

# ACLU Colorado

## SPRING/SUMMER 2020 NEWSLETTER

BLACK LIVES MATTER



## IT'S BEEN A YEAR

### Colorado Passes Historic Police Accountability Bill

By Denise Maes, Public Policy Director



ACLU of Colorado Smart Justice Organizer Elisabeth Epps speaking to protesters demanding justice for George Floyd. May 29, 2020. © Ryan Greene, CBS4.

The 2020 legislative session debuted on January 8 with much talk from legislators and public interest groups of big and broad legislation. ACLU of Colorado planned for at least seven affirmative bills, ranging from repealing the death penalty, to continued work on pre-trial reform and legislation placing guard rails around tech companies' use of our private information.

Then COVID-19 took hold of the state. Officials confirmed Colorado's first case of the virus on March 5, and everything came to a virtual halt. The legislature recessed on March 14 with much business yet to be resolved. There were 350 bills on the calendar, a flush of state funds and over 50 days left on the legislature's 120-day calendar.

The legislature reconvened on May 26 under an entirely different landscape. State funds depleted with many pieces of legislation on the slate to be postponed indefinitely, meaning they would not advance during this session. Such was the fate that the bulk of our legislative efforts faced. ACLU also saw state funding to the state's sex education budget cut in half to leave just a little over \$450,000 in continued school funding. This legislation was hard-won in the 2019 legislative session. But we will revive our legislative efforts in sessions to come. We don't give up.

In this "part two" of the legislative session we championed The Law Enforcement Accountability and Integrity Act, SB217. The events in Minneapolis and the death of George Floyd at the hands of police spurred protests in Colorado and serve as a strong reminder that police misconduct is not just another state's problem. This is a Colorado problem. Marvin Booker, Michael Marshall, Jessica Hernandez, De'Von Bailey, Elijah McClain, Alexis Mendez-Perez and too many more. Say their names.

I am pleased to report that SB217 passed out of the legislature with significant bipartisan support. The bill is comprehensive. It mandates that by July 1, 2023, all local law enforcement and Colorado State Patrol wear body cameras; bans use of the chokehold; permits the use of deadly force against

one who is fleeing ONLY when that person presents an immediate risk to the officer; creates a new crime for officers who fail to intervene in another's misuse of excessive force; requires that the post board maintain a database of officers who have been fired; abolishes qualified immunity; grants authority to the Attorney General to prosecute local law enforcement agencies if there is a pattern and practice of abuses; requires that law enforcement report to the state demographic information on stops, unannounced entries and use of force that results in serious injury or death; and contains many provisions that protect protesters.

This bill does much to reform law enforcement practices and aspires to bring redress to those harmed by abusive and discriminatory practices. The bill attempts to reform current practices and, in that sense, is a positive step forward.

Also, we supported a bill to have all detention facilities that house non-U.S. citizens for civil immigration purposes subject to state inspections. This too, passed with bipartisan support.

The one sweet victory we cherish from this session is legislation that repealed the death penalty in Colorado. Colorado joins 21 other states in abolishing this barbaric, racist and ineffective policy. This bill passed before the legislature recessed on March 14, and the Governor signed it two weeks later. He also commuted the sentences of three individuals on death row to life in prison without the possibility of parole. This is the first time in a very long time that Colorado has no one on death row and with the death penalty abolished, we can proudly say we stand on the right side of history and justice.

Through all the highs and lows of this legislative session and these last months, one thing remains clear — the power of community. Whether fighting for real sex ed or criminal justice reform, we always go further when we go together. In solidarity. □

## FIGHT LIKE AIMEE

By Julian Camera, Field Organizer



On June 15, Aimee Stephens won. The LGBTQ+ community won. Hope, justice and humanity won. The Supreme Court ruled that it was against the law to fire our clients — fire anyone — for being LGBTQ+. This landmark victory was the result of decades of work by LGBTQ+ people fighting for the right to exist. This victory belongs to Aimee and innumerable individuals who spoke up and spoke out against discrimination. Aimee, an incredible person, advocate, and ACLU client, sadly didn't get to see this historic day come. She passed away on May 12, but her courage lives on in our work.

Aimee was fired by her employer when she came out as transgender. Hers is the first transgender civil rights case to go to the U.S. Supreme Court to address whether Title VII of the Civil Rights Act includes protections for people based on gender identity or sexual orientation. Aimee was kind, genuine and humble. She felt that no other trans person should experience discrimination. Up until June 15, thirty-one states lacked civil rights protections for transgender people. Now we are protected at work nationwide.

If you want to help push for explicit and consistent LGBTQ+ rights nationwide, email your Senator and ask them to support The Equality Act. It's up to all of us to fight for the country we want to live in. It's up to all of us to fight like Aimee. □

Michael Marshall, De'Von Bailey, Elijah McClain, Marvin Booker, Jeffrey Melvin Jr., Deramus Lemuel, Jaime Ceballos, Naeschylus Vinzant-Carter, Captain Richard "Gary" Black, Jimma Pal Reat, Ryan Ronquillo, John Thomas Rotzin, Allan George, Dion Damon, Jessica Hernandez, Jack Jacquez, David Page, Jason Gomez, Alexis Mendez-Perez. **Say their names.**

# BILL OF RIGHTS EVENT 1001 2020

SAVE THE DATE

## 2020 Honorees



### DR. TIMOTHY TYLER & DR. NITA MOSBY TYLER

Reverend Dr. Timothy Tyler and Dr. Nita Mosby Tyler will receive the Carle Whitehead Memorial Award for their steadfast fight against racism, misogyny, homophobia and economic injustice. Together, the Tylers launched Race Talk University, a nine-week course educating people to lead conversations about racism and white supremacy in their communities.



### CASA DE PAZ

Casa de Paz will receive the Ralph L. Carr Award for its outstanding work supporting detained immigrants and their families. Casa de Paz began in 2012 as a small, one-bedroom apartment offering hospitality to families separated by immigration detention. Today, they provide shelter, meals, transportation, and support to individuals and families experiencing immigration detention at no cost.

This year, we will host our first virtual Bill of Rights Event on October 1, 2020. Please join us as we present awards, celebrate accomplishments and inspire future work. We look forward to uplifting these honorees, and celebrating with you in October. For more information visit: [bit.ly/2020brd](http://bit.ly/2020brd)

By Susie Simmons, Development Coordinator

Letter From the Executive Director

## IN FOCUS

### What We're Fighting For

By Stephen Meswarb, Interim Executive Director

As the ACLU's centennial and a presidential election year, we knew 2020 was going to be busy and exciting. We could never have imagined that it would also include a global pandemic, an economic downturn, and a nation erupting in protest over police brutality and the seemingly endless murders of unarmed Black people by police. These are truly unprecedented times.

Through it all, ACLU's work has never been more critical or more needed. Since the middle of March, ACLU of Colorado staff have been working remotely and are truly busier than ever. As you will see in this newsletter, all of our pre COVID-19 work continues and we are tackling new and emerging intersectional issues that have been magnified by the pandemic.

Following the tragic murder of George Floyd, with community collaboration we helped pass a landmark police accountability bill in just 10 days. SB217 does more to change policing than what has been accomplished in Colorado in years. It is impossible to see what's happened and not conclude that protests work. It's why we remain steadfast in protecting every person's foundational right to free speech and public expression.

We are also committed to working with lawmakers and stakeholders from all communities, in every corner of our state, to create and reform systems and policies that tear down the systemic and structural racism that is tearing our country apart. It is not enough to be non-racist, we must be actively anti-racist at every turn, especially when it comes to policing and mass incarceration.

In recent months our team has been working overtime to decarcerate jails, prisons, and immigration detention centers. People involved in the criminal legal system are at greater risk of

COVID-19 infection and death. Along with our coalition partners, we have been working to quickly and safely reduce the number of people behind bars during this pandemic. We have also filed lawsuits against the Weld County Sheriff and the Colorado Department of Corrections (CDOC) charging that they have not done enough to release medically vulnerable individuals nor protect detained individuals from COVID-19 infection. We have been disappointed with CDOC and the Governor's lack of action around releasing medically vulnerable people who pose no risk to public safety and will keep fighting to get the most at-risk individuals out from behind bars.

We also launched our Advocacy From Home initiative, a series of webinars, town halls, panel discussions, and Know Your Rights trainings on a range of topics from reproductive rights, racial justice, voting rights, and participation in the 2020 census, among others.

This pandemic is also highlighting ongoing, intractable problems and creating new challenges that we must meet head on. Crackdowns on protest, increased police brutality, curfews and movement restrictions, educational inequities, increased surveillance and violations of privacy are just some of the emerging and re-emerging issues we will face in the coming months and years.

As challenging as all of this is, we are encouraged by one very special victory: the repeal of Colorado's death penalty! In March, after literally decades of work by thousands of activists, Governor Polis signed the repeal of Colorado's death penalty, making us the 22nd state to end this broken system.

ACLU's work is truly critical and so is your support. Your membership, partnership, and financial contributions make our work possible and gives us the strength to keep fighting for the rights and liberties of everyone in our state. It is an honor and privilege to lead ACLU of Colorado through this turbulent time. Thank you for your trust. □

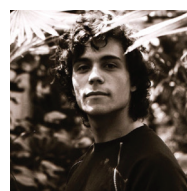
## Meet Our New Staff



### Arielle Herzberg

Arielle Herzberg (pronouns she/her/hers) became a Staff Attorney at the ACLU of Colorado in

April 2020, after serving as a yearlong legal fellow. Previously, Arielle was an associate at Simpson Thacher in New York City and a law clerk to U.S. District Court Judge Stanley Chesler. Arielle graduated from Penn Law School. □



### Pablo de la Rosa Santiago

Pablo de la Rosa Santiago (pronouns they/them/theirs) joined in March 2020, after graduating from

CU Boulder. They worked as an organizer for the Brazen Project and also created motion graphics and edited video for several Colorado-based start-ups. Outside of the office, they do photography, sculpture, and installation work. □

## Thank You, Caryn Osterman

Well before we knew COVID-19 would require masks and social distancing, Caryn Osterman, our Director of Operations, was on top of it. A former nurse, Caryn quickly began researching, preparing and putting protections in place to keep staff safe while we were still working in the office. Not only

did she keep us stocked up with hand sanitizer and disinfectant wipes, she also began the work of getting us ready to work from home. Caryn made it possible for us to fully function from home and continues to make sure that we have what we need to work remotely and safely return to the office when the time is right. In gratitude, ACLU. □

# "WALKING WHILE BLACK" IS NOT A CRIME

## ACLU Sues Colorado Springs Police for Racial Profiling and Biased Policing

By Arielle Herzberg, Staff Attorney

On May 15, 2018, three officers of the Colorado Springs Police Department engaged in racially discriminatory policing and conducted an unconstitutional search and seizure of Corey Barnes, simply for being Black. Two years later, on May 15, 2020, we sued.

While applying for a job at a multi-building apartment complex, Mr. Barnes was stopped by police who were searching for a juvenile suspect. Police communications identified that suspect as a Black male who was fifteen years old, had a long afro haircut, was wearing a zippered hoodie, and had ducked into a specific apartment in a specific building of the complex. Just a few minutes after hearing that description of the suspect, the officers unjustifiably detained and handcuffed Mr. Barnes. Unlike the suspect, Mr. Barnes was 29 years old, not fifteen; he had very short hair, not a long afro; he was wearing a T-shirt, not a zippered hoodie; and he was outside, in the parking lot, not inside the building. The only descriptor that Mr. Barnes had in common with the juvenile suspect: they were both Black.

**"Walking while Black shouldn't be a crime," Mr. Barnes said. "What CSPD did to me was unfair and unjust, but it was not uncommon. This needs to stop happening to Black men."**

After officers unjustifiably stopped and handcuffed Mr. Barnes, they were advised by a fellow officer that Mr. Barnes was not the suspect. Yet, the officers did not let Mr. Barnes go. Instead, they kept him handcuffed, searched his pockets and wallet for his identification, and called in a warrants check. Then, they wrote deliberately misleading reports claiming that they released him when they learned he was not the suspect.

Colorado Springs' internal investigation approved of the officers' stop and pat-down of Mr. Barnes and the Internal Affairs Section did not find it problematic that the officers handcuffed him and refused to let him go once they



Mr. Barnes, pictured here with his family, was detained, handcuffed and illegally searched by Colorado Springs Police in May 2018 solely for being Black.

found out Mr. Barnes was not the suspect. The only criticism was a finding that one officer violated department policy when she reached into Mr. Barnes' pockets.

In our lawsuit brought in federal district court against the three officers and the city of Colorado Springs, we charged that the violations of Mr. Barnes' constitutional rights are part of a longstanding pattern of racially biased policing that has plagued the Black community in Colorado Springs for years. In addition to citing a string of particular incidents, lawsuits, and settlements, the ACLU lawsuit presented statistics showing that Colorado Springs police have a history of racially disparate traffic stops, arrests and uses of force. The lawsuit further asserted that Colorado Springs fails to adequately investigate officer misconduct and impose discipline.

While the incident may appear to involve a minimal invasion into Mr. Barnes' life two years ago, the real impact of this case, and many others, is the emotionally damaging story of racial profiling and humiliation that Black individuals face on a daily basis in Colorado Springs.

"Walking while Black shouldn't be a crime," Mr. Barnes said. "What CSPD did to me was unfair and unjust, but it was not uncommon. This needs to stop happening to Black men." □

## 2020 Election

# VOTE LIKE YOUR LIFE DEPENDS ON IT

By Jennifer Samano, Campaign Coordinator

Every presidential election year it's plastered everywhere — "this is the most important election of our lifetime!" Well, now it's true. For years pundits to everyday people have anticipated an important and contentious political race. But no one predicted the occurrence of this monumental election during a global pandemic and a social uprising against racism and police brutality. This year we're not only voting like our rights depend on it — we're voting like our lives depend on it.

Colorado leads the nation in ballot accessibility with pro-voter policies like Election Day voter registration, weeks of early voting, ballots mailed to all voters and options to complete ballots at home and return them via the Post Office or a drop box anywhere in the state. Unlike the majority of states, we aren't scrambling. And while most Coloradans vote by mail, ACLU firmly asserts the importance of maintaining in-person voting options. Voters with disabilities or language barriers have a right to accommodations in the form of in-person voting assistance. ACLU works with partners and the Secretary of

State to ensure that Colorado's Voter Service and Polling Centers remain open yet compliant with the most stringent public health recommendations. Check your County Clerk's website for COVID-19 specific voting protocols and programs.

While Coloradans are largely insulated from administrative woes that plague much of the country, we are not insulated from voter suppression tactics like disinformation and voter intimidation. Today's fight against suppression lives both online and in the streets. The good news? ACLU is up for that challenge. But not without your help. Join our 2020 Voting Advocacy Team to help us achieve our goals of increasing voter turnout, educating friends and family on civil liberties issues, defeating regressive ballot initiatives like the abortion ban, and holding district attorney candidates accountable. To join our team, visit [aclu-co.org/FightForVotingRights](https://aclu-co.org/FightForVotingRights). To ask questions, or report voter suppression, please email [voting@aclu-co.org](mailto:voting@aclu-co.org). □



# DO NOT KILL IN MY NAME

## *How the Death Penalty Was Repealed in Colorado*

By Helen Griffiths, Public Policy Associate

In 2019, the bill to end the death penalty failed in the Colorado legislature. In response, ACLU of Colorado launched an ambitious, nine-month, bipartisan and community-driven campaign for repeal. This March, Colorado became the 22nd state to end the death penalty when Governor Polis signed SB100 and commuted the sentences of the three Coloradans on death row. Ending the death penalty in Colorado is not only a victory for civil liberties here, but a victory for human rights everywhere.

This year's repeal was the fruit of hard work by activists around the state and across the political spectrum. More than 230 Coloradans came to community conversations in Aurora, Fort Collins, Boulder, Golden and Wheat Ridge to take action against state-sponsored executions. Hundreds of dedicated volunteers wrote thousands of handwritten notes at our postcard parties and delivered them to legislators during our End the Death Penalty Lobby Day. Compassionate Coloradans attended town halls, wrote letters to the editors and spoke up to emphatically say: "Do not kill in my name."

This repeal would not have happened without the bravery of people directly impacted by the death penalty. Reliving their own pain, they publicly shared their devastating stories to inspire change. Coloradans, including Ndume Olatushani, who spent almost 20 years as an innocent man on death row, and Johnny Ross, who spent seven years as a teenager on death row before he was exonerated, joined our podcasts and rallied at the Capitol. More than 70 victims' family members spent months sharing their stories in press conferences, interviews, a video series, testimony at the Capitol and in our report, "Ending A Broken System: Colorado's Expensive, Ineffective and Unjust Death Penalty."

Repeal was also possible thanks to corrections officers, defense attorneys, prosecutors, faith leaders and civil liberties champions who have worked relentlessly for more than twenty years to end the death penalty in Colorado. Nineteen corrections officers joined a sign-on letter urging legislators to end a system that harms the public servants tasked with performing executions. Twenty-seven Colorado prosecutors joined a letter explaining that using executions as a bargaining chip urges innocent people to plead guilty to crimes they did not commit. More than 160 faith leaders signed a letter condemning the immorality of the death penalty overall.

In the words of Arlis Keller of Greeley, whose brother, Dwight Tobyne, was murdered, "The death penalty is a sentence not only on the murderers, but also on the families of those who are murdered." By ending the death penalty, future Coloradans will be spared the harms of a cruel system that perpetuates hatred and violence.



Colorado victims' family members speak out against the death penalty during a press conference at the State Capitol before the Senate vote.

We are proud of our role in ending executions in Colorado, but the work continues. Older and medically vulnerable Coloradans are facing another kind of death sentence in jails and prisons from COVID-19. The Governor must act to save lives, just as he did with SB100. No one deserves to die from an execution. No one deserves to die from COVID-19. □

## NO ON 115, YES ON ABORTION RIGHTS FOR ALL

By Lizzy Hinkley, Reproductive Rights Policy Counsel and Kassandra Rendon-Morales, Reproductive Rights Campaign Coordinator

This election, our Reproductive Rights team has joined forces with partners and community to launch the Abortion Access For All ("A2A") Campaign to oppose an abortion ban ballot initiative that is set to appear on November's ballot. Initiative 115 is championed by Due Date Too Late, the same national anti-abortion group that has repeatedly failed to enact fetal personhood in Colorado. They see Initiative 115 as a necessary step towards their ultimate goal: banning ALL abortion in Colorado.

Initiative 115 strips Colorado families of the freedom to make personal medical decisions in consultation with their loved ones and doctor that are consistent with their individual values. Instead, it seeks to enact a one-size-fits-all abortion ban after 22-weeks gestation, without regard to the unique circumstances surrounding each person's pregnancy. It contains no exception for when the pregnant person's health is in danger or when expecting parents receive the heart-wrenching news that their developing baby will not survive birth. There's no exception for survivors of rape or incest. Initiative 115 forces doctors to choose between providing medically appropriate, life-saving care to their pregnant patient and facing criminal charges and medical license suspension. Make no mistake: Initiative 115 is unconstitutional under *Roe v. Wade* and subsequent U.S. Supreme Court precedent.

But we can't rely on the federal judiciary to uphold nearly 50 years of abortion rights. We must stop this cruel abortion ban at the ballot box this November.

What is the ACLU doing to defeat Initiative 115, and how can you help? We're glad you asked. In April and May we offered educational webinars to build members' knowledge on what later abortion bans are and why Initiative 115 is wrong for Colorado. Recordings of these webinars can be accessed online at [aclu-co.org/advocacyfromhome](https://aclu-co.org/advocacyfromhome) with more webinars to come. You can get involved in our campaign by texting NoBans to 33777 and by donating to ACLU of Colorado. Finally, talk to your friends and family about Initiative 115 and why it is so important to cast a "no" vote

come November. If you have questions about the campaign, or are passionate about getting involved please email our Reproductive Rights Campaign Coordinator at [KRendon-Morales@aclu-co.org](mailto:KRendon-Morales@aclu-co.org). □

### Legal Roundup

## NO ONE IS ABOVE THE LAW

By Deanna Hirsch, Media Strategist

On May 11, a federal judge ruled that the U.S. Constitution requires that the Weld County Sheriff provide special protections to medically vulnerable people incarcerated in the Weld Jail. The order was issued after a hearing in our lawsuit to compel Sheriff Reams to comply with public health guidelines for all high-risk people being held at the jail. Said ACLU of Colorado Legal Director Mark Silverstein, "This ruling should serve as a warning to sheriffs around the state: the Constitution requires that you take extraordinary measures to protect the persons in your jails who are especially medically vulnerable to COVID-19."

We appealed a ruling on May 26, of the Teller County District Court dismissing a taxpayer lawsuit seeking to stop the Teller Sheriff from enforcing federal civil immigration law. "Under Colorado law, Sheriff Mikesell has no authority to enforce federal immigration law," said Silverstein. "By dismissing this case on grounds of standing, the district court inappropriately avoids grappling with an important issue of Colorado law: does Sheriff Mikesell have the authority to defy the Colorado Legislature and the Colorado Constitution? We believe our clients properly asserted taxpayer standing and we are confident the Court of Appeals will agree." Both cases are ongoing. □

### DONATE A VEHICLE.

For more information call  
1 (866) 628-CARS.

## ADVOCACY FROM HOME

By Delana Maynes, Director of Campaigns

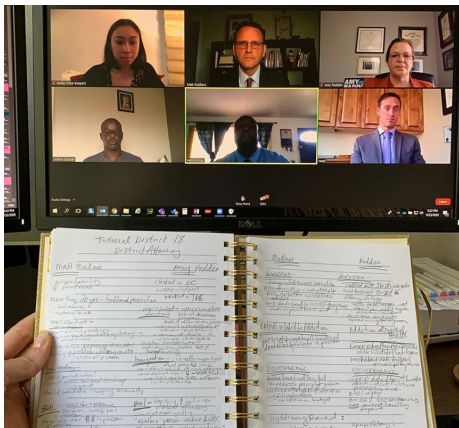
We make plans and the universe laughs. After planning an exciting spring and summer with events designed to engage our activists — in what seemed like an instant — the world changed. Suddenly, the way we had always done our work was no longer possible.

With more than 100 RSVPs, we made the heartbreaking decision to cancel our Lobby Day event as it became obvious that we could not safely hold a large event during this pandemic. Our campaigns team had just made hundreds of calls inviting people to Lobby Day, turned around and contacted every person who had planned to attend.

Still, we wanted to keep our members engaged and to know that we are together even if we must stay apart. We quickly came up with a plan. Field Organizer Julian Camera headed up a campaign that asked our members to fill out the census through thousands of texts and with the help of our Community Education Manager, Jessica Howard, got out information about the census through a webpage and a webinar. Our Reproductive Rights Campaign Coordinator, Kassandra Rendon-Morales, partnered with our friends at Planned Parenthood and produced a webinar about reproductive health access during the crisis. We uplifted the amazing work our policy team was doing keeping communities safe from the spread of COVID-19 by depopulating our jails and prisons. This was all in the first two weeks!

Since then we have given activists many opportunities to engage with our work and have done 19 webinars with over 2000 people attending. These webinars have covered a variety of subjects. Campaign Coordinator Jen Samano created webinars on data privacy and voting rights. Ana Temu, Immigration Campaign Coordinator, did webinars on resources for immigrants during COVID-19, in both Spanish and English. Our team continues to look for new and creative ways to celebrate Pride and Juneteenth and all the other events that we are so sad to see canceled.

In uncertain times, we want you to know that we are still with you and we hope you will stay with us. □



ACLU Supporter Nika Folse takes notes during the District Attorney Candidate Forum webinar on June 23, 2020.

## WHEN SMART JUSTICE BECOMES LIFE OR DEATH

*How COVID-19 Revealed the Connection Between Mass Incarceration and Public Health*

By Rebecca Wallace, Senior Staff Attorney and Senior Policy Counsel



Rebecca Wallace wears personal protective equipment during a hearing in the ACLU's class action lawsuit against Weld County Sheriff, April 24, 2020.

For the last several years at the ACLU, the focus of my work has been freeing people from cages. But it wasn't until the COVID-19 crisis that this work took on a sickening urgency. While the COVID-19 curve may be flattening in Colorado, the crisis is exploding in our jails and prisons. The two largest outbreaks in the state are at the Denver Jail and Sterling Correctional Facility (SCF), where hundreds of incarcerated people tested positive and several have died. Every day that passes while our jails and prisons remain densely populated means more will meet the same fate. I have always loved my work and felt deep gratitude for being able to do it. But in the wake of this pandemic, decarceration feels more like a calling than a profession and I am feeling more anger and desperation than gratitude.

Our Smart Justice campaign holds sacred its twin goals: releasing half of the people currently incarcerated while dismantling racism in the criminal legal system. We believe that with fewer people behind bars, our country will be safer and people will thrive. The U.S. incarcerates more people than any other nation in the world and the data shows mass incarceration has destroyed entire communities without improving public safety. Our carceral system is founded on racist principles, and the make-up of our prisons and jails are primarily a reflection of historical and ongoing systemic racism. As Michelle Alexander recently explained, "who's behind bars today has more to do with our collective choices than individual ones."

This was true before COVID-19, but the unfairness of our carceral state has been amplified as our prisons become literal death traps. While many of us — including me — are tucked safely at home, outbreaks are rampant in our jails and

prisons. Based on modeling data from the Department of Corrections (DOC), if we do not substantially lower our prison populations, more than 16,000 people living and working behind bars will become infected and hundreds will die.

Behind those numbers are human beings like Anthony Martinez, who is 84 and suffers from renal failure and dementia. He lives in the SCF, surrounded by people who have tested positive for COVID-19. Given his age and underlying medical conditions, if he gets COVID-19 he has a 20% chance of dying. Mr. Martinez has spent 30 years in prison for a series of robberies and has paid a heavy debt to society. He poses zero public safety risk. Yet, when he applied for special needs parole

to escape the outbreak and spend his final years with family, his application was denied. No one benefits from keeping Mr. Martinez incarcerated. Denial of his parole may well be his death sentence and underscores the lack of humanity and logic in our carceral system.

The DOC and the Governor clearly understand the risk, but they refuse to take actions to save

people like Mr. Martinez. As a result, we are urging the Governor and head of corrections to protect and, when possible, release medically vulnerable incarcerated people. We worked for months with a coalition of advocates to push the Governor on policy initiatives to reduce the prison population. Yet, the Governor turned his back on those initiatives and refused to extend an executive order to allow prison population reduction. He put politics above public health, leaving ACLU with no choice but to sue. We await the results.

Near the start of this crisis, we filed a similar lawsuit against the Weld County Jail, where the sheriff was refusing to bring down his jail population, and where desperately sick inmates were in close quarters without masks and hygiene supplies leading to a deadly outbreak. The judge granted our emergency request for special protections, including social distancing, for medically vulnerable inmates. During the course of the lawsuit, we have seen the jail's population reduced by 40%. Across Colorado, jail populations are down more than 40%, with almost 6,000 fewer people in jail and thousands of lives saved.

With so many more people free from cages, the sky has not fallen. Crime has not skyrocketed. While there have been a few highly publicized cases of crimes allegedly committed by some people who've been let out, the thousands more who have been released without incident have garnered little attention. I spend too much time looking for the silver lining to this madness, because I cannot abide by all this fear and loss without one. Here it is: perhaps we will learn from COVID-19 not only that mass incarceration is a public health crisis but that we are all safer with fewer people behind bars. □

## IN THIS EDITION:

Colorado Passes Historic Police Accountability Bill, “Walking While Black,” Advocacy From Home, Death Penalty Repeal, The 2020 Election, Abortion Rights For All, Celebrating 100 Years, When Smart Justice Becomes Life or Death, Legal Roundup, Aimee Stephens, Bill of Rights Event Honorees, and Letter From the Executive Director

## ACLU, 100 YEARS AND BEYOND

By Jason Chavez, Major Gifts Officer

A century ago, the ACLU was established on the heels of a global pandemic. Fast forward one hundred years and we find ourselves facing not only another worldwide health crisis, but bolstered attacks on civil liberties as well.

Our founders might be bewildered by the idea of our entire staff working from home to mitigate the spread of coronavirus. They’d be baffled by the concept of Zoom “check-ins” and “happy hours” to help our team stay connected. What wouldn’t surprise them, however, is the ACLU’s continued, steadfast commitment to protecting and expanding civil liberties for all people. They also wouldn’t be surprised to learn that the ACLU continues to thrive thanks to support from our members.

The CARES Act, recently passed by Congress, includes temporary changes to charitable giving rules for 2020 to encourage continued philanthropic support, despite the economic challenges many are facing.

- For those taking the standard deduction, up to \$300 above-the-line charitable deductions for individual taxpayers, and \$600 for couples (sec 2104)
- For those itemizing their taxes, any qualified cash contribution shall be allowed as a deduction, eliminating the

adjusted gross income limitation of 60% for an individual’s charitable donations and raising it to 100% of AGI (sec 2105A)

- For corporations, any qualified contribution shall be allowed as a deduction up to 25% of taxable income (sec 2105B)

Regardless of the adversity confronting us today, we are proud to commemorate our centennial year, memorializing one hundred years of fighting for equal justice. In honor of this momentous anniversary, and in response to the unprecedented challenges COVID-19 has presented to our organization, we ask that you consider making a gift to the ACLU of Colorado, so we can continue this work for the next one hundred years and beyond. Please visit [aclu-co.org/donate](https://aclu-co.org/donate) to give today. □



ACLU of Colorado staff Deanna Hirsch, Delana Maynes, Cassandra Rendon-Morales, Jessica Howard and Julian Camera at the Colorado State Capitol during the Denver protests, June 1, 2020. Photo: Vanessa Michel.

Please consider elevating your support with a gift today.

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