

# 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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## CCJRC 2020 Legislative Wrap Up

To say this was an unusual legislative session would be an understatement. What started out as a session that was filled with a large slate of criminal justice reform bills and a strong economy, turned into a session that had to literally stop in March due to the COVID pandemic. An economic downturn found our state with a \$3 billion shortfall for our current fiscal year budget, and racial justice protests that galvanized the General Assembly to pass one of the more significant law enforcement accountability bills that Colorado has seen.

Prior to the legislative session stopping in March, HB20-1019 (Prison Population Reduction & Management) was enacted, which was one of our main priority bills. HB1019 reauthorizes the reopening of no more than 650 beds at Colorado State Penitentiary II, which is the same number of beds that went off-line when the Cheyenne Mountain Reentry Center closed on Saturday, March 7th. The bill also required a study to be conducted regarding the feasibility of prison bed utilization going forward and engagement with local communities that have been or could be impacted by future prison closures to identify possible ways to diversify their economies. But that study was delayed due to the budget shortfall.

The most important pieces in the bill were focused on numerous reforms, including adding additional reasons why people in prison can be awarded earned time, and requiring that a court hold an actual resentencing hearing if someone is terminated from a community corrections program.

The reform with the biggest impact relates to changes made to the escape law. Under (former) law, a person could be charged with escape for walking away from a halfway house or tampering with an ankle monitor, which was a class 4 felony or higher. HB1019 created a new crime of "unauthorized absence" so these types of violations would no longer be treated as an escape. The new unauthorized absence offense is a class 6 felony if the person's underlying conviction is for a Crime of Violence. It will be a class 3 misdemeanor if the person's underlying conviction is for any other offense.

Some of the more heartbreaking work this session was tracking and listening to the budget cuts that occurred as the Joint Budget Committee (JBC) went through line item by line item to cut over \$3 billion in spending for the budget that began July 1st. Some of the budget cuts that most impact CCJRC priorities and areas of interest include:

- 20% reduction to the Community Crime Victims Services program that CCJRC helped create through legislation in 2018
- \$1 million reduction in the Crime Prevention Initiative grant

program that CCJRC helped create through legislation in 2017

- Delay implementation of the Medicaid inpatient substance use disorder treatment benefit (the benefit was supposed to begin July 1, 2020 and is now set to begin Jan. 1, 2021)
- Reduce the Medicaid dental benefit to a \$1,000 cap/year
- Require the maximum allowed in co-pays for people on Medicaid when they visit the doctor
- Reduce Correctional Treatment Cash Fund by \$2.5 million
- Over \$10 million in cuts to a variety of substance use disorder treatment funding and programs

What is remarkable in all of these cuts is that the Department of Corrections went relatively unscathed minus cuts to staff salaries and provider rate cuts. DOC will be closing the Skyline Correctional Facility beginning January 2021 and eliminating 172 beds at La Vista beginning July 2020 due to the decline in the prison population. Even with those two cuts, the DOC budget is still just shy of \$1 billion (\$959 million to be exact).

Most of the bills we followed this session were stuck in limbo until the legislature reconvened at the end of May. A few of the bills that made it across the finish line were heavily amended as any bill that passed couldn't cost the state money. A lot of bills died on the calendar as they couldn't have a hearing due to COVID and many other bills were killed for the mere fact that they cost money to implement. We are hopeful some of the bills that died will come back next legislative session, but with the state budget anticipated to be even worse next year; it remains to be seen what bills will be able to move forward especially if we are still experiencing the physical, emotional and economic impact of COVID come January 2021.

Below are some of the bills that we were involved with or tracked this past session. Only key pieces of the bills are highlighted:

### SB20-007 – Treatment Opioid and Other Substance Use Disorders

Senate Votes: 23 yes; 12 no // House Votes: 48 yes; 17 no// signed into law on 7/13/2020

This bill had 58 different sections, with the vast majority of the bill focused on aligning the involuntary hold process for alcohol and drug use with the mental health involuntary hold process. CCJRC's support of this bill focused on the fact that courts, probation, parole or community corrections programs will no longer be able to force someone to stop taking Medication Assisted Treatment (MAT). Community corrections programs also cannot deny a person from participating in the program based on whether they are on MAT and may not create a rule or guideline that significantly impairs a person from utilizing MAT while they are in the community corrections program.

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### **SB20-217 – Enhance Law Enforcement Integrity**

Senate Votes: 32 yes; 2 no; 1 excused // House Votes: 52 yes; 13 no // signed into law on 6/19/2020

- **Ends Qualified Immunity:** The bill allows victims of police misconduct to bring a lawsuit for the violation of their constitutional rights. Officers found liable will no longer be shielded by the doctrine of qualified immunity which has served to protect officers from accountability and denied justice to victims.

- **Mandates body cameras:** Officers will have to record interactions with the public and, when they turn off their camera, they will be held accountable. When officers are accused of misconduct, the body cam footage must be released to the public within 21 days, and, ensures the victim of the officer misconduct and the victim's family receive the footage 72 hours prior to public release.

- **Requires data collection & public reporting:** All law enforcement agencies will be required to track demographic data of individuals they encounter. This data will include any use of force (both the type and severity), civilian searches, forced entries into homes, and the unholstering and discharge of a firearm. The data will be made available to the public on a state database.

- **Changes use of force standard to (1) outlaw chokeholds; (2) outlaw deadly force against someone fleeing the police who does not pose an immediate risk; (3) outlaw the use of deadly force to arrest people for minor offenses and non-violent offenses; and (4) require officers to use non-violent means before resorting to any force.**

- **Requires officers to intervene:** Creates a duty for officers to intervene and stop excessive force and makes failure to intervene by an officer a criminal offense.

- **Allows decertification of a police officer:** If a court or internal investigations finds that an officer used unlawful force or officer is convicted of a violent offense, tampered with body camera footage to cover up misconduct, or failed to intervene to stop unlawful use of force that results in serious bodily injury or death, the officer will lose POST certification. Officers who are found untruthful, terminated for cause, or decertified would be listed in a publicly-available database to prevent them from moving from one agency to another.

- **Protects protestors from police use of tear gas & projectiles:** In response to incidents at recent protests, this bill prohibits law enforcement officers from shooting rubber bullets indiscriminately into a crowd and prohibits targeting rubber bullets at someone's head, torso, or back. It also prohibits using tear gas without first warning the crowd, and giving people time and a route to disperse.

- **Attorney General Authority:** Authorizes the Attorney General to bring lawsuits to force police departments to change and to bring criminal charges against officers for violations of POST standards.

### **HB20-1017 – Substance Use Disorder Treatment In Criminal Justice System**

House Votes: 40 yes; 22 no; 3 excused // Senate Votes: 23 yes; 11 no; 1 excused // signed into law 7/13/2020

Prisons, jails and any Department of Human Services facility may make MAT services available for those who are in custody who have an opioid use disorder while they are incarcerated or under supervision. Requires jails to provide a list of behavioral health resources for individuals in need upon release as well as ensure that people are enrolled in Medicaid upon release if they are eligible. This also requires courts to take into consideration whether a person successfully completed treatment if they have petitioned the court to seal their criminal record.

### **HB20-1065 – Harm Reduction Substance Use Disorders**

House Votes: 38 yes; 24 no; 3 excused // Senate Votes: 23 yes; 12 no // signed into law 7/13/2020

Allows a pharmacy to sell a syringe to someone without a prescription and allows syringe access programs to operate in counties without explicit approval from the Board of Health.

### **HB20-1206 – Sunset Mental Health Professionals**

House Votes: 50 yes; 11 no; 4 excused // Senate Votes: 28 yes; 7 no // signed into law 7/14/2020

Exempts acudetox from the Mental Health Practice Act and allows anyone formally trained in the National Acupuncture Detoxification Association (NADA) protocol to practice acudetox as long as they have been certified by NADA as an Acupuncture Detoxification Specialist. Ends the profession of "registered psychotherapist" and instead allows current registered psychotherapists to become "unlicensed psychotherapists" so that they may continue their current practice going forward. Makes changes to the Addiction Counselor structure (eliminates Certified Addiction Counselor I, II and III), which may impact those with lived experience from providing services going forward as a Bachelor's degree is required to become a Certified Addiction Specialist. A person may still become a Certified Addiction Technician as long as they have a high school diploma or an equivalent.

### **HB20-1410 – COVID-19 related Housing Assistance**

House Votes: 43 yes; 23 no; 2 excused // Senate Votes: 20 yes; 13 no; 2 excused // signed into law 6/22/2020

Allocates \$19.7m of federal CARES money to the Division of Housing in the Dept. of Local Affairs to provide rental assistance, housing assistance and other housing resources and supports services to those who have been impacted by COVID. The funding must be used by December 30, 2020. The bill also allocates \$350k to the Eviction Defense Fund within the Judicial Branch to provide legal representation to indigent clients who faced civil legal matters due to eviction between March 1, 2020 and December 30, 2020. Requires DOLA to report out how this funding was allocated.

### **HB20-1411 – COVID-19 Funds Allocation for Behavioral Health**

House Votes: 46 yes; 17 no; 2 excused // Senate Votes: 23 yes; 12 no // signed into law 6/22/2020

Provides \$15.2m in federal CARES fund for behavioral health programs for the current fiscal year, which ends June 30, 2020. If this funding isn't spent by July 1st, it must be spent by Dec. 30, 2020. Some of the funding highlights:

- \$3.5m is allocated to the Managed Service Organizations for addiction treatment and recovery support providers to cover unexpected expenses due to COVID-19;
- \$3.25m for Community Mental Health Centers to cover unexpected expenses due to COVID-19;
- \$3.8m for co-responder programs, crisis services, housing assistance, and addiction treatment in rural communities

In addition, HB20-1026 created a new Judicial District starting January 2025. The 23rd Judicial District will consist of Douglas, Elbert and Lincoln counties. The 18th Judicial District will then only consist of Arapahoe County.

Unfortunately, SB20-76 (Parole Eligibility for Youthful Offenders) which was one of our priority bills died. That bill would have made changes to parole eligibility criteria for juveniles who were sentenced as adults.

*CCJRC submitted this letter on June 4, 2020 in response to the inappropriate reaction by law enforcement and elected officials to the lawful protests in Denver following the murder of George Floyd.*

## CCJRC Open Letter to Mayor Hancock, DPD Chief Pazen, and Governor Polis

Night after night civil rights marchers and others have been confronted by riot-gearred police firing tear gas, rubber bullets, foam bullets and explosive devices while you, Governor Polis and Mayor Hancock, escalated this outrageous and excessive use of force by calling in the National Guard.

But you each would have us believe some version of a common sentiment that you feel the pain of the marchers and stand ready to join hands with those hurting to work for justice.

But, first, we ask you to look at some of your choices that seem to contradict your recent statements and understand what led you to make those choices. Without that reflection, we cannot believe that you will make more conscious choices moving forward.

And we need you to be making better choices because there is more than one way to put a knee on someone's neck.

Mayor Hancock, in 2005 you and your fellow City Council members unanimously and aggressively engaged in a persuasion campaign to convince Denver voters to approve a ballot measure to use \$600 million in tax revenue to build a new jail and courthouse because it would make us safer.

CCJRC and many others across Denver opposed that ballot measure and urged the City to pivot away from over-policing and mass incarceration and embrace a new vision for public safety that put at the center much greater public investment in community-led services and strategies, particularly in communities of color that have been most impacted. These communities are deserving of reparations and restoration for the historical and present day harm.

This criminal justice reform strategy is frequently known as Community Reinvestment. Since 2014, community advocates in Colorado have been successful in several state legislative campaigns and funding is now being deployed deeply into affected communities to support community-led services and strategies aimed at crime prevention, effective prison reentry, helping underserved victims, and expanding harm reduction efforts.

The state investments are modest, in comparison to corrections spending, and already are demonstrating that community members, themselves, are uniquely qualified and competent to respond to health and safety challenges in their own neighborhoods.

(for example, go to [transformingsafety.org](https://transformingsafety.org))

But that wasn't the choice made in 2005 and Denver lost the opportunity to chart a more effective and equitable path to promoting community health and safety. Instead, since then, the Mayor's budget has cumulatively spent billions and billions on perpetuating and more deeply rooting a criminal legal system of oppression and racial discrimination in Denver. It hasn't made us safer.

A public budget is not just an operational document; it is also a moral document that should reflect our values and priorities as a community. Yet, budgeting processes are almost impossible for community members to meaningfully participate in, despite the fact that budget decisions are more likely to determine the quality of life, or lack thereof, in the community more than any other policy decision. Even as this is written, state legislators are debating a state budget that is slashing education, treatment and countless other services aimed at meeting the needs of Coloradans while the Department of Corrections budget is slated to get almost \$1 billion.

So here we are today. No one should be surprised. Very little real change in police and criminal justice reform has happened and the wounds have been festering and the number of people directly impacted has grown.

While it's convenient to try and dismiss the anger and violence as coming from "outside agitators", we would all be better guided by an understanding that good people, who are Colorado residents, and care deeply for their lives, their children's

lives, and their community, have had ENOUGH. To be clear, CCJRC doesn't condone the violence or property damage. But we also know it is a symptom, and not the disease.

The depth of the grief, fear, trauma and anger is legitimate and deserves caring responses. But that wasn't the choice made by any of you. Even though the overwhelming majority of marchers were peaceful, the impulse was to rely first on brute force. Why was that? It's only days later that you are starting to reach out for community dialog and connection.

Instead, over 338 people have been arrested, the majority for violating a curfew order. Curfew violations don't warrant arrest and prosecution and we ask you to have those charges dismissed.

And Governor Polis, last week you made the choice to let your Executive Order lapse that gave the Department of Corrections more tools to help release lower risk and medically vulnerable people as a way to prevent the needless deaths of people who have no ability on their own to engage in social distancing or proper sanitation.

CCJRC, ACLU, the defense bar and many other civil rights and faith organizations asked you to not only extend your original Executive Order but to expand it. You declined despite knowing that COVID was a real threat that had already taken the lives of two people in prison in Sterling, and was still threatening the lives of thousands of incarcerated people and staff. We aren't asking you to release dangerous people, and we resent the mischaracterizations you've made in the media that we are. We believe you are more thoughtful and nuanced in your thinking than that.

For example, there are over a thousand people currently in prison serving a sentence for drug possession or walking away from a halfway house. Those laws changed in March and are now misdemeanors, meaning they aren't even eligible for a prison sentence anymore. These people should be released from prison unless there is evidence that they pose a real public safety risk.

Similarly, there are also hundreds of people in prison who are very vulnerable to COVID-19 due to underlying medical issues or age that could be safely released. But you haven't created an expedited commutation process to consider those individuals for release. Your choice was to let the Executive Order lapse and go back to "business as usual" rather than doing everything in your power to prevent a human rights catastrophe inside Colorado's prisons.

It's hard to imagine a moment when Coloradans have faced more overwhelming and simultaneous stresses that affect almost every facet of life. But these stresses are more acutely felt by people of color because of persistent and structural racism and discrimination.

Over the past week, we needed you to be agents for healing, unity and equity, and you weren't, especially for the young people leading this moment who are fighting for their lives and their futures.

There is much work to do and CCJRC is committed to being part of the solution in rebuilding a more inclusive, equitable, and safer Colorado.

In the short-term, we ask Mayor Hancock to lift his curfew order and dismiss charges against anyone being prosecuted for a curfew violation in Denver. We ask Governor Polis to rescind his request for National Guard involvement, support the newly introduced Police Accountability bill, SB20-2017, and issue a new Executive Order to facilitate responsible prison releases in order to better protect the health and safety of inmates and staff. We also support the independent investigation into allegations of excessive use of force by the Denver Police Department against civil rights marchers, members of the media, and even bystanders.

We also ask that there be much more transparency around how federal CARES funding will be allocated at the state and local level, especially regarding additional funding to law enforcement, jails, prisons or any other criminal justice agency. We also ask that neither the state nor any local jurisdiction in Colorado ever participate in the new federal law enforcement grant program called Operation Relentless Pursuit that is overtly intended to "crack down" on crime through a surge in the number of local and federal law enforcement deployed in specific cities.

We look forward to being part of the discussions with you and the broader community so we can collectively answer the question, "what does different look like?"

the staff of the Colorado Criminal Justice Reform Coalition

Juston Cooper, Jasmine Ross, Terri Hurst, Henry Price, Pam Clifton, and Christie Donner



# Our Voice, Our Vote, Our Time!

For decades now we have been asking the same questions: why would I vote, when my vote doesn't matter? Do Black and Brown lives really matter? These two fundamental questions have been debated in communities of color in barber shops, hair salons and community meetings for a long time. Now, recent events have drawn a growing number of white people, particularly younger folks, into a racial justice agenda. With such an important election year, OUR TIME IS NOW to engage, especially with regard to increasing voter participation here at home in Colorado!

Candidates running for office are being pressured like never before by voters to address the discriminatory practices of the criminal legal system responsible for issues of police brutality, mass incarceration and racial disparity, which are at the core of the debate. The most important election directly connected to these issues is the election of your next District Attorney (DA).

Whether abusive police officers are indicted or not, whether charging and sentencing practices are fair or racially biased, and whether prosecutors support or oppose reform falls squarely on the shoulders of elected District Attorneys.

On November 3, 2020, District Attorneys across all twenty-two Judicial Districts will be elected. Most of these races are uncontested in the General Election meaning that voters will have no choice. But there are several important DA races that will be contested including the 1st Judicial District (Jefferson and Gilpin counties), 8th Judicial District (Larimer and Jackson counties), 17th Judicial District (Adams and Broomfield counties) and the 18th Judicial District (Arapahoe, Douglas, Elbert, and Lincoln counties). CCJRC will be putting together Voter Guides in the near future so voters have more information on the DA candidates in these important races.

Firing up voters to engage in voting for your next DA is essential to changing the approach on public health and safety. CCJRC priority will be to increase voter turnout among people of color, young adults, and people on parole. Increasing voter engagement from these important demographics would be a game changer. In fact, our friend and colleague Henry Price (CCJRC Community Engagement Coordinator) who served a 135-month sentence in federal prison explained –

*"I didn't register to vote until the Presidential election of 2012 and like most African Americans from my demographic I never thought my voice would matter. Since then, I have become more aware of the other elected officials on the ballot (DA's, judges, school board members, etc.) and, have moved into a space now where I feel that if I DON'T exercise my vote THEN my voice and/or complaints CAN'T matter."*

Last legislative session, CCJRC was part of a broad coalition that helped pass HB19-1266 that gave men and women on parole the right to register to vote and vote! That law went into effect on July 1, 2019. Henry leads CCJRC's voter registration program and had registered over 300 people on parole by tabling at parole offices and community reentry organizations, like Second Chance Center. Because Henry himself had been on parole and could talk from his own personal experience about the importance of voting, he was able to overcome the skepticism that many returning citizens have about being involved with "government activity."

But then COVID hit and our efforts to register people to vote in jails, parole offices, and community organizations suddenly came to a halt. But we regrouped and have figured out a way to connect with people through social media, text, and the old fashioned telephone call. We will continue to help justice involved people get registered to vote and vote.

We are also focused on young voters. It's not only crucial, but it is also very influential, to hear from the youth in this upcoming 2020 election. The youth's voice brings power and diversity in all the issues we are seeing today. With this desire, it brings not only new ways of thinking but also ways to improve our community.

As we pivot our efforts to a more virtual presence, we still have opportunities for volunteers and we need your help! If you are interested please email Jasmine Ross, our Civic Engagement/Volunteer Coordinator at [jasmine@ccjrc.org](mailto:jasmine@ccjrc.org)

You can also go to [www.votingwithconviction.org](http://www.votingwithconviction.org), to sign up to volunteer, register and learn more.

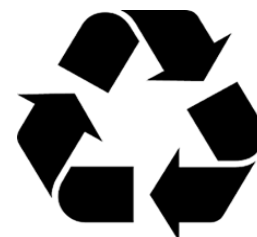
Our future is at stake. We are at a pivotal moment that will define who we are as a nation, community and people. We ask, who are we going to be? How are we going to show up, and most important, what does this moment require of us to express our collective voice through voting in this upcoming election, which we believe is the most urgent election of OUR Time!





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Sadly, due to social distancing requirements that are in place with regard to COVID-19, CCJRC's annual event is delayed until 2021. We look forward to seeing you in 2021!

CCJRC's 12th Annual  
Voices for Justice  
Fundraising Event

Wednesday,  
September 22 2021

*We know that times are challenging and uncertain but donations are still being accepted.*



## COVID IN DOC

For those of our members currently incarcerated or those who have a family member inside, we just want to take a moment and acknowledge the significant burden you and your families continue to deal with as a result of the COVID-19 pandemic.

In the past few months you have managed through the suspension of visits, reduced phone calls, housing changes, program suspensions and extremely limited movement, not to mention getting sick or the fear of getting sick inside. Physical distancing, cleaning supplies, and access to masks have been sporadic and inadequate. Some who were supposed to transfer to new facilities or programs have not been able to do that. In facilities that experienced outbreaks, you've gone through even more. Since March, CCJRC has devoted a lot of our effort to responding to thousands of requests from those inside and their families. We have also worked to help reduce the prison population to allow for greater social distancing. We will continue to do so until this is over.

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!***

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

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- ☐ Individual \$35    ☐ Low Income/senior \$15  
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DOC reports the number of cases of COVID-19 on their website. As far as we know, these are the only facilities that have outbreaks but that's not clear because only 6,750 inmates out of over 15,000 people have been tested so far. Listed below are the facilities that have reported inmates that have tested positive for COVID as of 7/16/20. Of the 690 inmates that have tested positive DOC reports that 627 have recovered and sadly three people have died at Sterling. Our thoughts and prayers are with those inside and their loved ones.

Facilities	# of positive inmate cases
Denver Women's Correctional	1
Buena Vista Correctional Complex	37
Crowley County Correctional Facility	63
Denver Reception and Diagnostic Center	2
Sterling Correctional Facility	564
CSP	23
Total	690

Many Community Corrections programs stopped accepting new people following outbreaks. We have been told that programs are once again accepting new clients.

We know that it could be a long time before the threat of COVID is behind us. Until then, please do what you can to be safe. Wear a mask and gloves if you have them. Wash your hands. Report any symptoms you might be having. If you are struggling and just need someone to listen, please write to CCJRC.