representatives Foote (D) and Gardner (R) CCJRC Position: Support

This bill was brought forward by human services in an attempt to address the heartbreaking situation where children have not been adopted after the termination of the parent-child legal relationship. The bill allows the parent-child legal relationship to be reinstated if the parent has remedied the issue that led to the termination, both the child and the parent want reinstatement of the relationship, a trial period is successful, and it is found to be in the best interest of the child.

Status: passed Senate (35-0); passed House (64-0); signed into law by Governor.

We also want to share with you some information about important criminal justice reform legislation that was led by other organizations. The Colorado Juvenile Defender Coalition was crucial in the passage of both HB 14-1023 and HB 14-1032 which will strengthen legal representation of juveniles charged with criminal offenses. The CO-ACLU was instrumental in the passage of a new law that limits the DOC from housing people with mental illness in administrative segregation (SB14-064) and prohibiting incarceration of an indigent defendant for failing to pay fines (HB14-1061). The Colorado Commission on Criminal & Juvenile Justice also had one sentencing reform bill. HB 14-1266 harmonized certain value based crimes to the thresholds set in the theft crime reform bill that passed last year.

Colorado Criminal Justice
Reform Coalition
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Don't forget to Support CCJRC on Colorado Gives Day!

Colorado's largest one-day online giving event, presented by Community First Foundation and FirstBank, is coming up and we need your support. On Tuesday, December 9, 2014, thousands of donors will come together to support Colorado nonprofits like ours. Last year, a record-breaking \$20.9 million was distributed to Colorado nonprofits. CCJRC received \$8,000. This year, our goal is to raise \$10,000.

Count me in! I want to support CCJRC and help to reduce the trend of mass incarceration in Colorado. Enclosed is my tax-deductible contribution!

Your support makes all the difference!

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EMAIL: _____

- Individual \$35 Low Income/senior \$15
 Household \$50 Prisoner \$3 (cash or stamps)
 Sustainer \$100 or more
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September 18, 2014
5:30 - 9:30
MILE HIGH STATION
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Denver, CO. 80204



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tickets are \$85

Sponsorship Opportunities available
Please go to www.ccjrc.org and click on "Events"

PLEASE JOIN US FOR ANOTHER WONDERFUL EVENING!

This year, we are honoring Claire Levy for her invaluable contribution to criminal justice reform. As House Representative, she carried a significant number of bills vital to reducing recidivism, implementing smarter sentencing and drug policy, expanding funding for treatment, increasing alternatives to incarceration, and providing resources to people with criminal convictions. Her work on the Commission on Criminal and Juvenile Justice (CCJJ) was exemplary as is her current work as Executive Director of the Colorado Center on Law and Policy.

CCJRC is a member of Community Shares.
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