

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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Recidivism Interim Study Committee ... update and what's to come

Christie Donner, Executive Director

During the 2023 session, the Legislature approved the creation of an interim study committee to wrap their arms around the way recidivism is defined and measured by various criminal justice agencies in Colorado and to review the research on other ways to measure program success. I was asked to be a member of this study committee.

I know this sounds pretty boring... and super wonky... and both are true but it's actually really important because right now recidivism is the main metric relied upon for measuring success or failure. And, that is really problematic for a lot of reasons.

First off, criminal justice agencies have different definitions of recidivism which measure different things, so you really don't know what agencies mean when they report on recidivism unless you know how that specific criminal justice agency defines the term.

For example, Probation and the Division of Youth Corrections define recidivism as a new criminal conviction for either a misdemeanor or felony while under supervision at 1-, 2- and 3-year intervals. Community Corrections defines recidivism as a new felony conviction (but doesn't include misdemeanors) within two years from the date the person was accepted into the program. DOC has the broadest definition of recidivism, which is a return to prison within 3 years, for any reason, which could be for a new felony conviction or a technical violation of parole.

So, when you read about "predatory parolees" in the newspaper know that they are relying on DOC's recidivism data, which includes people who didn't commit a new crime but went back to prison. This is only one example of the confusion surrounding the recidivism rate in Colorado which, at best, misinforms people and at worst, can intentionally be weaponized to mischaracterize people under supervision, system performance, and challenge reform efforts.

But more fundamentally, there's a growing consensus among researchers and academics that using recidivism as a metric is really not that useful because it results in a binary (Y/N) answer that at the end of the day doesn't actually tell you anything that's valuable. The National Academy of Sciences (NAS) just released a report entitled *The Limits of Recidivism* (<https://nap.nationalacademies.org/catalog/26459/the-limits-of-recidivism-measuring-success-after-prison>) that recommends that there should be a shift away from exclusive reliance on the binary approach to measure recidivism because it is an imprecise proxy for measuring return to criminal behavior.

Rather, the NAS said the recidivism rate needs to be linked to what is known about criminal desistance, the process by which people stop committing crime. Turns out, desistance from crime is not a switch that people turn

on or off. It is a process and, similar to recovery from substance abuse, frequently involves relapse. Whether someone is on a path of desistance is characterized by important features, that can be measured, like a decrease in the number and seriousness of the offense committed, and an increasing length of time in between offenses. None of this is captured in our current definition or research methods around reporting on the recidivism rate.

The NAS report also recommended that the measurements of success be expanded to include positive accomplishments across a broad range of life domains like employment, housing, social connections, and civic engagement.

From CCJRC's perspective one critical and essential component that must be included in any discussion around system performance and success/failure of people under supervision is the voice and experience of people who are under supervision. Companies use client and customer satisfaction surveys all the time to make sure they are meeting people's needs and expectations. We should do the same with justice-involved people.

So, the legislative members of the Recidivism Study Committee just approved drafting of three bills for the 2024 legislative session. The first bill will require criminal justice agencies to develop a common definition of recidivism. The second bill will require criminal justice agencies to identify additional metrics to be used to measure success within the criminal legal system, including:

- integrating into the recidivism rate, desistance factors such as frequency and seriousness of offense and length of time until a new offense
- risk reduction outcomes
- positive outcomes measures that factor aspects of life for people under supervision including employment, housing, education, personal well-being, social supports and civic engagement.
- obtaining information from people who are or have been under supervision about their experience that includes things like the quality and productivity of the relationship with the supervising agency, the access to needed supports and services, and a self-assessment of their stability and overall well-being.
- system performance metrics to ensure that criminal justice agencies are aligned with best practices in both supervision program design and implementation.

The third bill will be based on SB20-060 which didn't move forward in the 2020 legislative session because of the COVID shutdown that focused on mapping how people proceed through the criminal legal system, what data is collected, how data is shared across government agencies, etc.

For Colorado to move in this direction will likely take several years and there are a lot of challenges, including how much all of this would cost. But, the first step in the process is to develop a plan to move forward and a timeline which is what these bills require. Stay tuned for more information on these bills during the 2024 session.

Another sold out event!

A huge thank you to all the supporters, sponsors, donators, and guests who helped to make this event one of the best we've ever had! See you next year!

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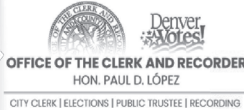


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Game Changer Award winners Cassandra Harris (Empowerment Program), Project Elevate Director of Services and Stephanie Robertson (City & County of Denver), Project Elevate Director of Operations



CCJRC Voices for Justice attendees pack the house

Hooray Civic Engagement!

by Jasmine Ross & Kyle Giddings

Hello, CCJRC members!

What a year it has been. As always, the Civic Engagement team has been up to exceptional work helping to educate justice involved people about their voting rights and registering them to vote, including our flagship jail-based voting project in Denver. This year we also had the privilege of traveling to various locations to share the impactful civic engagement work we have done in Colorado.

We attended the Just Impact Civic Engagement Conference in Puerto Rico and the Sentencing Project Conference on jail-based voting held in Chicago. Our presentations and networking efforts were met with great acclaim, with organizations across the country expressing deep admiration for what we have accomplished. This recognition has solidified our status as experts in civic engagement with justice-involved people, opening up even more opportunities for us to travel and partake in specialized training next year. With that being said, we want to take the time to also acknowledge our community partners for their support and dedication to this cause. Without them, we would not have been able to get this far. So, thank you to the Denver Election Division, Denver Sheriff Elias Diggins, Aurora Parole, Tribe Recovery Homes, Hazel Brooks, Life Line, and Second Chance Center for helping us keep the wheels on the bus and connect with justice-involved people to provide voter eligibility information and register them to vote.



Jasmine (middle)- JBV Legislation Panel in Chicago

Additionally, we are delighted to inform you all that our Civic Engagement team has been invited to join the Jefferson County STEAM (Service, Transparency, Equity, Access, Modernization) Advisory Committee working alongside the Jefferson County Election Clerk, Amanda Gonzalez. We will be providing support for their jail-based voting program. We are truly excited about this new partnership and what our efforts will bring. If anyone is interested in volunteering for this project, please do not hesitate to reach out

to Jasmine Ross, Civic Engagement Manager, or Kyle Giddings, Civic Engagement Coordinator.

In closing, we want to express our gratitude for the successes we have achieved this year and emphasize our enthusiasm for sharing more of our work with all of you. Please stay tuned! We have more up our sleeves. Thank you for your continued support and dedication to CCJRC's mission.



Kyle with Desmond Meade (The President of Florida Rights Restoration Coalition) in Chicago

Every Overdose Death is Preventable

Kyle Giddings & Jason Vitello

Since 2017, the Colorado General Assembly has been meeting to address the critical challenges posed by the opioid epidemic within our communities. This legislative effort involves the establishment of an interim committee tasked with a comprehensive review of research to better understand the impacts of the crisis across our state and determine possible paths forward.

From June to October this year, the committee is convening on six occasions and hear presentations from an array of stakeholders composed of representatives from law enforcement agencies and harm reduction experts. These panels will provide valuable insights into the prevailing circumstances in Colorado, contribute to a collective understanding of the issues at hand, and inform the development of potential legislative solutions. This committee is authorized to draft up to five bills which will be presented to the General Assembly in 2024. Each of these 5 bills will address a unique aspect of the crisis here in Colorado including: Prevention, Harm Reduction, Treatment, Recovery, and Overdose Prevention Centers (OPCs).

While we're still awaiting the full details of the first four bills, we can provide some insight into the fifth. This legislation proposes granting cities across the state the authority to establish OPCs. OPCs are facilities which have been proven to reduce the potential risks of drug use, including overdose and unwanted public use. OPCs allow people to use drugs under clinical observation that can immediately respond to reverse a potential overdose. Moreover, OPCs can also help connect people with additional services and social supports, including voluntary treatment.

In the 2023 legislative session, HB23-1202 was introduced which would have allowed local communities to operate OPCs if they wanted to. The House passed the bill in order to respect the will of local elected officials who were interested in pursuing this option. There was no mandate that all communities move in this direction. Despite the urging of local government representatives, public health experts, and people at direct risk of overdosing, a Senate committee killed the bill by one vote.

Since the committee started meeting back in June, they have heard from a diverse range of public health, medical experts, advocates, researchers and individuals with lived experience and their consensus is clear: OPCs represent a necessary, effective, and crucial approach to saving lives. Unsurprisingly, the OPC legislation is already facing opposition from law enforcement who are committed to sustaining and expanding the drug war.

The community's push to see this crucial initiative through is ongoing under the leadership of the Harm Reduction Action Center, and CCJRC is committed to standing up for and supporting this proven life-saving option. To learn more about OPCs, CCJRC and the Harm Reduction Action Center published this Special Brief which you can find at <https://www.ccjrc.org/wp-content/uploads/2023/02/FINAL-Overdose-Prevention-Centers-Special-Brief-2.20.23.pdf>.

Stay tuned for our next newsletter, where we will provide updates on all the legislation mentioned in this article. Your continued support and engagement are vital as we work towards a healthier and safer Colorado for all.



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Inmate Communication Regulation

You may remember that a new law passed in 2021 through HB21-1201 to regulate the inmate communications service providers to reign in decades of exorbitant costs and other customer service problems.

The law, 17-42-103 C.R.S., requires the Colorado Public Utilities Commission (PUC) to regulate Inmate Communications Services providers. The PUC's authority includes ensuring quality services and preventing excessive rates from communications providers to

jails, prisons, and any other correctional facility operated by the city, county or state level in Colorado. The state PUC does not have oversight of communications providers to federal corrections or detention facilities. The communications services the PUC regulates includes, but is not limited to:

- Land Line Telecommunications
- E messaging and chirping
- Video by way of tablet or kiosk
- VOIP (voice over internet protocol – allows you to make phone calls using internet)

The PUC has designated a website that gives consumers the opportunity to file informal complaints about problems with the communications services that the PUC regulates.

Complaints can be filed with the PUC at <https://puc.colorado.gov/inmate-communication-services>. This webpage also has a lot of information on the different communications providers that jails/prisons in Colorado use, including the contracts. The PUC also publishes a quarterly report on all providers that you can access on this page. People in jail/prison can file a written complaint to the: Colorado Public Utilities Commission, Inmate Communications Services, 1560 Broadway St, Suite 250, Denver, CO 80202.

Please help spread the word about the PUC complaint process. CCJRC recently met with folks from the PUC, and they want to make sure people know about their role and that they are a resource when families and people inside are having problems with the inmate communications system.

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!

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