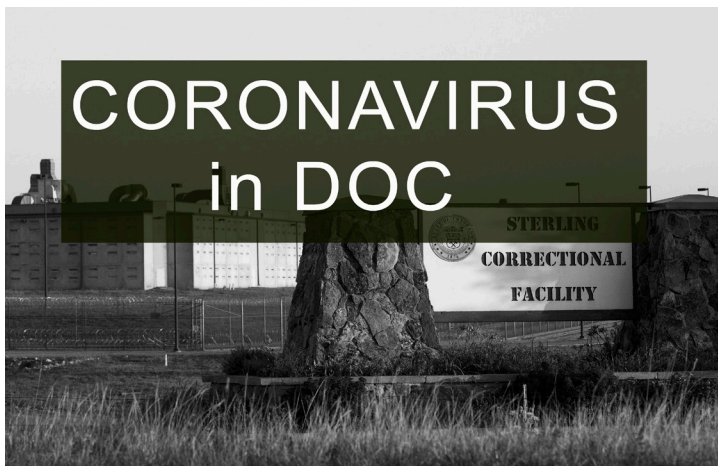


Colorado Justice Report

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.

1212 Mariposa St. #6, Denver, CO 80204 | www.ccjrc.org | info@ccjrc.org | 303 825-0122



Prison Crisis - COVID-19 in DOC

By Christie Donner and Terri Hurst

We wanted to give you an update on the urgent situation within the state prison system as a result of COVID-19 and the latest on the Governor's statewide vaccination plan.

On 12/9/20, the Governor revealed his statewide vaccination plan and stated that he intends to treat incarcerated people "just like the general public" and only prioritize vaccinating people in prison who are 65 years of age or older or those who are in a high risk group due to underlying medical conditions. DOC staff would have higher priority, just like other law enforcement.

This is contrary to the recommendation made to the Governor by Dr. Carlos Franco-Paredes, of one of Colorado's leading experts in infectious disease at the CU-School of Medicine, who said that all incarcerated people need to be vaccinated as a Phase I priority population to curb the infection inside prisons and prevent the transmission to families and the wider community upon release.

The Governor fails to acknowledge that prisons, jails, and detention centers are incubators of COVID-19 because they are a high density environment where people cannot socially distance. Vaccinating

only those 65+ an older and those with high medical risk will not vaccinate enough people to contain the outbreaks that are happening across most of the prisons.

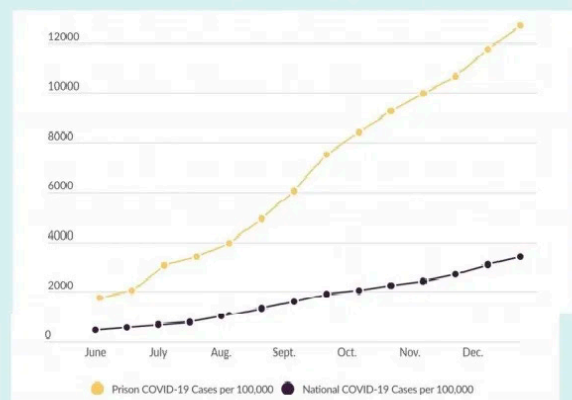
National data is starting to be released at the chilling reality for incarcerated people and why they shouldn't be treated "just the same" as the general public with regard to vaccination prioritization.

The situation in Colorado prisons is dire right now.

As of 12/15, of the 14,900 inmates in prison in DOC, over six thousand have tested positive for COVID-19. Over 1,100 people in prison are actively sick and tragically seventeen inmates have died.

The DOC staff has also been infected at high rates and over 1,000 have tested positive and almost 400 are currently on medical leave due. DOC has another 500 vacant positions that they haven't been able to fill as a result of the pandemic. This staff shortage is at a critical point. As a way to prevent transmission, DOC created a three level prison operations plan early on in the pandemic. Level III is the most restrictive and involves reducing to minimal staff levels and locking down people mostly in their cells. Because of both the COVID-19 outbreaks and the staff shortages, right now, three quarters of the entire prison system prisons (17 out of 23 facilities) are on Level III lockdown.

Cumulative COVID-19 case and death rates in state and federal prisons, compared with national rates



Source: www.courthousenews.com/commission-says-prisoners-should-be-prioritized-in-covid-19-vaccination-plans/

Continued on page 2

This cannot continue!

The Governor doesn't seem to understand that prisons can only operate with a significant and healthy inmate workforce so they need to be vaccinated just like other "essential workers". With so many people sick and/or locked down, even basic prison operations, like food service, isn't happening like it should and we've received numerous reports that even sick inmates are being pulled into kitchen duty.

Only widely vaccinating DOC staff and people in prison will prevent more deaths and illness, help address the staff shortage, and allow DOC to lift the lockdowns. All three outcomes are needed to stabilize the prison system. This will also avoid having local hospital systems from becoming overwhelmed with an influx of critical care inmates and/or DOC staff, particularly in rural areas where most of the prisons are located, and protect families when people are released and come home.

All of this flip-flopping by the Governor started when Arapahoe District Attorney Brauchler criticized him for initially including incarcerated people as a priority population, just like others in congregate living facilities. Even though this approach aligns with the medical science. Governor Polis pivoted 180 degrees and said, "There's no way it's going to go to prisoners before it goes to the people who haven't committed any crime". The Governor got a lot of pushback, including from CCJRC. And so he pivoted to his third "middle" position where he's treating incarcerated people just like the general population and only prioritize people in prison who are 65+ years of age or at high medical risk. That won't vaccinate enough people to end the crisis in the prisons and it doesn't follow known medical science.

One good thing is that the prison population is down considerably. The vacancy rate in the women's prisons is over 35%, the men's state prison vacancy rate is 25%, and the private prison vacancy rate is almost 11%. Higher vacancy rates translate into a lower prison population and prisons with more empty beds which allows for greater social distancing. But we aren't even close to a vacancy rate that would allow people to be housed in single cells. One reason the prison population has declined is because over 1,000 people sentenced to DOC are still in county jails awaiting transport. One of the ways DOC has dealt with both the staff shortage and the COVID outbreaks in the prison is to essentially try and "shut the front door". At some point, those folks will be transported to prison. The prison population will go up and there will be less ability to do social distancing. Only widespread vaccination will curb the COVID outbreaks in DOC and protect people and their families after release.

We know a lot of our members have loved ones in prison and that this year has been terrifying and will continue to be for some time. We know you have faced so many hardships from lockdowns, cancellation of in-person visits, disruptions in programs, sickness, death, fear and isolation.

Please know that CCJRC and others are doing absolutely everything we can to push for widespread vaccination and to help increase releases. We are here for you and your family. Feel free to write or email pam@ccjrc.org, even if it's just to let us know how you are doing.

If you want to track COVID in prisons, the DOC has a dashboard that is updated daily. CCJRC also has a dedicated page on our website to COVID specific advocacy and resources.

2020..... WHAT A RIDE!

By Henry Price

As I reflect on this past year, I was often taken back to moments of uncertainty during my incarceration and found myself drawing strength from those moments I had tried so hard to put out of my memory. It was at the beginning of this year that I finally landed a full-time position at CCJRC as an organizer for our voter registration drive, and was eager to follow up on the work I was hired on part-time to do after the passage of HB19-1266 that gave people on parole the right to vote in all elections in Colorado.

I began the year visiting re-entry centers, transitional housing facilities, and even the parole offices (I know right! Who willingly does that!) to let our community of formerly incarcerated men and women know about one of their civil rights being restored, and then BOOM...? COVID!

I didn't expect to be immersed into a pandemic during my lifetime, and like many others who value their freedom, definitely didn't expect to have my movements restricted to the point of virtually being on lockdown! I listened to the jokes comparing the COVID public health measures to being in prison, and at first, I was unscathed. Then one month turned into two, and two into three, and what little freedom I had enjoyed was now being slowly stripped away, and I found myself drifting into a space in my subconsciousness that I hadn't used since spending a few months in isolation in the SHU in prison.

As an organization and a re-entry community, we were scrambling to make sense of our new normal, and had constant check-ins with each other to make sure that the increasing workload wasn't having adverse effects on our mental state.

Changing policy, like restoring people's right to vote on parole, is just the first step. Whether that policy change actually means anything depends on the WORK that comes in for months and years in getting the community of formerly incarcerated people and other directly impacted by the criminal justice system to stay bought into the IDEAL of what post-incarceration can become for them and their loved ones.

Social unrest, racial reckoning, and a contentious political season on top of a social pandemic didn't make our job any easier, and as an individual, I was struggling, but I drew strength from those years of imprisonment and believed that what was in me was greater than what I was currently facing. As a team we began to focus on District Attorney accountability, and having first-hand experience with both State and Federal prosecutors left me flummoxed, but I had a job to do, so I did what I was asked, and am the better for it!

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2021: The Year of Uncertainty at the Capitol

By Terri Hurst

While most legislative sessions have an air of uncertainty to them, I think 2021 may take the prize for feeling the most uncertain of them all. With the rates of COVID-19 spiking across the state and some legislators refusing to wear masks at the Capitol, it is anticipated that a majority of the legislative session will be held remotely or virtually with very limited in-person interactions. This will present both challenges and an opportunity to be creative in how CCJRC staff, members and supporters interact with legislators during the session.

While the federal election was a major focus for a lot of people, the 2020 election for the Colorado General Assembly was fairly status quo. The Democrats gained one more seat in the Senate where they will have a 20 to 15 majority over the Republicans. The House didn't see much movement even though a few districts flipped, the Democrats will still have a 17 seat majority. As with years past, we can expect that most criminal justice reform efforts will continue to be a bipartisan issue regardless.

Legislators must gavel in to begin the session on Wednesday, January 13th to swear in new members and take care of any necessary business. Beyond that date, there are a lot of rumors as to what the session may look like. Some are saying that the session may proceed as normal.

Another option being discussed is for the legislature to gavel in on Jan 13th but then gavel out so that session won't officially begin working on legislation until March. The thought is that, by then, COVID-19 crisis will be mitigated by more availability of the vaccine.

We will also have a better picture of what our budget for next year will look like. While we have an upcoming budget revenue forecast in December, there is such uncertainty with the economy, people are hesitant to move forward in trusting the numbers fully until the spring.

Regardless of all the uncertainty, we can tell you that there are going to be some big criminal justice reform efforts coming forward in 2021. CCJRC will be lead on a bill looking to increase releases from prison, particularly those most medically vulnerable, and to improve pre-release planning.

Since March, CCJRC has been frantically trying to help increase releases from prison and we've run into roadblock after roadblock, some of which are statutorily created and some that are the result of inefficiencies and incompetence within DOC. Neither has the Governor done enough to reduce the prison population, especially those at high-risk of having serious complications from COVID-19 and the elderly.

We also know that there are substantive changes being proposed to community corrections programming and funding. The Governor's budget is focused on improving outcomes for people who are under community corrections supervision and helping them succeed in the community instead of being involved in another dysfunctional part of the criminal justice system where people don't have access to the services and supports they need to be successful.

At the request of the Governor, the Colorado Commission on Criminal and Juvenile Justice (CCJJ) has been working hard since September on rewriting the entire misdemeanor sentencing structure, which will be a massive piece of legislation we will see introduced this spring. CCJRC is a member of the Sentencing Task Force. We also know there will be potential legislation happening around reducing the jail population, expansion of diversion and co-responder programs, and a continued focus on improving access to mental health and addiction treatment services. Stay tuned for updates throughout the session as this year promises to be a wild ride!

If you aren't already on our email list to get updates, contact pam@ccjrc.org. Things change at the legislature at a rapid and sometime unpredictable pace so we rely on emails to keep people informed.

GO GUIDE -- the 6th edition!

The newest Go Guide will be released in early February and will be available for purchase at ccjrc.org for \$10.

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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The Demand for Prosecutorial Accountability

By Juston Cooper

This year marked an unprecedented confluence of a pandemic, increasing support across the country for racial reckoning, and an election cycle that would elect District Attorneys (DA) in every Judicial District in Colorado. This trifecta galvanized the community in unprecedented ways to demand fundamental change in the criminal legal system, including expectations of District Attorneys.

For the past forty years, District Attorneys have played an outsized role in orchestrating the policy and courtroom practice of over-criminalization, mass incarceration, and over policing and the explosive growth of “public safety” spending.

It was interesting to see many DA candidates responding to this new landscape and even ran on a “reform” platform. But CCJRC wanted to lay down a blueprint to let DAs know what we thought was needed to do to rebuild trust in the community and to ensure that the criminal legal system is fair, accountable, equitable, effective, and transparent.

In September 2020, CCJRC released our *Equitable Prosecution Statement of Principles* to offer a baseline by which to hold elected DAs accountable. To date, almost fifty community organizations and bar associations have signed on in support of the *Statement of Principles*. The support illustrates strong coalition support for elected District Attorneys to move past the antiquated and ultimately ineffective “tough on crime” policy frameworks of the past, reset culture within their offices, and work alongside stakeholders to reimagine how the criminal legal system can better fulfill its responsibilities to the community.

Here is a list of the District Attorneys who were elected in November. District Attorneys serve four-year terms and unless the local community voted otherwise, are limited to two consecutive terms. Many “old guard” DAs were term-limited and could not run again and so the majority of DAs elected are new.

Now that the elections are over, CCJRC will be working on building out strategies to hold DAs more accountable, and demand greater transparency and community engagement. We will reach out to the DAs to determine their willingness to adopt and implement the policies and practices outlined in the *Statement of Principles* and, as always, we will ensure that the people directly impacted by the criminal legal system are at the forefront.

Judicial District	Counties	2020 Elected DA	New or incumbent
1st	Jefferson, Gilpin	Alexis King (D)	new
2nd	Denver	Beth McCann (D)	incumbent
3rd	Huerfano, Las Animas	Henry Solano (D)	incumbent
4th	El Paso, Teller	Michael Allen (R)	new
5th	Eagle, Summit, Lake, Clear Creek	Heidi McCollum (D)	new
6th	San Juan, La Plata, Archuleta	Christian Champagne (D)	incumbent
7th	Gunnison, Delta, Ouray, Hinsdale, San Miguel, Montrose	Seth Ryan (R)	new
8th	Larimer, Jackson	Gordon McLaughlin (D)	new
9th	Rio Blanco, Garfield, Pitkin	Jefferson Cheney (R)	incumbent
10th	Pueblo	Jeff Chostner (D)	incumbent
11th	Park, Chaffee, Fremont, Custer	Linda Stanley (R)	new
12th	Saguache, Mineral, Ro Grande, Alamosa, Conejos, Costilla	Alonzo Payne (D)	new
13th	Morgan, Logan, Wash, Yuma, Kit Carson, Sedgwick, Philips	Travis Sides (R)	new
14th	Moffat, Routt, Grand	Matthew Karzen (U)	incumbent
15th	Cheyenne, Kiowa, Prowers, Baca	Joshua Vogel (R)	new
16th	Crowley, Otero, Bent	William Culver (R)	new
17th	Adams, Broomfield	Brian Mason (D)	new
18th	Arapahoe, Douglas, Elbert, Lincoln	John Kellner (D)	new
19th	Weld	Michael Rourke (R)	incumbent
20th	Boulder	Michael Dougherty (D)	incumbent
21st	Mesa	Dan Rubinstein (R)	incumbent
22nd	Dolores, Montezuma	Matt Margeson (R)	new

In 2020, CCJRC also established a 501c4 arm, the Colorado Criminal Justice Reform Coalition 4 Action (CCJRC4A) for the express purpose of increasing our civic engagement capacity to engage in statewide District Attorney races and elevate the voice of justice involved people in those efforts. You can go to www.ccjrc4action.org to learn more about that work.

Notice of Class Action Settlement: COVID conditions in prison

By Christie Donner

On May 28, 2020, the ACLU-Colorado and cooperating attorneys filed a class action lawsuit against both the Department of Corrections and the Governor for their failures to adequately protect medically vulnerable inmates from COVID.

Members of the Class include people in prison that are sixty years of age or older, people at high risk due to specific medical conditions, or pregnant. This is not a case for money damages but to require DOC to enact COVID-19 policies and procedures to adequately protect people in prison who are medically vulnerable. CCJRC isn't involved in this lawsuit but we wanted to make sure you had updated information.

The Court has granted preliminary approval of the Settlement Agreement and people in prison that are a member of the Class of medically vulnerable inmates should have been provided Notice with details on how to file objections to the settlement by the January 5th deadline.

If you are a member of the Class of medically vulnerable people in prison, you can send your Objections to ACLU of Colorado, Winston Objections, 303 E 17th Ave, Suite 350, Denver, CO 80203. If you have questions or comments you can also call 1-800-613-1594. This number is added to everyone's speed dial, dial your DOC number, your pin, and the 08 and you can leave a message. Please be aware here sometimes is a long pause before you can leave your message. The next court hearing about the proposed settlement is January 13, 2021.

The key terms of the final agreements reached in the Settlement Agreement are as follows:

1. CDOC will identify Medically Vulnerable inmates and prioritize their housing in single cells where possible;
2. CDOC will not co-mingle people who have tested positive with those who have tested negative where possible;
3. CDOC will hire an independent expert consultant to advise it on policies and protocols for Medically Vulnerable inmates;
4. There will be a point person in each CDOC facility to answer certain COVID-19 related complaints relating to masks, soap and cleaning supplies;
5. CDOC will give inmates two free bars of soap per week;
6. CDOC will give inmates two free masks and the ability to have masks laundered;
7. CDOC will continue routine cleaning of common spaces per protocol;
8. CDOC will test all people with symptoms of COVID-19;

9. Inmates will not be required to pay a co-pay for COVID related medical visits;

10. CDOC will conduct prevalence testing after a staff or inmate tests positive in a facility;

11. CDOC will provide reasonable access to facilities, outdoors, and legal materials when a facility is on Phase III lockdown after CDOC has time to test inmates and divide them into cohort groups;

12. CDOC will provide access to a free phone number for inmates to call with COVID complaints;

13. CDOC will provide consistent access to legal phone calls;

14. CDOC will provide continuous information sharing (number of positives, facility lockdown status, deaths) and ability of Settlement Class Counsel to attend quarterly audits of prisons;

15. CDOC will establish a Parole Pilot Program to manage and reduce the Parole Board's "table list," help complete release plans, and increase partnerships with community providers; and

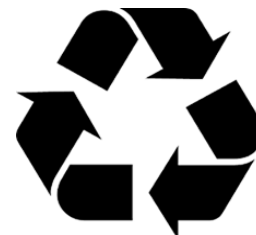
16. The Court will continue to have jurisdiction over this case to enforce the Consent Decree.

We will keep you updated as we learn more.

WOOOHOO WE DID IT
**THANK YOU
EVERYONE!**

by Jasmine Ross

Thank you so much to our volunteers who were willing to be flexible and volunteer in new and innovative ways due to COVID. Reflecting back on all of the hard work, a lot of this could not have been done without our phenomenal volunteers. Each year the volunteer program has been a success because of the amazing team work, the relationship building, and people's passion for this work. We would love for more folks to join. If you are interested in volunteering with us! Please email me at jasmine@ccjrc.org.



2020...What A Ride continued from page 2



*We wish our members a
happy holiday season. We under-
stand that this time of year can be very
difficult for people separated from their
loved ones. We keep you all in our
thoughts and prayers.*

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 _____

CITY: _____ STATE: _____ ZIP _____

EMAIL: _____

- ☐ Individual \$35 ☐ Low Income/senior \$15
- ☐ Household \$50 ☐ Prisoner **Free in 2021**
- ☐ Sustainer \$100 or more
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What I learned during this process has awakened me to the possibility of what could become when the voices of those impacted by the decisions of the criminal legal system inject themselves into uncomfortable and unfamiliar spaces. I was shocked at how many formerly incarcerated and others directly impacted were not only interested, but eager to become involved in the efforts to “get the word out” about DA accountability.

I was disheartened that we were limited in our outreach efforts by Covid-19, and honestly by some of my deficiencies in effectively organizing within community. I learned that during this process of awareness and organizing that the community, our community, is not a monolith, and we are as varied in our beliefs as the greater community which we are all a part of.

With that being said, I believe that we have a really important role in this fight for DA accountability, and that the focus in 2021 will be to strengthen the coalition building and education needed within our re-entry community around leadership of people who have been incarcerated.

I am renewed in my belief that those of us who have been behind the fence have a unique perspective to bring to this conversation, and I will do my best to galvanize the momentum built from the 2020 campaign. I look forward to working alongside community in the elevation of OUR collective voices as we fight for fairness in policing and in the efforts for alternatives to incarceration. I welcome any advice or words of encouragement from the inside and am honored to be in a position to represent the community of convicts who are eager to change the narrative about who we are and who we can become!



CCJRC is a proud member
of Community Shares of
Colorado!