

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 and advance community health and safety in Colorado.

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NO NEW JAILS! NO TAX HIKE! Don't add to the problem of over-incarceration

By Juston Cooper, Deputy Director

"People should not have to go to jail to access mental health and addiction services"

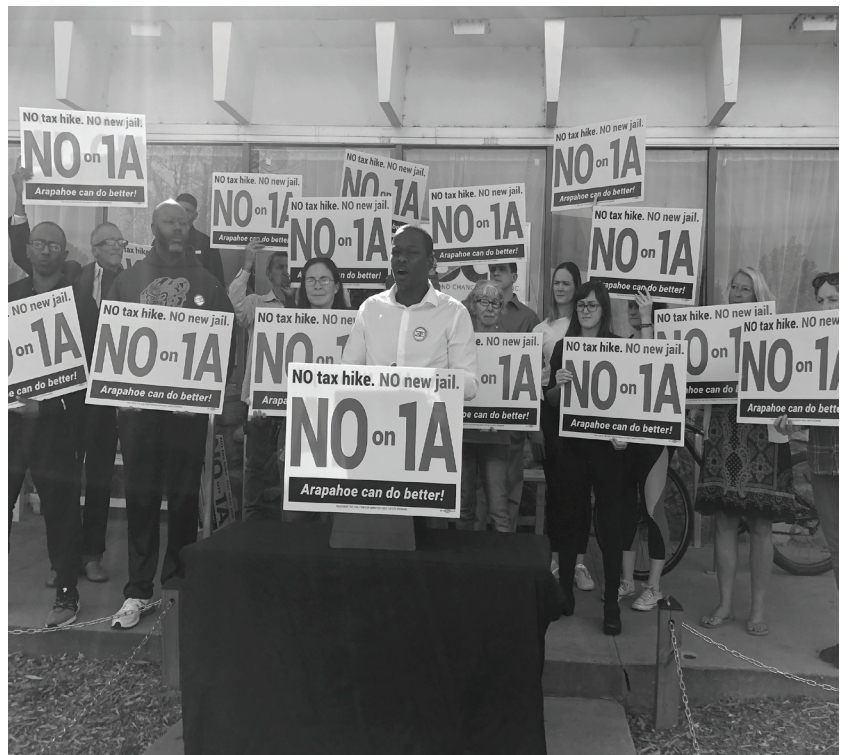
On August 27, 2019, the Arapahoe County Commissioners voted to put a measure on the November ballot to build a new jail. Arapahoe County Ballot Measure 1A would have increased taxes by \$46 million per year to pay for the construction, maintenance, and operations of a new and bigger jail. The county estimated construction of the jail alone would have cost tax payers \$464 million.

CCJRC immediately launched an opposition campaign and formed the "Coalition for Smarter Public Safety Spending" which included Interfaith Alliance, Colorado Immigrant Rights Coalition, Colorado People's Action, Black Women for Political Action, and ACLU-CO.

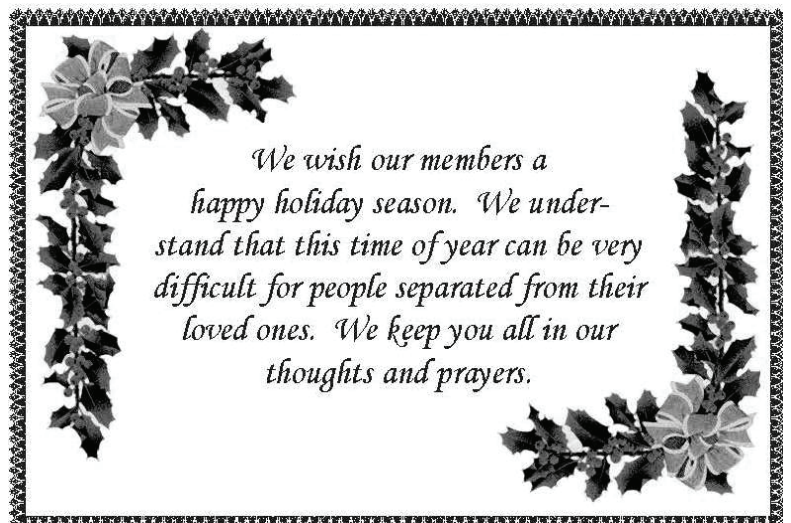
CCJRC hired Public Policy Polling to conduct a survey (https://voteno1a.com/wp-content/uploads/2019/10/PPP_Arapahoe_County_Results_Sep2019.pdf) of over 700 voters in Arapahoe County to gain their perspective on the issue. Survey results indicated overwhelmingly that the majority of voters felt Arapahoe County would be safer if they invested in more community-based services rather than building a new jail.

- Seven out of 10 voters said the county should focus on reducing the jail population, while only 15% thought the county should build a new jail.

- Three out of four (77%) thought the county should change bail bond practices to reduce the jail population rather than build a bigger jail.



Juston Cooper at the NO on 1A Campaign kickoff press conference at the Second Chance Center



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- Nearly eight out of 10 voters (79%) agree the county would benefit more from increasing funding for community-based mental health and addiction services than it would from funding construction of a bigger jail.

We also knocked on over 5,000 doors, contacted over 700 voters by phone, and texted over 70,000 voters to urge them to vote No. And it worked! On November 5th, voters pushed back and decidedly voted down Ballot Measure 1A with a 67% No vote in Arapahoe County. Voters also stopped similar jail expansion measures in Jefferson with a 54% “No” vote and in Pueblo a 65% “No” vote.

This is the third time voters in Pueblo have rejected a tax increase to build a new jail. However, the Pueblo County Commissioners were craftier and they also approved a ballot measure to increase the tax on marijuana sales which was passed by voters. Some of the local elected officials have been outspoken about their intention of using these revenues to expand the jail even though that wasn't included in the ballot language of the marijuana tax increase and despite the voters' rejection of the jail expansion measure.

It's unfortunate that many local elected officials still believe that the best way to address jail overcrowding is through jail expansion. Although they may be well intended out of concern for the wellbeing of both people incarcerated and staff, it's the wrong approach for real solutions to crime and improving the health and safety of communities.

CCJRC believes there is a real opportunity to design more comprehensive reforms that include investment for community based treatment, bail reform, and other strategies to decrease jail populations. CCJRC does not object to spending money to address legitimate repairs or maintenance issues at jails.

The Arapahoe County Sheriff has already reached out to CCJRC to meet and we are more than willing to work with him, Arapahoe County Commissioners, and other community leaders to develop a proposal that would better advance the health and safety of the residents of Arapahoe County. Stay tuned! 2020 is right around the corner and we will keep you posted on any new developments regarding our work in Arapahoe County.



Jasmine Ross - Sign waving on election day

2019 Opioid Interim Legislative Committee

By Terri Hurst, Policy Coordinator

Throughout the summer and fall, the Opioid and Other Substance Use Disorders Interim Legislative Committee met for the 3rd year in a row to address a host of issues and challenges our state faces in adequately trying to address the issue of addiction and drug use in Colorado. On October 29th the bi-partisan Committee approved 5 bills that will be introduced during the 2020 legislative session as long as they pass out of the Legislative Council Committee which is scheduled to meet on November 15th. The five bills address the following topics: Prevention, Harm Reduction, Criminal Justice, Treatment, and Recovery. CCJRC staff was involved in drafting pieces of the Harm Reduction, Criminal Justice and Treatment bills.

In the 2019 legislative session, one of CCJRC's priorities was SB19-08 that established the Harm Reduction Grant Program to fund community-level collaboration between law enforcement, public health agencies, and community-based organizations to divert people using drugs out of the criminal justice system using harm reduction strategies and principles. The grant program is administered by the Department of Public Health and Environment (CDPHE). The interim legislative committee added another \$250,000 to that grant program for a total of just over \$2.1 million! It is expected that the first round of grants will be awarded by the summer/fall of 2020. The Harm Reduction bill also clarifies that a pharmacist may sell a nonprescription syringe to someone without violating Colorado's drug paraphernalia law.

The Criminal Justice bill will require all jails and prisons to offer at least one opioid agonist (ex: morphine; buprenorphine) and one opioid antagonist (ex: Naloxone) to a person who is incarcerated with an opioid use disorder. The bill also requires individuals who are treated for a substance use disorder while incarcerated in the Department of Corrections (DOC) and/or jails to be provided connections to addiction treatment providers and resources upon release. There is also a section in the bill regarding the creation of safe stations where people can dispose of any controlled substances and request access to addiction treatment services. The bill states that courts shall favorably take into consideration whether someone is receiving addiction treatment services or has successfully completed treatment as they consider sealing someone's criminal record.

The Treatment bill has 17 different sections that tackle a variety of challenges for people in trying to access treatment services across the state. One major component in the bill prohibits any treatment provider who contracts with a Managed Service Organization, any recovery residences and/or detox facilities from denying someone services if they are being prescribed Medication Assisted Treatment (MAT) for an addiction disorder. The bill also prohibits the courts, parole, probation or a community corrections facility from denying someone on MAT as a condition of participation or placement.

If these bills pass out of Legislative Council, they still have to go through the legislative process, so these bills may look very different by the time we write about them again in our next newsletter. The 2020 legislative session is set to begin Wednesday, January 8th and will end no later than Wednesday, May 6th.



Prison Population Management Legislative Interim Committee

By Christie Donner, Executive Director

This summer and fall, the Prison Population Management Legislative Interim Committee met and developed three bills that will be introduced in the 2020 legislative session, if approved by the Legislative Council Committee on November 15th. This interim committee was tasked with making recommendations on:

- Strategies to safely reduce the prison population and reduce recidivism and
- Prison use analysis including CSP2, private prisons, and alternative bed programs

Part of the impetus behind the creation of this interim committee was the ongoing concern about how full the prisons have been and whether or not to reopen the south campus at Centennial Correctional Facility (aka Colorado State Penitentiary 2) which closed in 2012. The issue of reopening CSP2 has been a dominant debate at the legislature for the past several years. Earlier this year, the legislature approved SB19-259 which would allow the emergency use of no more than 126 beds at CSP2 if the prison vacancy rate was 1% or less for two consecutive months and the creation of the Prison Population Management Legislative Interim Committee. Currently, the prison vacancy rate for men is just over 3% but that's the highest it's been in several years. The three bills developed by this Interim Committee include: Bill A: includes many reforms specifically for young adults who are between the ages of 18-25 who are involved in the criminal justice system.

Bill B: Authorize the reopening of CSP2 but requires a 1-1 reduction in the use of private prison beds and reducing the crime level for "escape" when someone tampers with an ankle monitoring device or walks away from a halfway house while on inmate status or parole.

Bill C: Would require a "systems mapping" study to examine how individuals proceed through the various stages of criminal proceedings, including various sentences and programs, and identification of gaps in services, and communication/collaboration cross criminal justice agencies.

This committee also made several recommendations to DOC that don't require legislation including:

- (1) endorsement of the DOC efforts to "normalize" the prison environment and culture;
- (2) requiring DOC and Judicial to submit a Performance Improvement Plan to improve successful outcomes for women on probation and parole which have declined substantially in recent years; and
- (3) improve access to behavioral health treatment, support services, and transition options that would reduce recidivism.

We anticipate that criminal justice reform will be a dominant priority during the 2020 legislative session and we will provide you with much more detail once the bills are introduced and will keep you updated through weekly emails as the bills work their way through the legislative process.

Governor Appoints Clemency Advisory Board Members

By Pam Clifton Communications Coordinator

On Thursday, October 17th 2019, Governor Polis signed Executive Order B2019 012, "Recreating and Reorganizing the Governor's Clemency Advisory Board". In his statement announcing the Board, Governor Polis stated that, "Clemency is a heavy responsibility. While it is no substitute for reforming the criminal justice system, it is a power that can help transform an individual's life and I do not take it lightly. That is why I have chosen this group of Coloradans with unique backgrounds who understand the role of the criminal justice system..."

The Colorado Constitution, Article IV, §7, provides the Governor with the exclusive power to grant clemency: *The governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons.*

Clemency in Colorado has two types: commutation and pardon. A pardon may be granted after a conviction and is a public forgiveness for a crime after completion of the sentence. A commutation modifies a sentence that someone is currently serving. The procedure the Colorado Legislature has enacted for the commutation and pardon process is found in Colorado Revised Statutes, §§ 16-17-101, 102. The Clemency Advisory Board's role is to review applications for commutations and pardons and then provide a recommendation to the Governor in a timely manner. The recommendations are based on a majority vote and are advisory. Only the Governor can grant or deny a clemency application. The new Advisory Board consists of nine members, seven of which are designated by position and two at-large mem-

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bers. The Advisory Board members and the Chair serve at the pleasure of the Governor and their terms will expire after four years.

CCJRC is thrilled that Governor Polis appointed Hassan Latif and Hans Meyer. Hassan is the Executive Director and founder of the Second Chance Center and is the first formerly incarcerated person to be appointed to the Colorado Clemency Advisory Board! Hans is a former public defender and has been one of the leading immigrant rights attorneys and advocates in the state. They are also on the Board of Directors at CCJRC so we know they will bring their wisdom, compassion and courage to this new role. All of us at CCJRC are so proud of them.

The newly appointed members are:

Executive Director of the Department of Corrections – Dean Williams

Executive Director of the Department of Public Safety – Stan Hilkey

Crime Victim's representative – Kelly Kissell

Defendant's Rights representative – Hassan Latif

Juvenile Justice/Child Welfare representative – Hannah Seigel Proff, J.D.

Mental Health representative – Dr. Patrick Fox

Law Enforcement representative – Al Dominguez, J.D.

At-Large-Member – Hans Meyer, J.D.

At-Large-Member - Rabbi Dr. Tirzah Friedman

The Board has already held its inaugural meeting to establish internal policies and procedures. The Board is mandated to meet at least once every two months or more often if the Governor or Chair decides that it's necessary. They are in the process of developing a schedule.

The Office of Executive Clemency is accepting applications. For someone who is in prison who wants to apply for commutation, you must work with your DOC case manager to obtain the Executive Clemency Application. The case manager can also help explain the criteria and offer guidance in completing the application and putting together other documents that are required.

If you have completed your sentence and want to apply for a pardon, you can begin the process by downloading and completing the Executive Clemency Application on the website at <https://www.colorado.gov/pacific/cdoc/clemency-requests>. Applications, along with all required attachments, must be submitted to:

Office of Executive Clemency
940 Broadway
Denver, CO 80203

There are no fees required to apply for clemency and no time constraints under which any application for clemency must be processed. Questions regarding clemency may be directed to the Office of Executive clemency at 303-763-2409 or emailed to doc_clemency@state.co.us.

Update on Denver Community Corrections

By Pam Clifton Communications Coordinator

As you may know, in early August the Denver City Council decided to end their relationship with private prison operators GEO and CoreCivic who operate six community corrections facilities in Denver. Instead, City Council approved a six month "wind-down" contract with GEO until 12/31/19 for its two facilities (Williams Street and Tooley Hall) and a twelve month "wind-down" contract until 6/30/20 with CoreCivic for its four facilities (Ulster, Fox, Dahlia, and Columbine).

There are still a lot of unknowns about the direction and new vision Denver will develop for community corrections and capacity but we wanted to give folks an update, especially those that have already been approved but are on a wait list for a Denver community corrections program or who are coming up on their eligibility for referral to Denver comcor.

The women's program at Williams Street has closed. About half of the women who were at Williams Street were moved to non-residential status or parole and the other half were moved to ACRC, another GEO owned halfway house for women in Arapahoe County. The Denver Community Corrections Board is working with the Community Corrections Boards in both Jefferson and Arapahoe County to approve out-of-jurisdictions placements for women at either ACRC or ICCS-West, depending on bed availability, who have already been approved but are on the waitlist.

The other GEO facility is Tooley-Hall and it is in the process of closing. The City of Denver is going to take over the specialized EMBARK program that was at Tooley and house it at the Denver County Jail, like when Phase I of Denver comcor was at the jail, until a longer-term plan is developed.

The City is in negotiations to buy the Tooley-Hall building and partner with a community provider to reopen as a women's program. It's very early in the process but City officials seem optimistic this is going to happen but the new women's program isn't likely to be up and running until somewhere around July of 2020.

Even though CoreCivic's contract runs through the end of June 2020, it is anticipated that they will begin phased closures of their four facilities starting in roughly March or April. For those that are already on the waitlist for Denver, DOC said they feel very confident that everyone will be moved to a comcor program by the end of 2019 or early 2020.

But DOC has stopped making any new referrals to the Denver Community Corrections Board for the time being. We don't know when referrals will start again.

The Denver Department of Public Safety, the Office of Community Corrections, and Denver City Council have convened

a diverse stakeholder group that has been meeting to develop a new plan by the end of the year. There are a lot of issues that need to be tackled including zoning, ordinances, and community corrections standards that currently limit options. None of those changes, especially zoning changes, will happen quickly.

As disruptive and anxiety provoking as this process has been, especially for folks directly impacted by this decision, it is giving Denver an opportunity to more aggressively challenge the status quo of continuing to fund community corrections programs year after year that have not had impressive success rates.

In the meantime, CCJRC is working hard to help bring other ideas to the table that are also short-term in nature to mitigate the impact of losing so many community corrections beds as GEO and CoreCivic facilities close.

There is no doubt that the Denver situation could increase the prison population in the short-term because one of the release mechanisms has been so limited. We're focused on trying to prevent that from happening.



Volunteer Victories

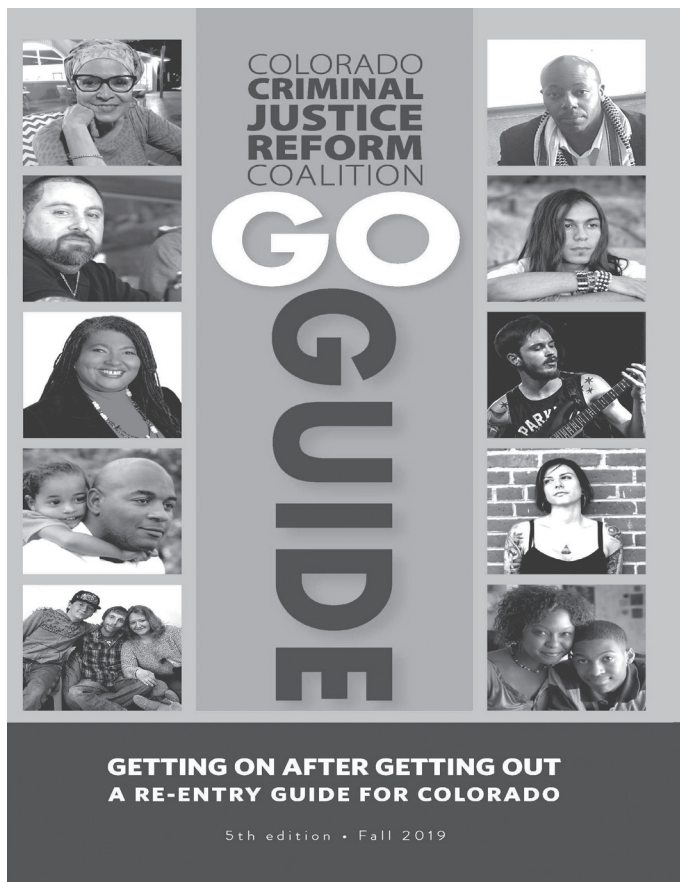
By: Jasmine Ross - Civic Engagement Coordinator

What another great year for CCJRC's volunteer program! Over forty new volunteers join our 2019 efforts supporting multiple campaigns. Volunteers supported our "Know Your DA" and "Voting with Conviction" campaigns by contributing hundreds of hours as part of our door-to-door canvassing, material distribution, phone banking and texting programs.

Their work had a significant impact on helping inform voters on the role, responsibility and power of elected District Attorneys. Volunteers went door-to-door this summer in Aurora asking voters for their perspective on priorities for the next elected District Attorney for Judicial District (JD) 18, which includes the city of Aurora. And volunteers were critical to helping our efforts to defeat Arapahoe County Ballot measure 1A - which would have raised taxes, spending nearly half a billion dollars on a new jail. Volunteers helped knock on 5,313 doors, contacted 721 voters through phone banking, and texted 70,000 Arapahoe County voters to vote "NO" on Ballot Measure 1A. All this effort paid off because 1A was overwhelmingly defeated on a vote of 67%-33%.

It has been a pleasure leading our field campaign efforts with such a dedicated group of volunteers. We are truly committed to building ongoing relationships with volunteers in our community. As Jimmy Bacon, one of our volunteers, said, *"Being able to get out in the neighborhoods and talk to residents about the criminal justice system and the efforts for reform is a great passion for me. I love contributing to the campaigns of CCJRC because they stick to their principles and set a high standard for effective change. My ability to participate is greatly influenced by Jasmine Ross who knows how to show up for people who want to help and knows how to provide assistance whenever it's needed! She holds her own and gets things done!"*

On behalf of CCJRC, we would like to thank all of our volunteers for their commitment to reform. With our ongoing success, we invite others to join us in 2020. CCJRC will be focused on voter turnout for the 2020 District Attorney election in JD18 and we need your help! Please don't hesitate to contact us if you would like to volunteer. You can reach us by emailing Jasmine Ross at jasmine@ccjrc.org, or contact us at 303-825-0122.



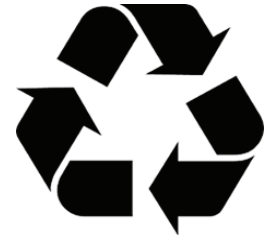
GO GUIDE -- the 5th edition!

The newest Go Guide has been released and is available for purchase at www.ccjrc.org. If you are in prison you should be able to get one at no cost through your reentry specialist, your case manager, or in the library. If you can't get one, please write to CCJRC at 1212 Mariposa St. #6 Denver, CO 80204.



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Thank you for making the 11th Annual CCJRC Voices for Justice fundraiser a wonderful success! This year nearly 300 people attended the event and we were able to honor Maureen Cain with the Rupert-Tate Game Changer award.

The Baskets and Bundles Silent Auction was awesome! Some of the best items were the incredible baskets that were donated by many different sponsors and were put together by Polished Industries. Folks also won donated tickets to things like the Opera, the Botanic Gardens, Balloon rides, museums, hotel stays, gift cards to wonderful restaurants and so much more. We can't thank our sponsors enough for their support.

Wow! What a night to remember.

We look forward to seeing you next year!

Save the Date -- September 23, 2020, we will keep you updated.

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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