

LIBERTY DEPENDS ON DUE PROCESS

By Ana Temu Otting,
Immigration Campaign
Coordinator

“If you cannot afford an attorney, one will be appointed to you.” Those words have been a long-standing principle of due process within the courts, yet in civil immigration proceedings, legal representation is only available to those who can afford it. Due to this inequity in immigration court, thousands of people are left to fight for their cases — and their lives — alone, against seasoned government attorneys. Between 2007 and 2012, only 5% of people fighting deportation without an attorney won their case, making the odds of winning relief without representation almost impossible. People who have lived here for years, asylum seekers, Deferred Action for Childhood Arrivals (DACA) recipients and children, are fighting for their freedom and for the right to stay with their families. The solution to this broken



Still from a legal defense fund video (bit.ly/LDF-Video).

American promise of due process is to create a publicly funded legal defense fund. In collaboration with the Colorado Immigrant Rights Coalition, we worked toward a statewide legal defense fund that can ensure everyone has access to legal counsel in immigration court. There will be an opportunity to support the fund through gifts, grants, or donations. □

If you are interested in supporting the legal defense fund effort, please reach out to Ana Temu Otting at atemu@aclu-co.org.

RETURN OF THE REPRO ROADSHOW

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

Our Reproductive Rights Roadshow is back this summer and we're ready to connect with you! The Roadshow provides space to engage, connect, listen and learn about what's happening in our communities. We'll provide a legislative wrap-up and information on how to get involved. Participants will have an opportunity to connect with us and other community partners. It will all be accessible virtually, so that anyone can participate from anywhere.

For questions or comments please reach out to Kassandra at krendon-morales@aclu-co.org. To learn more about what's happening in the courts check out our repro campaign page at acluco.org/reprorights.

EXPANDING THE TABLE FOR JUSTICE

ACLU of Colorado has launched a statewide initiative, Expanding the Table for Justice, a three-month effort to expand relationships with justice advocates and strengthen our collective impact on civil rights and civil liberties issues in Colorado. For more information, visit: acluco.org/ETFJ

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THE ART OF GIVING

By Rachel Pryor-Lease,
Director of Philanthropy

At ACLU of Colorado, we are honored by the overwhelming love we receive from our community. Not only do we have tens of thousands of supporters across Colorado, but we also receive incredible support from the state's business community. For example, Lady Justice Brewing Company helped by selling custom Ruth Bader Ginsburg sweatshirts and donating the profits, and Pat Treuer, a local comedian, donates the ticket sales from his intentionally



Lady Justice Brewing founders Jen Cuesta, Kate Power and Betsy Lay.

diverse comedy shows, which seek to open peoples' minds through laughter. □

If you love what we do and want to learn how your business can partner with us, please contact rpryor-lease@aclu-co.org.

Please consider elevating your support with a gift today.

VISIT: [ACLUCO.ORG/21](https://acluco.org/21)
CONTACT: (720) 402-3127
[SSIMMONS@ACLU-CO.ORG](mailto:ssimmons@aclu-co.org)



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ACLU Colorado

Spring/Summer 2021 Newsletter

REDEMPTION IS REAL

Strength in Second Chances

By Helen Griffiths, Public Policy Strategist

Kelly Brasier waited in the freezing cold in Sterling, Colorado for her 84-year-old uncle, Anthony Martinez, to be wheeled across the prison parking lot. After serving more than 30 years behind bars for a series of robberies, Uncle Anthony was finally coming home.

During this unprecedented year, when thousands of people died behind bars, Anthony was one of only four people granted clemency by Governor Jared Polis. Many more people as vulnerable as Anthony should have been immediately released to safely live out their remaining years with family but were never given that second chance.

As COVID-19 turned prison sentences into death sentences, ACLU of Colorado, in partnership with a broad coalition, launched the Redemption Campaign. The campaign is a statewide initiative to safely release thousands of incarcerated people who pose no safety risk by challenging Governor Polis to exercise clemency powers in new and transformational ways. For most people in prison, a grant of clemency is the only chance of timely release and a pathway to healing.

As part of the campaign, we worked to uplift the stories of incarcerated people and their families, hosted educational webinars on the importance of ending mass incarceration, and coordinated a decarceration day of action with



Kelly Brasier hugs her uncle, Anthony Martinez, who was granted clemency after serving more than 30 years in prison. Sterling, Colorado. January 15, 2021.

50 nonprofits urging the Governor to save lives. Activists sent thousands of emails to Gov. Polis and protested on the Capitol steps.

Inspired by other Coloradans calling for change, De’Vante Bausby, Alexander Johnson and Justin Simmons, community leaders and NFL professional athletes, joined the campaign. Through meetings with the Governor, interviews and an ad campaign, they came together to say — redemption is real. For Anthony and Kelly, redemption and reunion were long overdue.

“I don’t think people understand how hard these long sentences are on families. We do the time along with them,” said Kelly, while holding her uncle’s hand after decades apart. “The Governor has the power to release more people and bring families back together. People are so much more than their crime.” □

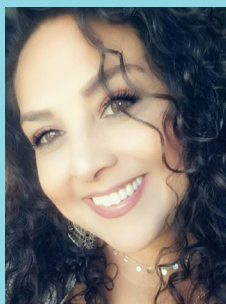
SUPPORT OUR WORK FOR JUSTICE. Contact Thai Pham to discuss giving through your will or trust at tpham@aclu.org or (646) 905-8886.

ANNA SALINAS



Anna became the Executive Assistant to Executive Director, Deborah Richardson, in 2021. Anna joins ACLU with a passion for immigrants' rights and racial justice. She enjoys spending time with her two daughters and walking her dog.

MELISSA SANDOVAL



Melissa became our Intake Coordinator in January 2020. She's passionate about fighting for Coloradans' liberties. Melissa pursued a bachelor's degree in Criminal Justice while raising three boys on her own.

THANK YOU, JESSICA AND HELEN

For eight years, one constant at ACLU of Colorado has been Jessica Howard. As Jessica moves on to new adventures, we thank her for her incredible legacy of work with us. A warm, welcoming presence in our office; a thought partner and a brave soul who challenged us every day. We will miss Jessica dearly.

Helen has done amazing work in her three years with us and left an indelible mark in our office. She'll start law school at New York University in the fall and will undoubtedly go far and bring good to our communities in whatever career path she chooses. We will miss Helen and wish her well as she continues her peripatetic life in New York.

LETTER FROM THE EXECUTIVE DIRECTOR

It is my highest honor to serve as Executive Director of the ACLU of Colorado. Our rich history and track record of defending civil liberties and civil rights for all leads us to continue the important work ahead.

We cannot ignore the stark injustices revealed during the global health, economic, and racial injustice pandemics. The Understanding Coronavirus in America study recently released the 2020 Pandemic Misery Index. Almost 9 in 10 Latinx people (89%) and 86% of Black people have faced at least one serious hardship since the start of the pandemic, compared to 76% of white people. The severity of these adverse conditions ensures that recovery will be hard, painful, and lingering.

For ACLU of Colorado to move forward and address these systemic inequities, through litigation, education and advocacy, we want to hear firsthand from people throughout our state. In a few weeks, in partnership with collaborative partners and community groups, we will host a series of community listening sessions called Expanding the Table for Justice. We want to know what issues matter most to you. Please be on the lookout for your invitation and please plan to join us.

My leadership commitment is that the ACLU of Colorado will be both "for the people" and "of the people." I look forward to meeting and hearing what you have to say. □

Onward,



Deborah J. Richardson (she/her/hers)

Save the Date: Annual Meeting

August 12, 2021 at 5 p.m.

LEGISLATIVE WRAP UP

By Denise Maes,
Public Policy Director

On June 7, the Colorado State Legislature adjourned the 2021 session. Although opening day occurred as usual, many norms were swept aside as the public was not allowed to attend opening week ceremonies. The legislature then recessed for a month due to the pandemic and began again in mid-February. We had a bold legislative agenda and report successful outcomes.

On immigration, we saw the passage of HB1194, which establishes a \$100,000 immigrant legal defense fund — this is the first statewide fund of its kind. When an undocumented person has experienced a crime they are able to stay in the country to assist in the investigation and prosecution by obtaining nonimmigrant status known as a U visa. HB1060 now sets a required time frame for U visa requests to be processed and what factors may be considered. The bill requires law enforcement to advise crime survivors about U visa and prohibits certain disclosures to immigration authorities.

We championed legislation to end the draconian practice of revoking one's driver's license for the failure to pay court debt. This practice affected over 80,000



HB21-1280 passed House Judiciary Committee by a vote of 7-4 on May 5, 2021.

Coloradans last year alone. This practice will soon end, and those who have lost their license can have it reinstated.

HB1280 passed and requires all courts to provide individuals in jail a bond hearing within 48 hours of arrest. Some folks arrested on a Friday or Saturday spend up to five days in jail awaiting their first appearance, risking their jobs and more.

SB71 caps the number of youths that can be detained in Division of Youth Services and ends cash bond for kids. HB1064 ends the lifetime sex offender registry for certain youth. HB1310 permits HOA residents to have signs on their own property and end the HOA rules that have banned certain signs based on the content of those signs.

SB273/62 is the one we left behind. It was defeated in House Finance essentially by two democratic house members. This bill would have limited police discretion to arrest on low-level offenses and the use of cash bond. This bill literally would save lives. Many of you joined the effort to pass this bill. Rest assured, we will be back, and we hope you will be there with us. □

DONATE A VEHICLE!

Call 1 (866) 628-CARS for info.

2021 BILL OF RIGHTS HONOREES

Sharletta Evans

will receive the Carle Whitehead Memorial Award for her lifelong commitment to restorative justice, juvenile justice reform, and healing and forgiveness.



Hans Meyer

will receive the Edward Sherman Award for his outstanding legal work



advocating for immigrants' rights at the intersection of immigration law and the criminal legal system.



Lori Lizarraga, Sonia Gutierrez, and Kristen Aguirre will receive the Larry Tajiri Media Award for fighting discrimination in the newsroom.

Save the date:

Bill of Rights Event

October 7, 2021

For more information, go to acluco.org/BoRE21

COMPASSION, NOT HANDCUFFS

By Arielle Herzberg,
Staff Attorney

This March, ACLU of Colorado filed a lawsuit against the Douglas County School District, Douglas County Sheriff, and several School Resource Officers (SROs) after they aggressively handcuffed an eleven-year-old Hispanic child with autism and left him in a patrol car for hours, causing him to become so dysregulated that he banged his head repeatedly and sustained injuries. Without seeking medical attention, officers placed the child in custody at a juvenile detention center

until his parents were able to post a \$25,000 bond. ACLU of Colorado is suing under the Americans with Disabilities Act, Rehabilitation Act, and the Fourth Amendment.

The complaint asserts that the Douglas County School District and Sheriff's Office have a pattern and practice of mishandling situations involving students with disabilities and ensnaring them in the criminal legal system unnecessarily. In the 2018 – 2019 school year, special education students in Douglas County were nearly three times more likely to be referred to law enforcement than those without special education needs. Latinx students in Douglas County were more than five times more likely to be referred to law enforcement than



non-Latinx students.

ACLU of Colorado brings this case to highlight that across the U.S. and in Colorado, students — particularly students of color and students with disabilities — are experiencing significant harm at the hands of SROs under the guise of school safety. The eleven-year-old child in this case did not need handcuffs; he needed compassion. □

For more stories about school resource officer interactions, visit acluco.org/SROs.

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smile.amazon.com

LEGAL ROUNDUP

By Deanna Hirsch,
Communications Officer

Inspired by the challenges of the past year, our legal team fought even harder for Coloradans rights. In December, we filed a class action lawsuit against the El Paso County Sheriff for denying masks and COVID-19 protections to incarcerated people. The lawsuit

was successful and the court ordered a 15-point injunction.

February saw victory in Fort Collins, when the Larimer County District Court ruled that the City violated the Constitution by prosecuting Adam Wiemold, an unhoused man, for sleeping in his vehicle at a rest stop when other shelter was inaccessible.

We also challenged a subdivision's rules prohibiting residents from displaying certain flags and signs. David Pendery wished to display a Pride flag, along with a "We

believe ..." sign at his home for LGBTQ+ families like his. Both were prohibited by the district where Mr. Pendery lives. The defendant has since changed the rules and Mr. Pendery's flag now flies proudly.

In April, we sued the Chief Judge in Mesa County, and the Mesa and Boulder County Sheriffs for causing Michelle Reynolds to spend fifteen days in jail without the opportunity to post bond and obtain pretrial release. The case is ongoing. □