

# 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](http://www.ccjrc.org) | [info@ccjrc.org](mailto:info@ccjrc.org) | 303 825-0122



2023

## Legislative wrap-up

Christie Donner, Executive Director

It's hard to figure out how to summarize this past legislative session except it seemed to be a confused and inconsistent criminal justice agenda. Maybe that's just indicative of our times as policymakers have a foot in two worlds between the old approach of "getting tough" (which always seems to be a more politically safe landing space) and the new approach of "what works" and making policy based on data, research and lived experience.

There were so many bills this session, that I've summarized them together by issue area. The electronic issue includes links to each bill so folks can get more in the weeds if they want. For our members that don't have access to the internet, just let us know if you want us to mail you more information.

### Prison expansion and DOC budget (aka "when crazy came to town")

The biggest disappointment for CCJRC was the passage of two budget bills, [SB23-113](#) (DOC FY22-23 supplemental funding bill that, among

other things, increased funding for 400 more prison beds) and [SB23-214](#) (FY23-24 state budget bill that included a \$1 billion DOC budget and funding for an additional 700 prison beds). This is despite a staff crisis in DOC where the staff vacancy rate is around 25% across all staff positions and upwards of 50% for clinical staff.

[CCJRC raised this issue with legislators and even released a report](#), but the prevailing attitude was that DOC would be able to hire the 1,600 new staff needed since the budget included funding for hiring/retention bonuses. This is just magical thinking and is disconnected from the economic reality in Colorado which has a very low unemployment rate, and a changing workforce. DOC has been scrambling to hire but there aren't enough people available who want to work in DOC.

The reality inside prisons is that DOC has increased mandatory overtime, reassigned program staff and case managers to security duties, and lowered the hiring and training standards so now an 18-year-old can go through a 10-day academy and be a correctional officer. Consequently, most educational and vocational programming is severely disrupted, if it's available at all. Being able to see your case manager is unpredictable and infrequent, and access to health/behavioral health care is dangerously inadequate. We've heard from numerous folks inside prison that they were denied parole because they haven't completed a program that isn't offered. Obviously, just increasing the prison population will only make the staff vacancy rate, conditions of confinement and overall functionality of DOC worse.

We raised all these issues in our report and in talking with legislators and the Governor's staff, but it made absolutely no difference. All the Democratic legislators in both the House and Senate and all but a handful of Republican legislators voted in favor of [SB23-214](#), the FY23-24 state budget bill. CCJRC literally had more votes for a moratorium on prison expansion in 1999, than we did in 2023. That's pathetic.

Although an important thing to remember is that the DOC population is still substantially lower today (16,982-total inmate jurisdictional population) than it was pre-COVID in March 2020 (19,357) and the number of new prison beds just approved is less than the number of prison beds taken off-line when releases increased during COVID. But the prison population is growing (up 500 people last fiscal year), so the debate around prison expansion vs. prison population management will be on the agenda for the next legislative session and CCJRC plans to be right in the middle of it.

On the bright side, [SB23-242](#) passed which requires a financial audit of community corrections.

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## Community Reinvestment (aka “the big winner”!)

At CCJRC, we believe that the community can have a significant influence in promoting public safety and should receive public support and a recognized role to do so. However, what has been the norm is that the criminal legal system has been the dominant go-to for public safety and funding. In 2014, CCJRC decided to try and change that by engaging in state budget advocacy to redirect public funding deeply into impacted communities for community-led health and safety strategies and services. We call this strategy Community Reinvestment and CCJRC has successfully advocated for the creation of four Community Reinvestment Initiatives that provide funding for community-based reentry, crime prevention, underserved victim services, and harm reduction.



*Senate Judiciary Committee WAGEES Reentry Supporters*

This session, both the WAGEES reentry grant program and the Community Crime Victims Services (CCVS) grant program were up for a sunset review, which means the Legislature needed to pass a bill to reauthorize the grant program. Both reauthorization bills, [SB23-157](#) (reentry) and [SB23-160](#) (victim services) were passed with near unanimous approval, and the the victim services grant program received an additional \$4 million in funding. These success are due in large part by all the folks from community who packed hearing rooms, testified, and contacted legislators. Community-led power in action is a beautiful sight!! Thank you!



*CCVS Supporters at the Capitol*

## Drug policy (aka “I dunno...whatcha want to do?”)

Legislators couldn’t land on a cohesive path regarding drug policy, even in the face of an overdose crisis. There were two “get tough” bills, [SB23-109](#) that would have expanded the drug induced homicide law that is used to charge people with murder if they provide drugs to someone who dies from an overdose. [HB23-1164](#) would have made it easier to charge someone with a felony for possessing a small quantity of a drug that contained fentanyl by removing the requirement that the person had to actually know the drug contained fentanyl. Both of those bills died (yay!). But the Legislature also killed [HB23-1202](#) which would have allowed local communities to operate an overdose prevention center (boo!). OPCs started in Switzerland in the 1980s and there are 200 OPCs in over 15 countries that have demonstrated their effectiveness in preventing overdose deaths.

So, while the Legislature rightly rejected old-school drug war warrior bills, they also rejected the shift to public health centered drug policy. Even [HB23-1258](#) which would have created a task force to study the costs associated with enforcement and incarceration for drug crimes was passed by the Legislature only to run into the brick wall of the Governor’s veto. Apparently, for Gov. Polis the study wasn’t “balanced” enough to also include a focus on the potential negative impacts from reducing drug enforcement (insert eye roll). At the end of the day, the only drug policy bill that made it through the gauntlet was [HB23-1167](#) which strengthens the Good Samaritan law, so at least that something.

## Behind the Walls (aka “invisible not invisible”)

Simultaneously to legislators ignoring the crisis in prison conditions, there were also a number of bills that were signed into law that will benefit people in prison. [HB23-1013](#) requires DOC to align with national standards on the use of 4pt restraints. [HB23-1037](#) created a new category of earned time for people convicted of a nonviolent offense who complete a college degree or accreditation program. [HB23-1133](#) requires DOC to cover 25% of the cost of phone calls for people in prison and their loved one’s next year, which would increase to 35% in the following year, and 100% beginning July 1, 2025 where phone calls will be free. [HB23-1300](#) requires that people released from prison will be continuously Medicaid eligibility for up to a year, regardless of income. And [SB23-67](#) requires DOC to consult with a third-party organization and incarcerated people to develop a pre-release and reentry program at Sterling.

## Child welfare (aka “it’s about time..”)

CCJRC was really pleased to be asked to be involved in several child welfare bills to better maintain and support families who are impacted by both the child welfare and criminal legal systems. That’s a particularly dangerous and damaging intersection for families to be in. These are long overdue efforts and much more needs to be done. But a new and very important conversation and policy agenda happened during this legislative session that we haven’t seen before. All of these bills were signed into law.

[HB23-1024](#) and [HB23-1043](#) both aim to increase the number of children that are placed with a relative/kin when a child has been removed from their home, rather than foster care. CCJRC’s involvement was to ensure that relatives/kin who have a criminal record could not be denied as a placement option solely because of their criminal history. [SB23-39](#) imposes numerous requirements on the Department of Human Services and DOC to better support the relationship between an incarcerated parent and their children when a child welfare case has been filed. Because a lot of our members may be affected by this legislation, we wanted to provide more details (see page 3). CCJRC will stay involved with the Office of Respondent Parent Counsel to assist with implementation.

## SB23-039: Reduce Child and Incarcerated Parent Separation

Sponsors: Senator Buckner (D) and Representative Amabile (D)  
CCJRC Position: support (advocacy led by the Office of Respondent Parent Counsel)  
Status: signed by Governor on 5/15/23

Description: Makes numerous requirements of the Department of Human Services to ensure that incarcerated parents and their children have opportunities for communication and family time when there is a dependency and neglect case filed by child welfare. Also requires DOC and child welfare to improve communication and coordination so that incarcerated parents can fully participation in all child welfare proceedings and that any treatment ordered by the court must take into consideration the programs/treatment that are available to the incarcerated parent. Discourages the termination of parental rights when a parent is incarcerated. Requires the Department of Human services to issue a report each year on the number of D&N cases involving an incarcerated parent in DOC/private prisons/jails and demographics including race, ethnicity, sex, age, and any known disability.

We were so inspired by being involved in these bills that we’ve decided to update and republish, Parenting from Prison, a publication we first developed over twenty years ago. It is scheduled to be released by the end of this year, so stay tuned.

## Sentencing-related (aka “a foot in two worlds”)

There were three sentencing bills that were based on recommendations from the Commission on Criminal & Juvenile Justice that all passed.

One reduced the potential sentence for offenses committed on or after 7/1/23 that are eligible for habitual and mandatory consecutive sentencing ([HB23-1292](#)), including a “second look” opportunity where a defendant could petition the court for resentencing if criteria is met. Another bill increased the sentence for most motor vehicle thefts ([SB23-97](#)), and the last reclassified some felony offenses ([HB23-1293](#)).

These three bills are a pretty good microcosm of the culture of having a foot in two worlds. The habitual and mandatory consecutive sentencing laws are products of the “get tough” era that have resulted in exorbitant sentences so the fact that the CCJJ recommended changes was based, at least in some part, on a recognition that current law was unfair. But it won’t help people currently in prison serving those offenses since the change only applies to offenses committed after the new laws go into effect. In contrast, much of rhetoric around [SB23-97](#) revolved around the need to increase penalties in order to reduce car thefts and “send a strong message”, despite the fact that, statewide, less than 8% of car thefts even result in an arrest. There are many research-backed strategies that could help reduce motor vehicle thefts that were ignored.

Because we know a lot of our members will be interested in the deeper details around [HB23-1292](#), here is a little more information.

## HB23-1292: Adopting recommendations of the Colorado Commission on Criminal & Juvenile Justice regarding enhanced sentencing

Sponsors: Representatives Weissman (D) and Soper (R) and Senators Gonzales (D) and Gardner (R)  
CCJRC position: support  
Status: Signed into law on 6/1/23

Description: Current law requires a mandatory consecutive sentence if

someone is convicted of 2 or more crimes of violence arising out of the same incident. For offenses committed on or after 7/1/2023, the bill would:

- allow the court to modify the sentence after at least 2 years but not more than 5 years after sentencing if the court found substantial mitigating factors and if the person demonstrated substantial actions toward rehabilitation.
- allows the court to sentence someone to concurrent sentences for convictions of two or more crimes of violence arising from the same incident in certain circumstances, and
- allows someone sentenced as a habitual offender to 24 years or more and has served at least 10 calendar years to petition the court for a modification of that sentence. The defendant has the burden of proof that there are mitigating factors surrounding the circumstances of the offense, that the defendant has demonstrative productive behavior in prison, and that the defendant does not present a risk to the community. If the court determines a modification is justified, the court may impose a new sentence that is at least the mid-point of the aggravated range for the conviction up to a term less than the current sentence.

Despite the strong backing for CCJJ bills, the CCJJ itself did not get re-authorized as [SB23-158](#) was killed in the House Judiciary Committee. After 15 years of participating in numerous CCJJ taskforces, we joined other groups that were advocating that CCJJ should not continue.

In our experience, CCJJ never had authentic community engagement, was too dominated by law enforcement/prosecutors, and had become inappropriately politicized, largely due to Governor Polis who is not supportive of decarceration. Apparently, the Governor intends to re-constitute the CCJJ or some similar commission via Executive Order, but our hope is that legislators will run a bill next year that creates a vehicle that is centered in the legislative branch, is more balanced in perspective, and engages more community. Stay tuned on that!

We were also thrilled that [HB23-1187](#) passed, which among other things, creates a presumption against a judge ordering detention or a sentence to incarceration of a pregnant or post-partum defendant. Also, post-conviction DNA testing was also expanded via [HB23-1034](#).

One of the bigger heartbreaks was the gutting of [HB23-1249](#) that, as introduced, would have prevented the prosecution of children who are 10-12 years old, unless charged with homicide. This “raise the age” bill aimed to address the needs of children who come into contact with law enforcement through community-based services, not juvenile system involvement. That provision was stricken from the bill, but the bill did pass with other provisions aimed at strengthening the referral to community services and expanding data collection and reporting.

And last, but not least, our Razzie Award goes to Governor Polis for vetoing [HB23-1214](#) that would have increased transparency and functionality of the clemency process. The Governor rationalized in his veto letter that the bill was unconstitutional and infringed upon his executive authority despite the sponsors having received a legal opinion from Legislative Legal Services to the contrary.

CCJRC is already working on bills for the 2024 legislative session so stay tuned for more!





CCJRC involved in person voting at the Denver Detention Center.

## Civic Engagement Update

By: Jasmine Ross- Civic Engagement Manager  
and Kyle Giddings- Civic Engagement Coordinator

As you may remember, for the last several election cycles, CCJRC in partnership with the Denver Election Division and the Denver Sheriff's Department, has been helping eligible voters in jail to register to vote and vote. Our jail-based voting campaign was inspired by the reality that although most people in jail are eligible to vote but there really wasn't a meaningful opportunity for them to exercise their right to vote.

As a reminder, Colorado law 1-2-103, C.R.S. states: (4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction is eligible to register to vote or to vote in any election. A confined prisoner who is awaiting trial but has not been tried or who is not serving a sentence for a felony conviction shall be certified by the institutional administrator, may register to vote pursuant to this article 2, and may list his or her confinement location as his or her ballot address in accordance with Section 1-2-204(2) (f.3). An individual serving a sentence of parole is eligible to register to vote and to vote in any election. (5) A person confined in a state institution for persons with behavioral or mental health disorders shall not lose the right to vote because of the confinement.

After the election last fall, CCJRC wanted to reflect and get input from people in jail on what had worked well and what could be improved. In March, CCJRC conducted a survey of people in the Denver County Jail and Denver Detention Center to get their perspective on the value of voting, reasons for voting or not voting, and what kind of civic education information would be valuable to them. The survey results dispelled a couple of common misperceptions that people in jail don't care about voting and that's why there isn't a large voter turnout. In actuality 78% of those surveyed considered voting "Very Important" or "Somewhat Important." However, 34% reported never having voted. When asked about their reasons for not voting, the top two responses were: 1) Being in jail made it too difficult. 2) Not enough information about the candidates and ballot measures.

In fact, in the June 6th run-off election for Denver Mayor, registered voters in the Denver Jail and Detention Center had a voter turnout of 38%, surpassing the general electorate's turnout of 31% by 7 points! To try and

bridge the information gap, CCJRC developed the Colorado Voter Guide which is a comprehensive resource on basic civic education for confined voters. It covers various topics, including the significance of voting, the history of voting rights, the voting eligibility of incarcerated individuals, a description of the roles of various political offices at the state and local level, and definitions of political parties. CCJRC has already distributed over 600 copies of the guide to people at the jail and detention center in Denver.

The positive reception from the Colorado Voter Guide has inspired CCJRC to go deeper and develop an in-person civic engagement course that will be taught within the jails that will utilize the Colorado Voter Guide as the curriculum. Both the Denver Election Division and the Denver Sheriff's Department are supportive and helping us launch this class later this summer.

CCJRC was also happy to partner with America Votes and the bill sponsors of [SB23-276](#) to include provisions in their omnibus voting bill to strengthen jail-based voting statewide.

It's a lot of work to reach these voters who have been largely ignored by local election officials and our jail-based voting project continues to deliver positive results. As we approach the upcoming Denver School Board election, CCJRC eagerly anticipates further refining of our efforts to help eligible voters in jail to exercise their right to vote and make sure they have access to comprehensive and nonpartisan information on candidates and ballot measures.

### Welcoming our newest staff member! CCJRC's Civic Engagement Coordinator: Kyle Giddings!

It is my distinct honor to join team CCJRC this year as the Civic Engagement Coordinator. I am a Colorado native with deep roots not only in the Denver metro area but also in Southern Colorado, where my ancestors were migrant farmers and coal miners in Trinidad, CO.

In 2017, when I completed my sentence, I left the halfway house with a strong conviction that change was needed. I realized that my personal experiences were not unique, as injustice was prevalent in the lives of those within the system. Voting and civic engagement have always played a significant role in my life, and as a returning citizen, I recognized the importance of advocating for those still involved in the judicial system.

In my new position at CCJRC, I will actively work on the ground to advocate for the voting rights of justice-involved individuals, both within the community and inside the judicial system. This includes visiting county jails to conduct voter registration drives, and assisting the local election division in facilitating in-person voting in the jails.

I hope that the efforts of CCJRC will eventually lead to the restoration of voting rights for all Coloradans, regardless of their status within the judicial system. Until then, I am committed to ensuring that every eligible justice-involved person has convenient and equitable access to the ballot.



## 14th Annual Voices for Justice Fundraiser

COLORADO CRIMINAL

JUSTICE REFORM COALITION

*Working to eliminate the overuse of the criminal justice system and advancing community health and safety.*

Thursday, September 7, 2023

5:30 p.m. to 8:00 p.m.

COCKTAILS AND CUISINE

BASKETS AND BUNDLES SILENT AUCTION

MILE HIGH STATION

2027 West Lower Colfax, Denver, CO.

On Thursday September 7, 2023, we will celebrate our fourteenth annual night of fun and fundraising with an open bar, delicious food, and silent auction at Mile High Station in Denver, Colorado.

CCJRC has been successfully advocating for an end to mass incarceration and designing new approaches to community-centered public health and safety strategies and programs in Colorado for over two decades. CCJRC was founded as community members came together in 1999 to support a prison moratorium bill introduced Senator Dorothy Rupert and Representative Penfield Tate, which was the first bill introduced in the country calling for a halt to state prison expansion. The Rupert Tate Game Changer Award honors their legacy and recognizes outstanding efforts to transform the status quo to advance community health, safety, and equity. CCJRC proudly announces that we will awarding two separate Rupert-Tate Game Changer Awards at our annual event on September 7, 2023, to:

### Project Elevate

**Cassandra Harris (Empowerment Program), Project Elevate Director of Services and  
Stephanie Robertson (City & County of Denver), Project Elevate Director of Operations  
for their leadership with Project Elevate.**

and

### Denver Jail-Based Voting Project

**R. Todd Davidson, Director of Elections, Director Denver Elections Division and  
Paul Lopez, Denver Clerk and Recorder  
for the collaboration with CCJRC on the Denver Jail-Based Voting Project**

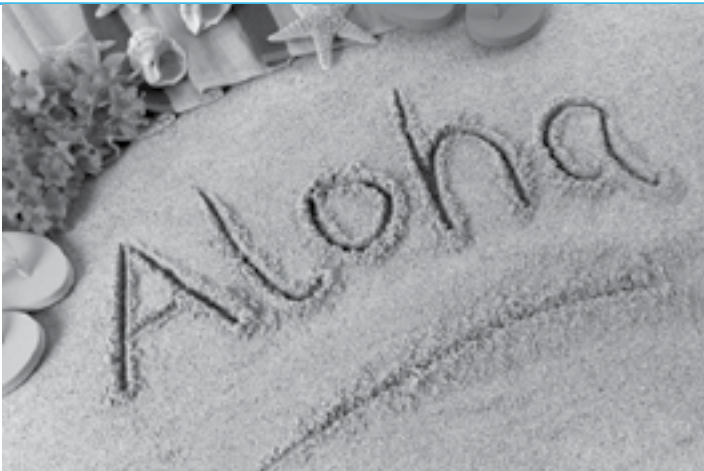
[Tickets and Sponsorship Opportunities Available Now at www.ccjrc.org](http://www.ccjrc.org)





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*Aloha  
Message  
from  
Terri...*

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: \_\_\_\_\_

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CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP \_\_\_\_\_

EMAIL: \_\_\_\_\_

- ☐ Individual \$35      ☐ Low Income/senior \$15  
☐ Household \$50      ☐ Prisoner **Free in 2021**  
☐ Sustainer \$100 or more  
☐ Freedom Fighter \$\_\_\_\_ charge me monthly/quarterly

Credit Card # \_\_\_\_\_

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After 9 years with CCJRC, I have decided to move on to my next adventure. It has been an absolute privilege and honor to work with such an amazing team of colleagues at such an impactful organization on behalf of those who have been impacted by the criminal legal system. I want to thank all of you for your support over the years and continued support of CCJRC going forward. I am humbled by the work that has been accomplished over the years in an effort to reduce the impact of the criminal legal system, in particular the footprint of the Department of Corrections, and advance community health and safety. I hope that our paths will continue to cross somewhere along this journey. I am forever grateful for all of you and wish you all the best.

With aloha ~  
Terri Hurst  
Health Justice Manager



CCJRC is a proud member  
of Community Shares of  
Colorado!