

# ACLU IN THE COMMUNITY

## YOUTH RISING!

This year's Annual Meeting honored the students and young people who made 2014 an historic year of youth activism in Colorado. At the meeting, we heard from representatives of the Denver Freedom Riders and the Colorado Student Power Alliance, as well as students from Jefferson County, East High School, and PREP Academy. We were also treated to an inspiring performance from Minor Disturbance, a student-run arts and poetry group.



We also recognized Christian Griffin, who received the 2014 Civil Rights in Action Award for his work to expose a series of false arrests in Trinidad, and the attorneys from Hogan Lovells for their work to educate children through the Cheltenham 5th Grade Bill of Rights Program.

## DENVER CITY COUNCIL CANDIDATE FORUM

In April, the ACLU of Colorado co-hosted a Denver City Council Forum with the Drug Policy Alliance, the Colorado Criminal Justice Reform Coalition, and Communities United Against Mass Incarceration. At the forum, candidates were asked to respond to questions on a broad range of criminal justice, healthcare, homelessness, and drug policy issues in Denver.

**ELECTORAL DYSFUNCTION** On May 5th, the ACLU of Colorado teamed up with the Denver Film Society to host a screening of Electoral Dysfunction, an award-winning documentary on voting rights in America, at the SIE Filmcenter in Denver. After the film, we hosted a panel discussion with the filmmakers, ACLU of Colorado Public Policy Director Denise Maes, and the state director of Mi Familia Vota.

## LESSONS FOR COLORADO FROM NEBRASKA'S DEATH PENALTY REPEAL

Lindsay Schlageter, ACLU of Colorado Communications Campaign Manager

In May, Nebraska made history by becoming the first red state to abolish the death penalty since North Dakota did it in 1973.

They join 18 other states which have done away with capital punishment, replacing it with a sentence of life in prison without the possibility of parole.

### NEBRASKA'S VOTE TO REPEAL THE DEATH PENALTY REPRESENTS A NATIONWIDE TREND...

Nebraska's vote to repeal the death penalty represents a nationwide trend away from capital punishment with polling continuing to show that support is at an all-time low.

Having Nebraska lead the way in abolition represents how nonpartisan death penalty repeal really is. Conservatives have become

more vocal about the tremendous cost of having a death penalty and the immense problems with trusting government to carry out a punishment which is so wrought with problems.

What does this mean for Colorado? Momentum is in our favor. Although we have a very prominent death penalty case going on

right now, arguments about cost, executing people with severe mental illness and the lack of healing for victims and their family members have become very relevant for Coloradans.

Additionally, the nationwide conversation away from the death penalty has sparked discussion in our state. The recent change in



## MLK MARADE TO MLK DAY CELEBRATION

A large group of ACLU staff, board members, and volunteers marched and demonstrated for racial equality this year at the Annual MLK Parade in Denver.

After the Parade, the ACLU of Colorado co-sponsored a grassroots Black Lives Matter conference at the McNichols Building. ACLU of Colorado Public Policy Director Denise Maes participated in a panel discussion on the future of the Civil Rights movement, and our staff presented a "Know Your Rights" training for participants.



American Civil Liberties Union Foundation of Colorado  
303 E. 17th Avenue, Suite 350  
Denver, CO 80203

## CARLE WHITEHEAD BILL OF RIGHTS DINNER

SAVE THE DATE  
10.08.15

Join us in celebrating our work to protect and expand civil rights and civil liberties for all and to honor Senator Mark Udall and Nita Gonzales, two extraordinary champions of civil rights and civil liberties. Many thanks to Whitehead Presenting Sponsors Brad Feld and Amy Batchelor.

Four Seasons Hotel, 1111 14th Street, Denver

For sponsorship and ticket information, visit [aclu-co.org/events/2015-carle-whitehead-bill-of-rights-dinner](http://aclu-co.org/events/2015-carle-whitehead-bill-of-rights-dinner)



## REMEMBERING MARTHA SATTLER

It is with a very heavy heart that we at the ACLU of Colorado mark the passing of Martha Sattler, a lifelong champion of civil rights and civil liberties whose boundless energy and selfless dedication to justice, in large measure, made our work possible.

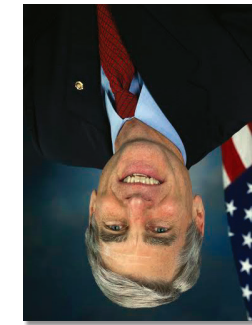
Martha's contributions to the ACLU of Colorado were immense and indispensable. She served multiple terms on the Board of Directors, worked as both In-House Director and Associate Director, organized volunteer and fundraising events, and represented Cuban refugees before INS panels on behalf of the ACLU. As chair of the Amicus fundraising campaign, Martha helped to raise more charitable contributions for the ACLU of Colorado than any other volunteer in the history of our organization.

We send our heartfelt condolences to Martha's husband Bruce, himself an essential contributor, volunteer, board member, and part of the ACLU of Colorado family. While we are all saddened by Martha's passing, we know that her legacy will live on in the hearts of all who were touched by her extraordinary life. The Sattler family has generously requested that contributions in memory of Martha be made to the ACLU of Colorado. Memorial contributions can be made at: [aclu-co.org/donate](http://aclu-co.org/donate).



## NITA GONZALES

Nita Gonzales, noted community activist, educator, and nationally-recognized leader, will receive the Ralph Carr Award.



## SENATOR MARK UDALL

Senator Mark Udall, Member of US Congress 1999-2015, will receive the Carle Whitehead Memorial Award.

## ACLU OF COLORADO HONORS CHAMPIONS OF CIVIL RIGHTS AND CIVIL LIBERTIES

This year's honorees at the Carle Whitehead Bill of Rights Dinner on Thursday, October 8 are:

# ACLU NEWS

BECAUSE FREEDOM CAN'T PROTECT ITSELF

## STANDING UP TO RACIALLY-BIASED POLICING

Benjamin and Ryan Brown were driving just a block away from their home in Colorado Springs one afternoon when Benjamin saw police lights flashing in the rearview mirror.

Benjamin pulled over, officers approached the car, and a scene quickly unfolded that is all too familiar for many young people of color in Colorado and around the country.

One officer immediately ordered Benjamin out of the car, handcuffed and searched him at taserpoint, then put him in the back of a police vehicle, even though he had been cooperative, no weapons were found, and there was no evidence to suggest that he had been involved in a crime.

were just checking him for weapons. No weapons were found. Officers took Ryan's phone, turned off the video, and threw it in the snow.

Benjamin, who was watching from the back of the police car, feared that his brother was about to be shot. "It seemed like forever," said Benjamin. "I was scared that the officer was going to pull the trigger."

The officers eventually wrote Benjamin a citation for a cracked windshield, and Ryan was charged with "interfering with official police duties."



Left: ACLU client Ryan Brown and cooperating attorney Dan Recht appeared on CNN to discuss the police stop in which he was removed from his car at gunpoint, handcuffed and detained over a cracked windshield. Right: Picture of Ryan from his arrest.

At that point, Ryan began recording the scene on his phone. His repeated requests for the officers to identify the reason for the stop were ignored. The video recording, which has now been watched over 150,000 times on YouTube, shows an officer approaching the passenger-side door with a gun raised in a shooting position. Officers worked together to force Ryan out of the car, push him to the ground, face down in the snow, search him, and cuff him, all the while at gunpoint.

While dragging Ryan out of the car, officers are heard saying that he is not under arrest and that they

The ACLU of Colorado announced in May that we will provide legal defense for the two brothers, and we are closely watching the internal affairs investigation of the incident.

Also, this summer the ACLU of Colorado will launch Mobile Justice, a free smartphone app that allows people to record video that automatically uploads to the ACLU, preventing law enforcement from deleting or destroying it.

Learn more about Mobile Justice and the package of police accountability bills that we supported this legislative session inside.

## IT SEEMED LIKE FOREVER... I WAS SCARED THAT THE OFFICER WAS GOING TO PULL THE TRIGGER.

ACLU NEWS  
Spring/Summer 2015  
ACLU of Colorado  
[aclu-co.org](http://aclu-co.org)  
303.777.5482



## IN THIS ISSUE

- Racial Profiling
- A Letter from Executive Director Nathan Woodliff-Stanley
- Mobile Justice
- ACLU at the Capitol
- ACLU in the Courts
- ACLU in the Community
- Nebraska's Death Penalty Repeal
- Carle Whitehead Dinner Honorees

## KNOW YOUR RIGHTS!

The ACLU of Colorado provides free community trainings and materials with simple steps for handling interactions with police and law enforcement. Trainings focus on de-escalation, asserting your rights, and reporting instances of police misconduct.

So far this year, ACLU of Colorado Know Your Rights trainers have conducted 15 trainings and trained more than 600 people in communities throughout the state.

Know Your Rights materials are available at [aclu-co.org/know-your-rights](http://aclu-co.org/know-your-rights). To request a trainer or training materials, contact the ACLU of Colorado Speakers' Bureau at [speakers@aclu-co.org](mailto:speakers@aclu-co.org).

## FROM THE EXECUTIVE DIRECTOR LETTER FROM NATHAN WOODLIFF-STANLEY

So much is happening in Colorado and across the country right now that directly impacts civil right and civil liberties. How do you keep up with it all? We hope that you visit our website often, follow us on Twitter and Facebook, read our blog, and sign up for action alerts so you can directly engage in our work for your rights. Online communications are quicker, easier and less expensive, but we also send two hard-copy newsletters a year because so many people like them as a way to keep up with what we are doing at the ACLU of Colorado.

When we do send newsletters, we want them to be as informative as possible. You may notice that we have updated and expanded the format of this newsletter so that we have room to say more about all the work of the ACLU of Colorado in the past few months: over 130 bills tracked in the state legislature, new legal cases and legal victories around women's rights, racial bias, police practices, free speech and rights of people who are homeless, our Mobile Justice app coming soon, and much more.

We are proud of our accomplishments, but there is so much more work to be done both nationally and in Colorado to protect and advance our civil liberties. We are already looking ahead to the 100th anniversary of the

national ACLU in 2020, and we have ambitious goals from now until then, to significantly cut rates of mass incarceration, to establish privacy protections in a digital age, to protect and restore abortion and contraception rights, to push back against voter disenfranchisement, and to defend immigrant rights. We hope we are on the brink of marriage equality across the nation, but we know there will be ongoing battles over discrimination against LGBTQ and other communities in the name of "religious freedom." We will of course defend true religious freedom and separation of church and state, including in our schools. We will challenge abuses of government power in policing, fines and fees, and conditions of

confinement, and if Nebraska can repeal the death penalty, why not Colorado?

Cutting mass incarceration rates alone will require examination of drug policy, racial profiling, alternatives to incarceration, sentencing reform, re-entry programs and parole reform. Some of the worst abuses occur at the municipal or county level, where a majority of the people in our jails are held pre-trial without any judgment or conviction. Those who can afford to post bail do, while those who can't languish in jail, cut off from family or jobs, whether they have committed any crime or not.

As we tackle all of these challenges, we hope you will follow and support the work of the ACLU both in Colorado and across the nation. It matters when you speak out for yourself and others, and it matters when you support those who speak out for all of us. Even if your sole engagement with the ACLU is through your membership or donations, we want you to know what you are getting for your support. We know that if we let rights slip for some of us, we risk those rights for all of us, so nothing less is at stake than civil rights and civil liberties for everyone.



## ACLU AT THE CAPITOL

With your help, the ACLU of Colorado wrapped up another impressive session in the legislature in 2014. Altogether, the ACLU of Colorado supported, opposed, or monitored more than 130 pieces of legislation due to their potential impact on civil rights and civil liberties.

### POLICE REFORM:

Governor Hickenlooper signed into law an ACLU-backed package of police reform bills that included preventing cops from interfering with the recording of police incidents, improvement in police officer training, money to fund body-worn cameras for law enforcement, and data collection and transparency measures for officer-involved shootings.



### RELIGIOUS EXEMPTIONS:

We worked with legislators and our partners to defeat two bills that would have granted businesses the right to discriminate under the guise of "religious freedom." Both were soundly defeated in the House State Affairs Committee.

**LGBTQ RIGHTS:** The House passed an ACLU-backed bill to make it easier for transgendered individuals to change their birth certificates to accurately reflect their identity by removing the onerous surgical requirement that's currently in place. Unfortunately, it was defeated in Senate committee.

**DNA:** After persuasive testimony from our Public Policy Director, the latest attempt at expanding DNA collection to include those convicted of misdemeanor offenses was defeated in committee.

**WOMEN'S RIGHTS:** Along with our coalition partners, we defeated yet another attempt at bringing fetal personhood to Colorado, as well as several other bills aimed at limiting reproductive freedom.

**SURVEILLANCE:** We built wide, bipartisan support for new laws to restrict municipalities' use of surveillance cameras for traffic enforcement.

**IMMIGRANT RIGHTS:** We stopped a small group of politically-motivated legislators from defunding a 2014 law granting immigrants the ability to apply for driver's licenses. After an initial blocking of funds to the program, a compromise was reached that will partially fund implementation of the law.

VIEW THE ACLU OF COLORADO 2015 LEGISLATIVE  
SCORECARD AT [ACLU-CO.ORG/AT-THE-CAPITOL](http://ACLU-CO.ORG/AT-THE-CAPITOL)

## THE 2015 LEGISLATIVE SESSION

Denise Maes, ACLU of Colorado Public Policy Director

As we do after every legislative session, we prepared a legislative scorecard so you, our members, can see where each legislator stands on civil liberties' issues.

But here was the problem this year: because best practices dictate that we score only those bills that were voted on by the entire legislature, the scorecard cannot possibly tell the whole story.

There were many bills that the ACLU championed that moved in one chamber but could not survive the political landmine of the split chamber legislature. For example, the ACLU championed a bill that would have made it easier for the transgender community to change the birth marker on their birth certificate. This approach would put Colorado in line with Federal State Department practices and would have been a significant victory for the transgender community. The bill passed the House with bi-partisan support, but it failed on a party line vote in Senate State Affairs. Significantly, those voting against the bill—Senators Scott, Sonnenberg and Hill—scored 60, 60 and 100, respectively on the ACLU scorecard.

We also championed the Homeless Bill of Rights, which would have prevented Colorado municipalities from enacting or enforcing laws that criminalize the existence of our State's growing homeless population, was killed in its first hearing before the House State Affairs Committee.

In addition to these defeats, we had victories as well. For example, our significant victory in defeating a DNA collection bill in the House Judiciary Committee on a bi-partisan vote. We also successfully defeated a fetal personhood bill in House State Affairs after it passed the full Senate.

Despite the challenge of the split legislature, we found many new allies from both sides of the aisle and began a bi-partisan movement supporting civil liberties. We saw coalitions of Republicans and Democrats jointly sponsoring legislation that supported privacy rights, criminal justice reforms, and government transparency.

Overall, we took positions on 81 bills. We saw a 61% rate of success overall, winning 52% of the bills we supported and 71% of the bills we opposed. Although the bad news may be that we didn't succeed in creating a lot of new laws to move our state forward, the good news is we prevailed in defeating several bills that would have infringed on individual rights and civil liberties. The other good news is the growing bi-partisan movement favoring civil liberties of which we are an integral part. We will continue to foster this movement and build momentum for legislative initiatives that advance the civil liberties of all Coloradans.



## ACLU IN THE COURTS

### ACLU SUES TRINIDAD OVER FALSE ARRESTS

Danika Gonzalez lost her job as a probation officer and had her reputation destroyed after she was falsely arrested and accused of selling drugs by Trinidad Police in December 2013. Her arrest was part of an elaborate drug sting that was based on unsubstantiated accusations made by shady criminal informants.

Overall, 40 individuals were arrested during the 2013 drug sting, many on the basis of false, deficient, and misleading arrest affidavits. Two people who were arrested were cleared after it was proven that they were actually in jail on the dates that supposed drug sales occurred. None of the 40 arrests resulted in a drug conviction.

We filed a lawsuit in January 2015 alleging that Trinidad police deliberately concealed a wealth of facts that they knew would cast doubt on the credibility of the informants and that they laced the arrest affidavits with false and misleading assertions designed to manufacture probable cause for arrest.

The lawsuit seeks compensation for Gonzalez and Felicia Valdez, another woman who was victimized by the arrests, as well as accountability for the unconstitutional actions of the city and its police department.



### GRAND JUNCTION EMPLOYER AGREES TO ACCOMMODATE NURSING MOTHERS IN THE WORKPLACE

Big League Haircuts, a Grand Junction company, has agreed to make significant changes to its workplace to ensure that nursing employees are informed of their legal rights and have the time and space they need to privately and comfortably pump breast milk at work, as part of a settlement with the ACLU of Colorado.

We filed a lawsuit on behalf of Ashley Provino, a nursing mother who was fired from Big League Haircuts in 2013 for asserting her legal right to pump breast milk at work.

Last year, we worked with DISH Network to vastly improve accommodations for nursing mothers at the company's corporate headquarters in Englewood following complaints from employees that the conditions provided by the company lacked adequate space and privacy.



### ACLU WINS SETTLEMENT WITH DENVER OVER MISTAKEN ID ARRESTS

The Denver City Council agreed to pay a \$337,000 settlement to compensate three ACLU clients who were the victims of mistaken identity arrests by Denver law enforcement. The City of Denver previously paid \$232,000 in compensation to three additional people named in the same suit. In each case, our attorneys argued that Denver police deliberately ignored facts that demonstrated that they were arresting or causing the arrest of the wrong person and that Denver Sheriff Department deputies refused to investigate obvious red flags and repeated complaints from plaintiffs and their family that they were locking up the wrong person.

In the course of discovery in this long-pending lawsuit, we documented more than 500 occasions in a seven-year period in which people were wrongly arrested and imprisoned in Denver's jails. Some spent weeks in jail wrongly imprisoned on warrants for others. Some wound up pleading guilty to crimes they did not commit, in order to secure release for "time served."

Now, our legal team is working directly with the City of Denver to develop improved law enforcement policies that will reduce the frequency of mistaken ID arrests, and, when mistakes do happen, that will detect them promptly and remedy them quickly.

## FIGHTING TO END CRIMINALIZATION OF HOMELESSNESS



Colorado communities are passing new laws and enforcing old ones that essentially make it a crime to be homeless.

From restrictions on sitting or lying down in public to laws that dictate when and where someone can peacefully ask for charity to geographic restrictions that banish people from downtown areas, police use these ordinances as tools to target, harass, and ultimately displace people who are homeless or living in extreme poverty.

These laws cost significant taxpayer dollars to enforce and waste resources on aggressive policing and often jailing of non-violent individuals whose only "crime" is their social or economic status.

This year, the ACLU of Colorado worked with legislators and advocacy organizations, including Denver Homeless Out Loud, to introduce the Right-to-Rest Act in the Colorado legislature. The goal of the legislation was to establish basic rights for individuals and families experiencing homelessness, including, but not limited to, the right to move freely and to rest in public spaces. The bill was defeated in committee, but we are committed to fighting for its passage next year.

Through legal challenges, public advocacy, and community education, the ACLU of Colorado has successfully repealed or prevented unconstitutional restrictions on solicitation in Fort Collins, Colorado Springs, Boulder, Durango, and Telluride. Our lawsuit challenging a Grand Junction ordinance that bans polite, non-threatening requests for charity, if they happen in certain places or at certain times, is pending in Federal court.

The ACLU of Colorado is committed to protecting personal liberty and human dignity for all Coloradans, including those who are homeless or living in extreme poverty.

### STAY CONNECTED WITH US



Like us on Facebook  
[facebook.com/ACLUofColorado](https://www.facebook.com/ACLUofColorado)



Follow us on Twitter  
[twitter.com/ACLUofColorado](https://twitter.com/ACLUofColorado)



Visit [aclu-co.org](http://aclu-co.org) to sign up for e-alerts  
and to read the Colorado Rights Blog

## MOBILE JUSTICE COLORADO

The ACLU of Colorado is in the final stages of development for Mobile Justice Colorado, a smartphone app that will empower Coloradans to hold police accountable for their actions.



### MOBILE JUSTICE COLORADO WILL HAVE FOUR MAIN FEATURES:

**Record** ▶ Allows citizens to capture exchanges between police officers and themselves or other community members in audio and video files that are automatically emailed to the ACLU of Colorado.

**Witness** ▶ Gives citizens the option to alert nearby Mobile Justice App users when they are stopped by police so that they can witness and document the interaction.

**Report** ▶ Gives citizens the option to provide a more-detailed account of their interactions with police in an incident report, which will be transmitted directly to the ACLU of Colorado.

**Rights** ▶ Provides an overview of the rights that protect Coloradans when recording and interacting with law enforcement officers.

The app will be free for all users and will be available for download later this summer. Sign up at [aclu-co.org/know-your-rights/mobilejustice](http://aclu-co.org/know-your-rights/mobilejustice) to be alerted when Mobile Justice Colorado is launched.

COMING  
SOON!

### WHEN WITNESSING AN INTERACTION WITH A LAW ENFORCEMENT OFFICER:

You have the right to film, photograph or record law enforcement officers while they are engaged in law enforcement activity.

Remain a safe distance from any law enforcement encounter you are documenting so that you do not physically interfere with the activity.

Make sure that you are not violating any other laws while you are filming, such as jaywalking or trespassing.