



## COMBATting POLICE BRUTALITY IN AURORA AND THROUGHOUT COLORADO

**NO ONE** should live in fear of police because of the color of their skin. In Aurora, Colorado's most racially diverse community, we have seen case after case in which police have subjected people of color to unnecessary aggression and violence, as well as illegal detention and unjustified arrest, often when the police suspected the victims, at the most, of only minor violations of the law. Despite nearly \$5 million being paid to compensate the victims, essentially none of the officers have faced discipline, and Aurora continues to deny it has a problem.

You may remember the case of DarSean Kelley, an African American ACLU client who Aurora police officers illegally detained and tased in the back while his hands were raised in the air as he said, "I know my rights." The city of Aurora paid \$110,000 to settle Mr. Kelley's claims and to avoid a lawsuit.

This November, we filed another suit that exposes Aurora's system-wide culture of racialized policing and cover-up to shield their officers from scrutiny or accountability when they use violence against those they are sworn to protect.

Just about two years ago, Alberto Torres was fixing a car in his garage with friends when two Aurora police officers showed up to investigate a minor noise complaint. An officer, who had no warrant, illegally ordered Mr. Torres to exit his own garage, threatening to take him to jail. Because Mr. Torres paused momentarily before complying with the illegal order, the officer immediately put him in a twist lock and, within seconds, threw him to the ground. Mr. Torres let out blood-curdling screams of pain as officers repeatedly wrenched his injured arm behind his back and then, while he was handcuffed, smashed his face into the ground, leaving him bloodied and bruised. Paramedics were called to the scene and transported him to the hospital for treatment of the "golf ball sized hematoma" above his eye.



ACLU client Jaime Alberto Torres.

***"ACLU of Colorado is fighting for justice for the people of color in Aurora who have been abused and to bring accountability to all law enforcement agencies across the state."***



The coverup began immediately. One officer blocked Mr. Torres' wife from filming the encounter on her phone. To justify the brutality, another officer falsely charged Mr. Torres with resisting the arrest and failure to obey a lawful order—although it was the officers who should have been charged. Aurora left review of the use of force to the supervising officer who participated in the brutality. With the fox guarding the hen house, it's no surprise that Aurora found the officers engaged in no wrongdoing. At trial, a jury acquitted Mr. Torres of both charges and found him guilty of only the minor noise violation. At sentencing, Aurora Municipal Judge Daniel Kopper ignored the jury's findings and lectured Mr. Torres regarding the consequences in Aurora of failure to immediately comply with (even illegal) police directives. While holding up a photo of Mr. Torres' battered face, the Judge placed the

blame for Mr. Torres' injuries on him, warning that "when a police officer tells you to do something, you do it. As a result, this kind of stuff happens."

With these statements, the Aurora Municipal Judge endorsed a practice we at the ACLU have long observed by Aurora officers when they are policing people of color: anything but immediate, unquestioning and complete submission to police is met with hostility, excessive force, and false charges. Routinely, people of color suspected of minor misconduct (or even no misconduct) find themselves injured and facing false criminal charges when they show the slightest hesitation or resistance to absolute police authority.

ACLU of Colorado is fighting for justice for the people of color in Aurora who have been abused and to bring accountability to all law enforcement agencies across the state.

—Rebecca Wallace, Staff Attorney and Senior Policy Counsel

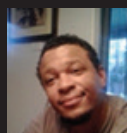
## AURORA POLICE HAS PAID OVER \$4.6 MILLION FOR BRUTALIZING PEOPLE OF COLOR SINCE 2003.



Jamaal Bonner



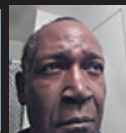
Rickey Burrell



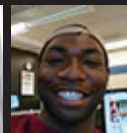
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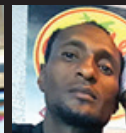
Juan Contreras



Dwight Crews



DarSean Kelley



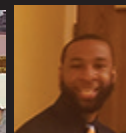
Omar Hassan



Vanessa Peoples



Cassidy Tate



Brandon Washington



OyZhana Williams



Ralph Carr Award winner Alex Landau and his daughter at the 2018 Bill of Rights Dinner.

## THANK YOU

### 2018 BILL OF RIGHTS DINNER SPONSORS

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## LETTER FROM THE EXECUTIVE DIRECTOR

# COLORADO VOTED IN RECORD NUMBERS

NOW, LET'S GET TO WORK FOR CIVIL RIGHTS AND CIVIL LIBERTIES

**COLORADO** was a national leader in voter participation in the 2018 midterm elections, and I want to thank everyone who helped that happen, including everyone who engaged with the ACLU of Colorado's Get Out The Vote efforts, ballot measure advocacy, and Attorney General voter education campaign. Passing Amendment A made Colorado the first state to use the ballot to abolish slavery and involuntary servitude from our constitution in all circumstances. With a new state legislature, we are quickly prioritizing legislative opportunities for the 2019 legislative session. Voting really matters, and you can be sure we will never stop protecting and advancing voting rights in Colorado!

At the same time, national threats to our federal courts and from leaders hostile to civil liberties remain as strong as ever. Even as we continue fighting for civil rights and civil liberties nationwide, we are focusing our efforts on Colorado's legislature and courts to ensure that we protect your rights here no matter what happens at the federal level. Ugly attacks on immigrants in the midterm elections largely failed, especially in Colorado, and we are following up with an expanded campaign for immigrant rights in Colorado in the months and years ahead.

ACLU of Colorado will of course keep working on a full range of other civil liberties issues as well. We are optimistic about progress that we can achieve on criminal justice reform to reduce mass incarceration, racial disparities, and unjust practices in our jails and prisons. We will defend the First Amendment and privacy rights for all Coloradans, and we will work with

partner organizations to uphold women's reproductive rights and LGBTQ rights in this state no matter what direction federal courts go.

All of this work takes considerable human and financial resources, and you can be sure your support for the ACLU is having an impact. We have created a new campaigns structure to expand our field, organizing, and advocacy capacity across Colorado, giving us greater power to influence local and statewide policy. We want to expand our education efforts in schools and communities as well, bolstering understanding of how our democracy is supposed to work, and ensuring that all of us in Colorado enhance our understanding of our rights so that we can better identify and defend against abuses. We continue to fight and win critical legal cases, shining a spotlight on local courts and police practices, and recently giving access to life-saving Hepatitis C treatment to thousands of prisoners and Medicaid recipients.

As the year draws to an end and you reflect upon the meaningful relationships and influences in your own life, this is a wonderful time to make a donation in honor or memory of someone who has had an impact on the issues you care about. Please think of ACLU of Colorado in your year-end giving plans and in your long-range giving plans as well, since we will be facing the consequences of this time in our history long after it ends. The midterm elections have given us signs of hope and opportunity and a chance to double down as we move closer to fulfilling the best promises of our Constitution for all people in this land.

—Nathan Woodliff-Stanley, Executive Director

## MEET OUR NEW STAFF



**JUSTO YANEZ** is the new Major Gifts Officer. Before joining the ACLU, Justo was a public school teacher for Denver Public Schools. Finding his passion for social justice and fundraising in the classroom, he decided to leave the education field and work in philanthropy.



**ANA TEMU** is the new Immigration Campaign Coordinator. She is a community activist, political strategist, and coffee maniac. Ana has a long history of working in the immigrant's rights movement and running successful campaigns across the country.





## THE TIME IS NOW FOR BOLD PROGRESS AT THE LEGISLATURE

**ON JANUARY 4, 2019**, the Colorado legislature will begin its 2019 session. The Democrats control both the House and the Senate and, of course, the Governor's office. The ACLU is proud that in years past, we have consistently championed bipartisan legislation, and we hope this year will be no different.

On the campaign trail, Governor-elect Jared Polis often used the term "bold" to describe his policy positions on education, health care and the environment. We hope he will be bold in his policies and perspectives on civil liberties, too.

Our 2019 legislative agenda will begin with last session's unfinished business. There are thousands of individuals sitting in jails all over Colorado that are innocent. They have never been convicted of a crime. Indeed, many are in jail not because they have committed a crime. They are there because they missed their court date. The data tells us that a simple reminder—like the one you get from your dentist and hair salon—will increase the likelihood of appearance. We will champion a statewide court reminder program, which last session garnered the support of the Sheriff's Association and the District Attorneys. We see a clear path to success this session.

Relying on the simple notion that innocent people should not sit in jail, we will be championing legislation that chips away at this everyday reality. We hope to see legislation that encour-

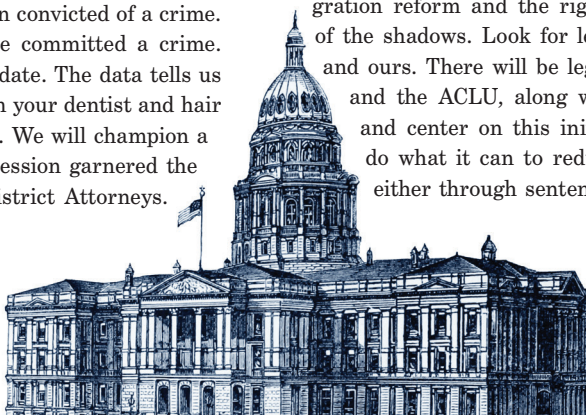
ages the use of a summons rather than an arrest for certain crimes and that emphasizes the use of personal recognizance bonds rather than money bail. Bottom line is many people are in jail simply because they cannot afford the bail to get out, which can be as little as \$100 for a minor offense. There is growing consensus that today's money bail system is ineffective (not to mention unconstitutional) and change is needed and inevitable.

You can also look for efforts to further access to reproductive health care, and that includes abortion. We will be working with coalition partners on this important issue and see a window to make good ground.

As Congressman, Governor-elect Polis consistently championed immigration reform and the right for all Coloradans to live outside of the shadows. Look for legislation that will further his vision and ours. There will be legislation to repeal the death penalty, and the ACLU, along with coalition partners, will be front and center on this initiative. Look for legislation that will do what it can to reduce today's rising prison population, either through sentencing or parole reform.

Bottom line is the ACLU's legislative agenda will be "bold" as it is typically. We appreciate your support in bringing it to fruition.

—Denise Maes, Public Policy Director



## DENVER NIXES UNNECESSARY COURT FEES

PRE-TRIAL DEFENDANTS REMAINED IN JAIL BECAUSE THEY COULDN'T AFFORD TO PAY FEES

**IN OCTOBER**, we sued Denver on behalf of Mickey Howard, who was held in the Denver Jail for 5 days after a

judge ordered his release only because he could not pay a \$50 bond fee.

On top of the bond set by the court, defendants in Denver were routinely charged a \$30 "booking fee" and a \$50 "bond" fee. These fees often caused low-income individuals to stay in jail pre-trial for days or even weeks after a court had set their release.

As a result of our lawsuit, Denver announced that it would no longer charge both fees, and they were repealed by the City Council.

"I had the money to pay my bond, but the jail took it from me and wouldn't let me out because I didn't also have the money to pay their fee. That's not right. I am filing this case to get justice for me and to make sure this doesn't happen to other people," said ACLU client Mickey Howard.



Mickey Howard.

## JUDGE RULES COLORADO SHERIFFS CANNOT HOLD PRISONERS FOR ICE

**ACLU OF COLORADO** won an order stopping the El Paso County Sheriff from relying on warrantless requests from federal immigration enforcement (ICE) to keep holding people in jail after a court has ordered their release.

Local law enforcement has no legal authority to enforce federal immigration law. "Beyond finding that holding individuals for ICE is unconstitutional, the court also noted a complete lack of evidence to support Sheriff Elder's claim that the practice promotes public safety," said ACLU Staff Attorney Arash Jahanian. It damages public safety when members of the community fear that any interaction with police or the courts will lead to detention and deportation rather than protection.

Colorado sheriffs swear an oath to the constitution, not to ICE.

## ACLU WINS HISTORIC SETTLEMENT TO CURE 1000s OF PRISONERS WITH HEP C



**ONE IN EVERY NINE** prisoners in Colorado suffers from Hepatitis C, a deadly virus that attacks the liver. New life-saving treatment can cure the illness in nearly all patients, but for years that treatment was systematically denied to almost all Colorado prisoners.

The Constitution guarantees that people held in prison receive medically necessary treatment.

We filed a class action lawsuit in 2017 challenging Colorado's systematic denial of treatment to prisoners with Hepatitis C. ACLU and cooperating attorneys from Fox Rothschild LLP spent more than 1,200 hours over three years working toward a resolution that would guarantee all prisoners receive treatment.

This September we announced a historic settlement ensuring that the Colorado Department of Corrections (CDC) will spend \$41 million over 2 years, and remove all unnecessary barriers, so that every prisoner with Hepatitis C can access treatment.

With this settlement, Colorado became the first state in the country to provide the resources to cure all prisoners suffering from Hepatitis C.

The agreement is a just and humane result that will save dollars in the long run. Early detection and treatment can stop the spread of the disease and eliminate higher medical costs down the line that come

from forcing individuals to go untreated as the disease progresses.

Tiffany Kaneta, whose father was a plaintiff, said:

"My dad went to prison when I was 6 years old. He was eligible for parole 18 years ago, after serving 20 years, but he has been denied over and over again. I don't take my kids to see him, because I don't want them to see their grandfather in that setting. For years, I've watched as he has suffered from the devastating impacts of hepatitis C, not knowing if he'd ever get access to a cure. I've worried that, if he didn't get treatment, my kids would never get to know their

***"I have new hope now that my dad will get cured, get out, and finally get to play with his grandkids."***

grandfather. Now that I know that he will have access to life-saving treatment, I am smiling from ear to ear. Without the ACLU advocating for him and others who are sick, this never would have happened. I have new hope now that my dad will get cured, get out, and finally get to play with his grandkids."

We know that this settlement will save lives here in Colorado, and we hope that it will be a model for other states as well.

—John Krieger, Director of Campaigns

### LEGAL ROUND-UP

## FIGHTING FOR THE RIGHTS OF COLORADANS EXPERIENCING HOMELESSNESS

**AS THE COST** of housing continues to spike across Colorado, more and more Coloradans have found themselves unable to afford a place to live. Shelter space and other services have not kept up with the increased demand, and there are thousands of Coloradans every night who have nowhere to sleep. Many cities and towns across the state have responded by ramping up enforcement of anti-homeless ordinances and making everything that an unhoused person needs to do to survive a crime.

On behalf of the most vulnerable in our communities, ACLU of Colorado is fighting back.

In Fort Collins, we are challenging onerous restrictions that the city used to prevent a Mennonite church from providing storage lockers to people experiencing homelessness. Unreasonable barriers put up by the city through the zoning process have singled out the church and directly interfered with

their core religious practice of ministering to people experiencing homelessness.

We are also defending Adam Wiemold, a homeless man who was charged with illegal "camping" by Fort Collins police for sleeping in his vehicle at a rest area where truck drivers regularly sleep undisturbed by police.

In Durango, we have worked with the city to stop prosecution of people for sleeping outside under their "urban camping ban" when there is nowhere else to go. *A Year Without Sleep*, a report we issued earlier this month, found that the vast majority of "camping" tickets issued by Durango police were to people experiencing homelessness during nighttime hours to criminalize the act of sleeping.

We are advocating for Fort Collins, Durango, and all cities in Colorado to find compassionate solutions to poverty that do not include criminalization of people experiencing homelessness.



From top: Dave Surles, Chris Zeller, Patty Noble. Durango.



# ACLU IN THE COMMUNITY

## THANKS TO OUR ACTIVISTS

ACLU MOBILIZED THOUSANDS OF COLORADO VOTERS DURING THE 2018 ELECTION

**THE 2018 ELECTIONS** brought historic civil liberties victories for Colorado. Voters passed anti-gerrymandering amendments, removed slavery from the state constitution, added diversity to the legislature, and elected local and statewide candidates committed to civil rights and civil liberties. Colorado had the second-highest voter turnout in the country with 76.4 percent of active registered voters casting ballots—up nearly 20 percent from 2014.

These successes weren't by happenstance. They are thanks to the relentless work of everyday civil liberties and civil rights activists. From retired teachers, army veterans, office and service industry workers to high schoolers and immigrants who couldn't yet cast ballots, hundreds of people joined ACLU of Colorado's *Vote Like Your Rights Depend On It* campaign, our first-ever activist-led voter education, engagement and mobilization initiative.

Billions of dollars are spent during elections and yet the only thing more powerful than a political ad is a face-to-face conversation between

a volunteer and a voter. Our campaign harnessed this power to cut through the noise and bring civil liberties issues to the forefront.

The race for Attorney General was the closest statewide race this cycle, and through our online voter education campaign, we informed more than two million voters about the candidates and where they stand on immigration, reproductive rights, criminal justice reform and other civil liberties issues.

Hundreds of ACLU activists led and participated in weekend canvasses, phone banks, text banks, and postcard parties. Lady Justice Brewing even made a beer—People Power Red IPA—to commemorate the campaign.

No matter who takes office, we'll continue holding them accountable. Join us as we continue the fight for justice at the state capitol in the 2019 legislative session.

—Jen Samano, Voting Rights Campaign Coordinator



PHONE CALLS MADE



DOORS KNOCKED



VOLUNTEER SHIFTS



TEXT MESSAGES SENT



POSTCARDS MAILED



DIGITAL IMPRESSIONS

## GARDNER'S KAVANAUGH VOTE WAS A BETRAYAL. WE'LL HOLD HIM ACCOUNTABLE.

**IN OCTOBER**, I led a trip to Washington, DC with 16 Coloradans that shared the experience of surviving sexual assault. Each of us watched the testimony of Dr. Blasey Ford and then-Judge Kavanaugh, and came to the same unequivocal conclusion that she was telling the truth, and his judicial temperament made him unfit to serve on the nation's highest court.

We made this trip to urge our Senators—Cory Gardner, in particular—to stop a credibly-accused perpetrator of sexual assault from being elevated to the Supreme Court.

Given that Sen. Gardner votes with President Trump 91% of the time, I was confident he would vote to confirm the nominee. Despite this, I wanted to tell him in personal terms what his vote meant to me, and compel him to feel the full weight of his constituents when casting his vote.

During our meeting, I told Gardner that a vote to confirm Kavanaugh would mean that the sex crimes of privileged, white men—identities of

fortune the Judge shared with my abusers—were not crimes at all, if one defines crime in terms of consequence. So long as they lie, refuse responsibility, and go on to fulfill their preordained destinies of attending elite universities, having successful careers, and becoming seemingly decent husbands and fathers, the sins of their past are erased, and anyone who dare remember things differently is confused (poor girl) or lying (vindictive bitch).

As I watched Gardner cast his vote to confirm the following day, I felt not the crushing disappointment I steeled myself for, but liberating, decided conviction.

Gardner's "yes" vote was a moment of poignant confirmation, and I returned home to Colorado ready to work for the dignity and humanity of the women in my state.

—Lizzy Hinkley, Reproductive Rights Policy Counsel



ACLU of Colorado activists at the United States Supreme Court.

## IN THIS ISSUE



- **COMBATting POLICE BRUTALITY IN AURORA AND THROUGHOUT COLORADO**
- **THE TIME IS NOW FOR BOLD PROGRESS AT THE LEGISLATURE**



- **ACLU WINS HISTORIC SETTLEMENT TO CURE 1000s OF PRISONERS WITH HEP C**
- **JUDGE RULES COLORADO SHERIFFS CANNOT HOLD PRISONERS FOR ICE**



- **SEN. GARDNER'S KAVANAUGH VOTE WAS A BETRAYAL. WE'LL HOLD HIM ACCOUNTABLE.**
- **DENVER NIXES UNNECESSARY COURT FEES**



- **ACLU MOBILIZED THOUSANDS OF COLORADO VOTERS DURING THE 2018 ELECTION**
- **FIGHTING FOR THE RIGHTS OF COLORADANS EXPERIENCING HOMELESSNESS**
- **MEET OUR NEW STAFF**



## FREEDOM OF THE PRESS IS UNDER ATTACK

YOUR DONATION CAN HELP ACLU FIGHT BACK

**THE TRUMP ADMINISTRATION** has spent the last two years invalidating the press and attacking media outlets. While using words like “fake news” and characterizing the media as “hostile,” Trump has threatened our free press. Since the independent media, which is also under threat of corporate cannibalization, ensures accountability and awareness, we must not stand by as this administration impedes on a foundational part of our democracy.

To combat these threats, the ACLU is playing a central role in defending the freedom of the press. Here in Colorado we are adding investigative journalism

to our arsenal of litigation, policy, and education through a partnership with *The Colorado Independent*. Bob Connelly—a longtime ACLU supporter and advocate—has graciously decided to match donations in support of the ACLU’s defense of a free press both nationally and in Colorado.

If you would like to have your donation matched go to [bit.ly/protect-press](https://bit.ly/protect-press). Please include a note with your donation that it should be part of the “Connelly Match for Free Press” or contact Rachel at [rpryor-lease@aclu-co.org](mailto:rpryor-lease@aclu-co.org) or 720-402-3105.

## GET INVOLVED

- **JOIN** Become a member. Go to [aclu-co.org](https://aclu-co.org) and click “Join.”
- **GIVE** Donate to support our work at [aclu-co.org/donate](https://aclu-co.org/donate).
- **VOLUNTEER** Sign up to be an ACLU volunteer activist at [aclu-co.org/volunteer](https://aclu-co.org/volunteer).

## GET CONNECTED

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