



ACLU WINS \$212K RACIAL PROFILING SETTLEMENT IN COLORADO SPRINGS

The ACLU of Colorado won a landmark \$212,000 racial profiling settlement for Ryan and Benjamin Brown, who were pulled over because of their race, handcuffed, searched, and detained at gun point and taser point in Colorado Springs, without legal justification.

Ryan Brown posted a video of the 2015 stop online, where it has been viewed more than 175,000 times.

Along with monetary compensation, the Colorado Springs Police Department agreed to make several revisions to its policies on stops, searches, and recording officers.

“The racial profiling that Ryan and his brother endured is all too common for young men of color,” said ACLU of Colorado Legal Director Mark Silverstein. “The difference in this case was that Ryan preserved video evidence of the officers’ aggressive escalation and heavy-handed use of force. Although the police department initially refused to acknowledge any wrongdoing, city officials ultimately did the right thing by agreeing to fair compensation.”

In March 2015, Ryan and Benjamin Brown were driving just a block away from their home in a predominantly white neighborhood when they were pulled over by Colorado Springs police. To justify the stop, an officer later claimed that they had been observed driving slowly through “a high crime area,” which is often law enforcement code for “driving while black.”

A taser-wielding officer ordered Benjamin Brown, the driver, out of the car. He was handcuffed, searched without cause, and detained in the back of a police vehicle, even though he had been



“I knew that what happened to my brother and me was wrong, and that I needed to speak up.”

—Ryan Brown

cooperative, had no weapons, and there was no evidence to suggest that he had been involved in a crime.

Ryan Brown then began recording the scene on his phone. His repeated requests for the officers to identify the reason for the stop were ignored. Officers worked together to force him out of the car, push him to the ground, face down in the snow, search, and cuff him, all while at gunpoint. Officers grabbed his phone, stopped the recording, and threw it in the snow.

Brown filed a complaint with Colorado Springs Police following the incident. He received a brief boilerplate letter informing him that the Department had conducted a “complete and thorough” investigation into the incident and concluded that the officers’ conduct was “justified, legal, and proper.”

In October 2016, the ACLU of Colorado filed a lawsuit in federal court, which began nearly six months of negotiation around policy changes and compensation.

“I knew that what happened to my brother and me was wrong, and that I needed to speak up,” said Ryan Brown. “I am grateful to the ACLU of Colorado for holding the police accountable, for standing up for our rights, and for winning policy changes that will hopefully prevent others from having their rights violated.” □



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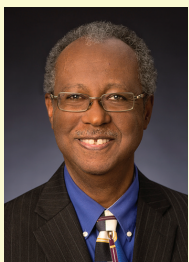
Save
the date:
September
28, 2017

2017 BILL OF RIGHTS DINNER

FOUR SEASONS HOTEL
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Join us as we celebrate our work to protect civil rights and civil liberties for all and honor our 2017 Civil Rights Award Honorees at the ACLU of Colorado Bill of Rights Dinner.

THIS YEAR'S CIVIL RIGHTS AWARD HONOREES



HAROLD FIELDS is active in restorative justice and racial reconciliation projects in Denver and around the nation. He will receive the Carle Whitehead Memorial Award.



SUSAN GREENE is editor and executive director of *The Colorado Independent*, a statewide, nonprofit news site. She will receive the Larry Tajiri Media Award.



THE ROCKY MOUNTAIN IMMIGRANT ADVOCACY NETWORK (RMIAN) provides free immigration legal services

to children and adults in immigration detention. They will receive the Ralph Carr Award.

★ For ticket and sponsorship info go to aclu-co.org/events

LETTER FROM THE EXECUTIVE DIRECTOR

THE FIGHT FOR OUR DEMOCRACY



Nathan Woodliff-Stanley speaking at the Tax March in Denver's Civic Center Park. March 15, 2017.

The last several months have been intense. The ACLU has been in the spotlight since the presidential inauguration, filing Freedom of Information Act requests that same day to investigate Donald Trump's conflicts of interest, and bringing a successful lawsuit to stop the unconstitutional Muslim ban just a week later. At the ACLU of Colorado, we have joined in lawsuits against the Trump administration, and we are fighting in every way we can to protect Colorado from mass deportations ripping families apart, attempts to crank up the racist war on drugs and expand mass incarceration yet again, and attacks on reproductive rights, LGBTQ rights, voting rights, privacy, basic First Amendment rights, and much more. We have always fought politicians of any party who threaten our civil liberties, but we are working now with the sober awareness that we are facing challenges to the foundations of our democracy unlike any we have seen before.

We have joined in protest with dozens of partner organizations and thousands of new members and volunteers, marching and speaking out at the Women's March, airport protests, the March for Truth, and many other events. Meanwhile, we had one of our most productive sessions in the Colorado legislature in recent years, including ending the culture of violence in youth corrections, municipal court reform, and new protections against police use of civil asset forfeiture. These victories were made possible by our first-ever Lobby Day and thousands of calls and emails to legislators from our members, supporters, and activists.

If you took part in any of these actions or protests, I thank you. We know it made a difference.

Because of expanded donor support for the ACLU, we have been able to add to our legal firepower in Colorado with new staff attorney Arash Jahanian, and we have added a public policy fellow and increased communications capacity. The design improvements in this newsletter and on our social media channels are just a taste of New Media Strategist Vanessa Michel's talent. Our work with the emerging People Power project nationwide will continue to grow, as will our Know Your Rights trainings and our mobilization of ACLU activists and volunteers in communities all across Colorado.

The most important thing you can do is stay engaged, stay informed, and stay committed to the fight for our democracy and the rights of every person in this land for the long haul ahead, through whatever ups and downs we may face in these abnormal times. Don't let up, because too much is at stake. Especially now, it is the people who speak out against abuses of power and attacks on our constitutional rights who are the true patriots of our democracy.

With your help, the ACLU of Colorado will continue to fight for our rights nationwide while protecting civil liberties in Colorado no matter what happens anywhere else. Thank you for being a part of the ACLU.

Nathan Woodliff-Stanley, Executive Director



CIVIL LIBERTIES WIN BIG AT THE LEGISLATURE

Good policy-making won out over partisan politics—most of the time—as lawmakers passed new legislation extending civil rights and civil liberties in 2017.

The story of the 2017 legislative session starts with juvenile justice reform. Earlier this year, the ACLU of Colorado, along with other child advocates, released *Bound and Broken*, a report documenting the harsh and punitive nature of Division of Youth Corrections practices. DYC has for years relied heavily on the use of solitary confinement, a full-body straitjacket called the WRAP, pain compliance techniques, knee strikes, leg irons, and handcuffs to control kids.

Relying on the facts presented in *Bound and Broken* and other evidence revealed through investigative journalism, Representatives Pete Lee (D-Colorado Springs) and Lois Landgraft (R-Fountain) sponsored HB 1329—legislation to transform the culture in youth corrections facilities. The bill received unanimous support in the House. In the Senate, where it was sponsored by Senators Daniel Kagan (D-Cherry Hills) and Don Coram (R-Durango), it passed with bipartisan support after some procedural acrobatics.

Another focus for the ACLU was the fact that many people jailed on minor offenses were held for days and even weeks just waiting to see a judge because they were too poor to post bond. HB 1338, a bill sponsored by Representative Jeff Bridges (D-Cherry Creek) and Senator Vickie Marble (R-Broomfield), requires that municipal inmates who are not brought before a judge within 48 hours (72 hours on the weekend) are released on their

own recognizance. It passed unanimously in both chambers.

HB 1168, another bill supported by ACLU of Colorado, decriminalized “Driving Under Revocation” when a person’s license was revoked because of an unpaid traffic ticket. Many license revocations occur simply because people cannot afford to pay fines, creating a vicious cycle that punishes them for their poverty. We thank Representative Matt Gray (D-Adams County) and Senator Bob Gardner (R-Colorado Springs) for sponsoring this legislation, which passed both chambers with strong bipartisan support.

Much can be and was accomplished in 120 days. ACLU’s policy work, of course, continues beyond the legislative session.

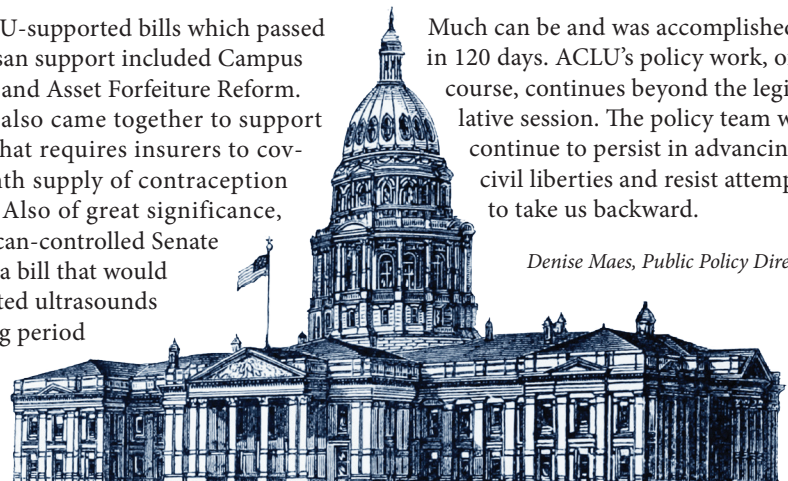
Other ACLU-supported bills which passed with bipartisan support included Campus Free Speech and Asset Forfeiture Reform. Lawmakers also came together to support legislation that requires insurers to cover a 12-month supply of contraception for women. Also of great significance, the Republican-controlled Senate voted down a bill that would have mandated ultrasounds and a waiting period for women seeking an abortion.

These victories didn’t prevent several legislative attempts to limit women’s access to reproductive care. The House alone saw five bills that would have done just that. One such bill, predicated on “junk science,” would have required doctors to inform women about an “abortion reversal” pill. Another would have enacted personhood, subjecting anyone performing an abortion to the criminal charge of first-degree murder.

Partisan politics also persisted in LGBT rights, immigrant rights, and some areas of criminal justice reform. For the second year in a row, the Senate State Affairs committee voted down bills that would limit conversion therapy and make it easier to change the gender marker on birth certificates. The Senate Judiciary Committee refused to advance legislation benefiting our immigrant and refugee communities and rejected a bill that would have repealed the death penalty.

Much can be and was accomplished in 120 days. ACLU’s policy work, of course, continues beyond the legislative session. The policy team will continue to persist in advancing civil liberties and resist attempts to take us backward.

Denise Maes, Public Policy Director



LEGISLATIVE HIGHLIGHTS

The ACLU of Colorado won multiple major bipartisan victories for civil liberties in the 2017 Legislative Session.

CIVIL ASSET FORFEITURE REFORM

The ACLU of Colorado brought together conservatives, progressives, and libertarians in support of a bill reining in civil asset forfeiture, the controversial practice where police take cash, cars, and even homes from people without charging them with a crime. After the legislature advanced the bill through an 81-19 vote, ACLU members and activists sent thousands of emails and made

hundreds of calls to convince Governor Hickenlooper to sign it.

CRIMINAL JUSTICE

Two new laws passed by the legislature and supported by the ACLU of Colorado will make the criminal justice system more equitable for people living in poverty. The first prevents low-level offenders from being stuck in jail for days on end waiting to see a judge only because they cannot afford to

post bond. The second ensures that people are not jailed for driving under a license that was revoked only because of a fine that they could not pay.

ACCESS TO BIRTH CONTROL

The ACLU of Colorado worked with our coalition partners and champions to pass a bill requiring insurers to cover a twelve month supply of prescription birth control.

DEBTORS' PRISON SETTLEMENT

Aurora Cancels Debt, Withdraws Warrants, and Repays James Fisher for Excessive Payments to Municipal Court



James Fisher

In 2012, James Fisher was sentenced to pay \$678 in fines for three minor ordinance violations—two for open container and one for driving without proof of insurance. Over the next four years, while he struggled with homelessness and unsteady work as a day laborer, James made 19 separate payments to the Aurora Municipal Court totaling \$1498—more than twice his original fines. Yet, he still owed \$860.

In total, thirteen arrest warrants were issued for James while he struggled to make steady payments. Each new warrant tacked at least \$100 in additional fees onto his debt.

In 2016, James joined the ACLU of Colorado in testifying before the state legislature in support of a new law to stop Colorado municipal courts from using warrants to collect payment from indigent defendants who cannot afford to pay. House Bill 16-1311 passed with strong bipartisan majorities and was signed into law by Governor Hickenlooper in June 2016.

Subsequently, the City of Aurora voluntarily vacated nearly 3,000 warrants that had been issued for non-payment of outstanding debts.

Then, after a negotiation with the ACLU of Colorado, the City of Aurora canceled hundreds of dollars of debt and reimbursed nearly \$800 in overpayments that James made to the court over four years.

James is no longer trapped in a cycle of debt and he continues to work with the ACLU of Colorado to end debtors' prisons. □

LEGAL ROUND-UP

FOIA LAWSUIT DEMANDS DOCUMENTS ON TRUMP MUSLIM BAN

– The ACLU of Colorado joined affiliates across the country in filing a joint Freedom of Information Act (FOIA) lawsuit demanding government documents concerning the on-the-ground implementation of President Trump's Muslim bans. We first filed records requests in February seeking information into the guidance and training that agents received on the bans, which have been successfully challenged by the ACLU in court. The government failed to substantively respond, so now we are suing.

ACLU FILES GENDER DISCRIMINATION CHARGES AGAINST FRONTIER AIRLINES

– The ACLU of Colorado filed discrimination charges on behalf of two

Frontier Airlines flight attendants who were forced to take unpaid leave because they were pregnant and then forbidden from pumping breast milk after they returned to work. Both state and federal law require employers to provide a private, comfortable place for employees to pump breast milk.

DENVER PARK BANISHMENT RULED UNCONSTITUTIONAL

– A Denver judge dismissed all charges against Troy Holm, an ACLU of Colorado client who faced a year in jail for entering a park after he was banned under an unconstitutional directive that allowed police to issue suspension notices against people who were only suspected of drug-related activity. The judge ruled that the suspension notices lacked due process

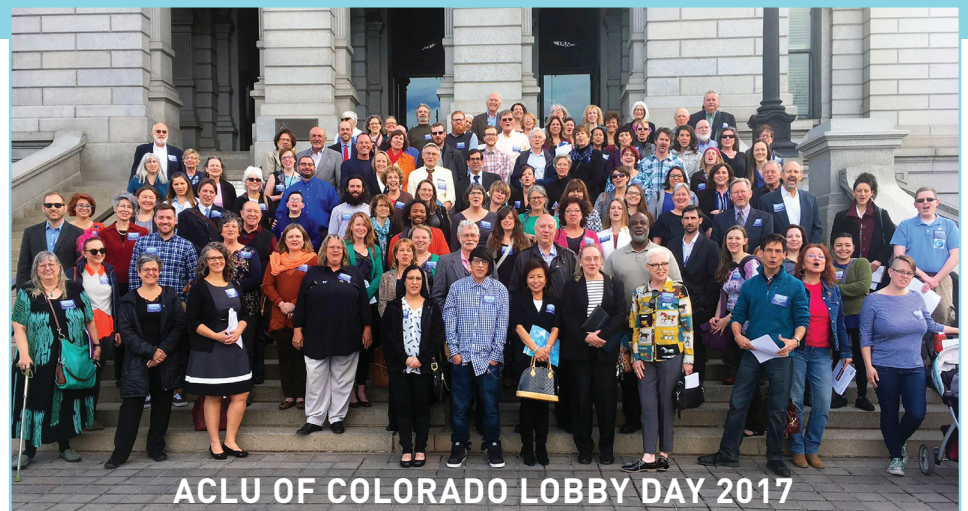
because they were based on the “pure unchecked discretion” of police officers on the scene with little opportunity to challenge them through an appeal.

“SIT-LIE” ORDINANCE DEFEATED IN FORT COLLINS

– The ACLU of Colorado worked with local homeless rights activists to defeat an absurd “sit-lie” ordinance that would have made it a crime, punishable by jail, to sit, lie, or kneel in large portions of Downtown Fort Collins. The ordinance, which clearly targeted people who are homeless, would have made it a crime to have more property than a person can carry, such as a shopping cart full of possessions. More than 100 ACLU activists spoke out against the ordinance at a City Council meeting, where it was voted down.

CAMPUS FREE SPEECH

A unanimous bill passed by the legislature will guarantee that students' right to expression, assembly, and free speech are protected on college campuses. The bill, which the ACLU of Colorado strongly supported, ends “free speech zones” on public campuses and ensures that colleges and universities are open to all viewpoints and opinions.



ACLU OF COLORADO LOBBY DAY 2017



TAKING REPRODUCTIVE RIGHTS ON THE ROAD



The ACLU of Colorado embarked on a Road Show for Reproductive Health to share what was happening at the state legislature and to learn more about the condition of reproductive rights and abortion access in the communities we visited.

Beginning in Grand Junction, we found folks were troubled that the closest Planned Parenthood Clinic was 90 minutes away and that sex education in schools is lacking.

Our audience in Pueblo, where we were joined by State Representative Daneya Esgar, was also concerned about the lack of sex education in schools and the absence of a nearby Planned Parenthood since it is an essential place for teens to access contraceptives. We heard similar complaints in Canon City and Arvada.

In Durango, problems at the Catholic hospital took center stage with one participant telling us she had to be approved to have a tubal ligation after a C-section. The hospital had also terminated birth control coverage for their employees.

We were happy that Congressman Jared Polis, State Representative K.C. Becker and Kate Parke from Catholics for Choice joined us in Boulder. Polis and Becker discussed recent reproductive rights legislation while Parke gave a detailed explanation of the Catholic Directives and how they affect reproductive health care.

The ACLU of Colorado believes reproductive health care is health care and we are committed to making sure all Coloradans have the information and ability to fully access their reproductive rights.

Delana Maynes, Field Organizer



CONGRATULATIONS TO OUR ANNUAL MEETING AWARD WINNERS

2017 ARLETTE BAER VOLUNTEER OF THE YEAR AWARDS

Kristin Fasy
Rosie Piller
Nancy Sobel

2017 CIVIL RIGHTS IN ACTION AWARD

Coalition for Compassion and Action

2017 YOUTH IN ACTION AWARD

Xavier Long

CHAMPIONING BOLD REFORM OF YOUTH CORRECTIONS



Bringing culture-changing reform to the Colorado Division of Youth Corrections (DYC) was one of the ACLU's greatest challenges in this legislative session, and one of our most important successes.

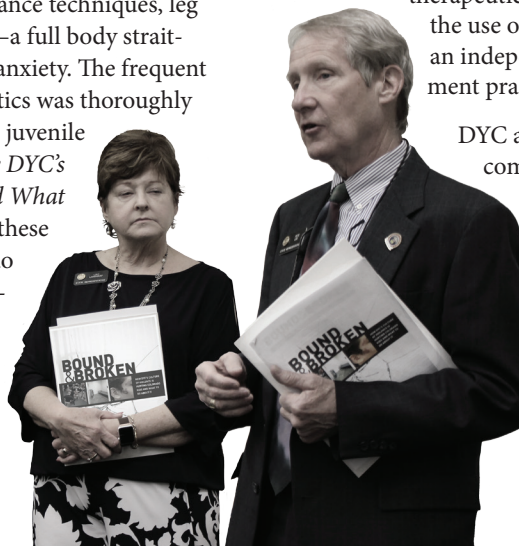
Every year, thousands of Colorado children are held in detention. For these children, the ACLU advocates for rehabilitative and therapeutic treatment grounded in the belief that all children can grow and change with the right relationships and modeling. For almost three years, the ACLU has been working directly with DYC to address the violent and punitive culture that plagues many DYC facilities. DYC regularly used abusive tactics to control and punish children. This included pain compliance techniques, leg shackles, solitary confinement, and the WRAP—a full body strait-jacket that causes pain, numbness and extreme anxiety. The frequent use of these harmful and counterproductive tactics was thoroughly documented in a report by the ACLU and other juvenile justice advocates entitled *Bound & Broken: How DYC's Culture of Violence is Hurting Colorado Kids and What to do About it*. When DYC proved unable to fix these problems on its own, the ACLU led the Colorado Child Safety Coalition in an effort to bring legislative reform.

We spent the session educating legislators about the violence plaguing DYC and asking them to lead DYC in a new direction.

Representatives Pete Lee and Lois Landgraf (pictured) and Senators Daniel Kagan and Don Coram picked up the mantle—sponsoring legislation to bring DYC reform. Our policy team spent countless hours meeting with legislators, coordinating with witnesses and experts, and making the case for reform in the media. We also brought more than 200 volunteer lobbyists to the Capitol to advocate to their lawmakers for culture change at DYC. Despite vehement opposition from Senator Kent Lambert, Republicans and Democrats ultimately came together to pass HB 17-1329 on the last day of the session.

This bill charts a new course for DYC by changing the name of the Division of Youth Corrections to the Division of Youth Services, redefining its mission as rehabilitative, creating a pilot program to test a therapeutic model of providing care to kids without the use of restraints and solitary confinement, and an independent study of DYC's physical management practices.

DYC also agreed to phase out the use of pain compliance and the WRAP in 2018. These changes are important steps in the right direction, but complaints of abuse from multiple DYC facilities continue to pour in and culture change is bound to be a long and difficult process. The ACLU will continue to fight for Colorado's kids.



*Rebecca T. Wallace
Staff Attorney and Policy Counsel*



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★ GUEST SPEAKER

Request an ACLU of Colorado speaker to speak at your school, church, or community group. Email your request to speakers@aclu-co.org.

SUMMER CALENDAR

COLORADO SPRINGS PRIDEFEST

July 8th - 9th ✦ America the Beautiful Park

NORTHERN COLORADO PRIDEFEST

July 15th ✦ Fort Collins City Park

AURORA PRIDE

August 5th ✦ Great Lawn of Aurora Municipal Center

PUEBLO PRIDE

August 20th ✦ Mineral Palace Park

BOULDER PRIDEFEST

September 10th ✦ Boulder Central Park

KNOW YOUR RIGHTS

You can't defend your rights if you don't know them. Go to aclu-co.org/events for upcoming Know Your Rights events across the state.



MEET OUR NEW STAFF

With your support the ACLU of Colorado continues to grow. We added a talented staff attorney, **ARASH JAHANIAN**, to our legal team. One of the top civil rights attorneys in Colorado and a true community partner, Arash is currently president of the Colorado LGBT Bar Association and vice chair of the mayor's LGBTQ Commission. **JILL HIGHAM** is our new Director of Philanthropy. Her experience in creating impact through philanthropy includes directing multi-million dollar fundraising campaigns at public universities. She also managed her own criminal defense law firm and served as an adjunct law and criminal justice professor. **VANESSA MICHEL** first came to us as a dedicated volunteer and we're excited to translate her passion, and ten years of art and design expertise, into the inaugural full-time role as New Media Strategist.