



COLORADO STATE LODGE FRATERNAL ORDER OF POLICE

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Stephen Schulz
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Dave Acunto
SECRETARY

Colorado Fraternal Order of Police Opposes SB 21-062

March 3, 2021

The Colorado Fraternal Order of Police (FOP) is the largest organization representing rank and file law enforcement officers in Colorado. The Colorado FOP opposes SB21-062. The Colorado FOP is concerned with any issue that affects the safety and security of communities in Colorado as well any issue that affects the safety of our law enforcement officers. We believe this legislation, if it becomes law, would negatively impact the safety of our communities and officers.

Recently we have seen a substantial increase in criminal activity in many areas of Colorado. SB21-062 could increase this troubling trend by inhibiting law enforcement's ability to arrest certain offenders and creating a revolving door for offenders who are arrested to return to the community within hours of being jailed. This legislation sends the message that there are no consequences for committing crimes and reduces community members' trust in the ability of law enforcement to protect them from criminal activity at a time when building that trust and safety is of the utmost importance.

We understand that this bill is designed to fundamentally change how law enforcement officers make arrests leading to the incarceration of people in community jail facilities. We do not generally disagree with an effort to reduce the amount of people being arrested for low-level offenses. However, we believe that there needs to be a long-term strategy that addresses the reality that even some low-level offenders must be incarcerated for the safety of their victims and others in the community, and that any such strategy must be based on data and evidence.

As an organization that represents the people that protect Colorado communities, we feel that we cannot support this bill but recognize the value of the concept and ideals the bill represents. There are too many unknowns about the impacts that codification of these strategies would have, particularly in the midst of a pandemic and while we are seeing sharp increases in violent crimes in some parts of the state. We look forward to ongoing conversations about collaborating on strategies that can keep all of our communities safe, including allocation of more resources to preventative and rehabilitative services.

Stephen Schulz, President





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A handwritten signature in black ink, appearing to read 'Stephen Schulz', written over a horizontal line.

Stephen Schulz, President





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Derbyshire, England, LEAP UK

Date: March 4, 2021

Re: SB 62 - Jail Population Management Tools

Position: SUPPORT

To: The Colorado Senate Judiciary Committee

Distinguished Members of the Committee,

Thank you for the opportunity to testify today in support of SB 62. I am here to represent myself, having spent my career as a corrections officer, a deputy sheriff with Arapahoe County Sheriff's Office, and as a speaker for the Law Enforcement Action Partnership (LEAP). I support SB 62 because it will improve public safety by reducing unnecessary incarceration and prioritizing the use of correctional resources.

LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and working to improve community trust in the justice system.

Our state has been a leader in safely reducing jail populations to stem the threat of COVID-19. Statewide, jail populations were [down 46 percent](#) at the height of the pandemic, and they are still 35 percent lower than pre-pandemic levels. At the same time, crime rates held steady.

Having served for years as an officer in jails and prisons, I believe that maintaining these low levels is key to protecting the public. That may sound counterintuitive, but putting someone in jail unnecessarily makes them *more* likely to commit future crime. They will sit in a cell with people who committed much more serious offenses -- a "school for criminals." They will likely lose their job or their chance to enter recovery services. Research shows that people held in jail pretrial become about 120 percent [more likely to reoffend](#). Their children will also become more likely to

struggle in school, experience trauma, and start heading in the wrong direction.

We can safely maintain lower jail populations by passing SB 62, which would expand citation in lieu of arrest. When I worked in the jail, I saw a constant stream of people arrested for low-level drug possession and other minor offenses. Officers had to take them to jail instead of handing them a citation to appear in court. Many counties have allowed citation in lieu of arrest due to the pandemic, which has greatly reduced unnecessary incarceration and officer time spent transporting people to jail. SB 62 would continue this progress beyond the end of the pandemic.

The bill would also avoid counterproductive jail time by reducing the number of people held because they cannot pay a small sum to be released pretrial. Due to our financial bail system, a homeless person caught with a small amount of drugs might sit in jail for weeks because they can't scrape together 100 dollars. A shocking six in ten people in jail haven't been found guilty; they are waiting behind bars for their case to be heard because they cannot afford bail.

SB 62 would also benefit the deputy sheriffs working in our jails. During the pandemic, reducing the jail population has protected officers from COVID-19. After the pandemic, it will protect them from the stress of managing an overcrowded facility. An officer's nightmare is an overcrowded facility that mixes some people who pose a serious threat to public safety with others who pose little threat and need protection throughout the night.

Having served as a Colorado law enforcement officer, I still take my oath to protect and serve seriously. I stand behind SB 62 because responsibly reducing incarceration is a sound public safety strategy, both during and after the COVID-19 pandemic.

Thank you for the opportunity to contribute to this deliberation.

Respectfully,

Sheriff's Deputy Carrie Roberts (Fmr.)
Arapahoe County, CO
Speaker, Law Enforcement Action Partnership

To the Colorado State Senators on the Senate Judiciary Committee,

My name is Misty Baird and I live in Westminster, 80234. I'm writing to urge you to support SB21-062. Jail population reduction is smart, safe and fiscally responsible.

During the pandemic, sheriffs, judges, public defenders and district attorneys across our state worked together to save lives by dramatically decreasing Colorado's jail population. They did this by reserving jail beds for people who pose a safety risk to others. At its peak, jail populations dropped by 46%, with almost 6,000 fewer people in jail each day. Jail populations are still down 35% over pre-COVID numbers.

The good news? Despite widespread jail population reduction, crime has not increased, and most of the state has seen a decrease. Data shows that variations in crime rates by county bear no correlation to the level of jail depopulation.

Colorado can save millions in taxpayer money with long-term jail depopulation. On average, there are 4,708 fewer people in jail each day compared to before the pandemic. With a daily incarceration cost of \$98.83 per person, this saves \$465,337 per day or \$170 million per year.

SB21-062 will solidify the smart jail depopulation policies already in place in many counties in Colorado counties. Importantly, it:

- Requires summons for low-level offenses and increases officer discretion to issue summons for misdemeanors and low-level felonies when there is no safety risk requiring incarceration.
- Decreases the use of cash bonds. SB21-062 limits the use of money bonds for misdemeanors and low-level felonies to cases where there is a safety risk or a flight risk.
- Empowers sheriffs to continue to safely depopulate county jails even after the end of the COVID-19 crisis.

The U.S. locks up more people per capita than any other nation, but most people in jails have not been convicted. 60% of Colorado's jail population are unconvicted people, incarcerated only because they cannot afford to post cash bond. People in prison and jail are disproportionately poor compared to the overall population, and pretrial detention can send people's lives into a downward spiral — those who can't post bond face losing their job, their housing, their medical care, and custody of their children. Research shows that pretrial detention puts people at a higher risk for future involvement with the criminal legal system while increasing convictions and causing steeper sentences.

Colorado has an opportunity to save money, families and lives by taking the positive lessons learned from the pandemic about smart jail depopulation strategies and enshrining them into law going forward. I hope you will support SB21-062.

Sincerely,



Misty Baird



Women's Lobby of Colorado

March 4, 2021

Dear Members of the Senate Judiciary Committee,

Thank you for the opportunity to advocate for **SB21-062, Jail Population Management Tools**. My name is Anna Crawford, board chair for the Women's Lobby of Colorado, and I'm happy to share that **the Women's Lobby has unanimously voted to support this bill**. The Women's Lobby is a non-partisan organization, representing over 260 individuals and 25 organizations from across Colorado. Since 1993, we have advocated for better opportunities for women and families by ensuring that public policies reflect gender equity and justice.

It might surprise you that a women's organization would weigh in on this issue. Our board considered what, if any, perspective we could bring as gender equity and justice advocates and whether this bill could be considered a "women's issue." Here is where we landed:

- We believe that jail beds should be reserved for people who are a public safety threat
- We believe that a simple missed court date should not result in a lengthy stay in jail
- We believe that when we talk about "pretrial defendants," we are actually talking about people who are legally presumed innocent
- We believe that wealth-based detention punishes people for not having money
- We believe that keeping people out of jail keeps families whole and healthy
- We believe that policies that disproportionately affect families that are low-income or of color are "women's issues" and within our scope of responsibility

In addition to my role as a representative of the Women's Lobby of Colorado, **I am also here in a personal capacity as a survivor of rape and a member of a sexual assault survivor advocacy group, the Colorado 16**. It is a misconception that all survivors of violent crimes feel well-served by the current system of mass incarceration. This is simply not true. In today's public comment, you will likely hear opponents to this bill invoking survivors' rights. Let me be clear that they do not speak for me. Please remember me when you are voting.

Earlier in my testimony, I shared some of our beliefs at the Women's Lobby. Here's one more: **it's past time to address the problem of over-incarceration**. There is still work to be done to address issues such as homelessness, addiction, and mental illness in our state, but unnecessary jail time is not the answer, especially when that jail time harms low-income folks, communities of color, and families. **Please vote yes on SB21-062**.

Anna Crawford
Chair, Board of Directors
Women's Lobby of Colorado
annacrawford665@gmail.com | (806) 407-2680

Testimony of Jonathan Cespedes in support of SB21-62

Thank you for allowing me to share the story of my Mom, Susan V. Cespedes, who had to wait in the El Paso County Jail for her chance to fight the allegations against her.

My Mom was new to Colorado Springs -- she had moved there to live with her sister who had lost her husband. My Mom had recently divorced, and together they were trying to rebuild their lives. My Mom was planning to travel back to Chile, where she was originally from, to see extended family. She was looking forward to the future.

My Mom was accused of a non-violent financial crime, and after she was arrested it was just impossible for her to pay the amount of money needed to fight her charges outside of jail. My mom had fallen at work and hurt her back. She had a long history of multiple back surgeries and a lot of pain, and so she was living off a fixed income. She just didn't have the \$50,000 she was told she had to pay to be released and wait for trial at home.

She asked her sister to sell her car, but that wouldn't bring in enough money. She asked her sister for some money to help her make bail, and she asked me too. But none of us had that kind of money available. Unfortunately, very few people do.

I guess all this might have turned out alright if my Mom had gotten adequate medical care in the jail. But she didn't.

Unfortunately for my Mom she ended up in a jail with a private medical company that ignored her as she got more and more sick and her organs shut down. The last day she was in the jail she got so sick she couldn't speak clearly, lost her vision, and couldn't stand up. Her blood pressure got so low the jail health care workers couldn't find it. Her skin was cold and pale. By the time they finally sent her to the hospital, it was too late.

And so my Mom's charges turned into a life sentence before she had the chance to fight them, and she died at the age of 55.

This is one of the things we need to think about when we make people wait for trial in jail: will they get the medical care they need to survive or will they be neglected to death like my Mom was?

Had my Mom been able to be released and await her trial at home she would have gotten real medical care and I know she would still be with us today.

Thank you for your time.

My name is Vicki Quintavalle a 20 year resident of Colorado. I will start with my questions. I would like to know how many Denver, Aurora and Thornton police officers were consulted and how they feel about this bill? What incentive do people have to show to court if they do not post any bond? If they had the \$200 for the drugs you found them with how can you assume they do not have \$200 to post bond? When you released the 6000 people you spoke of from prison; how many ended up on the streets doing drugs? How are we getting people off the streets if there are no consequences? Would you rather have homeless drug users on the streets endangering themselves and other or arrested? We no longer go to Denver because of this. All those businesses lost our business. We need to make life hard for the criminals; not the police officers defending us. Police officers are forced to follow rules and do things none of us have to do. Criminals do not have to follow any laws if there are no consequences. We need to back the police officers defending us and not the criminals.

I would also like to know if the people that committed crimes against my family would get let go without posting bond for the following: the person that stole our bike off the wall of our garage while I was home and ran in for a couple minutes. The person that stole things out of our cars. The person that dropped a gun literally on our driveway while running from the officers. The car on the corner we witnessed make a drug deal.

Here is my story of 4 people I personally know that got into trouble with the law due to substance use and crimes. Two of them were arrested many times and always let go with no consequences. They just told a sad story and were let go. One is dead. One is currently an addict in Denver and I have no contact due to fear of his actions. Two others were given strict consequences because their parents went to court and told them to give them every consequence they can. They spent about a year paying the fees and going to required classes etc. They are both alive and well and not using drugs. One is getting a 3.9 in college. This is the difference consequences can make. This is not about hating homeless people or addicts or criminals. This is about keeping our community, including criminals safe. By releasing criminals with no consequences you let them go back to crime and drugs. Essentially you may have killed that person by releasing them. For all these reasons I am 100% against this bill. I want to back the officers, not the criminals.

Thank you to all the officers that attended. Thank you to Thornton police for finding our stolen bike! Thank you officers for all you do! And thank you to the committee for allowing me to testify.

NAACP Supports SB21-62

The NAACP Colorado Montana Wyoming State Conference recognizes that across our nation and across our state, the vast majority of people held by local jails are people who have been convicted of no crime and by law are presumed innocent. Many are jailed, not because they pose a threat to the community – in fact, they are MEMBERS of our communities. They are kept in jail simply because they cannot afford to pay a cash bail. This reality has created a dual sense of justice (which is really no justice at all) where some people who have enough money to pay bail are released. But those who do not have bail money are kept in jail. There is also a dimension of this which centers on racial disparities as we know that people who are Black and Latino, and are accused of crimes, are more likely to be detained pretrial as compared to white people accused of crimes.

Colorado can do better. Colorado can mitigate this injustice. This is why NAACP State Conference supports SB21-62: Safely Reduce the Jail Population by Improving Pretrial Procedures. This bill memorializes the smart jail population management policies wisely enacted by Colorado's sheriffs in collaboration with judges, prosecutors, and public defenders during the continuing COVID-19 pandemic. SB21-62 --Empowers Sheriffs so that they can utilize jail space for those whose actions are more egregious to the health and wellbeing of communities – instead of using it for those who could safely await trial proceedings at home while caring for themselves and their families. -- Increases the use of summons instead of arrests. -- Decreases pretrial detention to those who are a safety risk or who have shown that they might not appear in court as required.

The NAACP applauds Senator Pete Lee and Senator Adrienne Benavidez and all those who have worked to bring this bill forward. While some, in places like Boulder County and others, say that the depopulation efforts resulting from COVID-19 jail releases have resulted in increases in criminal activities in their communities, this is simply untrue. In Boulder, for instance, there has been a reported 2% drop in violent crime and a reported 6% decrease in crime overall. While theft and trespass reportedly did increase in Boulder, the NAACP recognizes that these are crimes related, not to criminality, but to poverty. Job loss, school closures, economic shutdowns and the continuing pandemic have contributed to current realities. It is disingenuous to blame increases simply on jail depopulation. Over incarceration and mass incarceration are civil rights issues – they are racial equity issues -- and must be addressed. The leaders of our NAACP Units in Pueblo, Colorado Springs, Douglas County, Aurora, Denver, Boulder County and Weld County agree with our National NAACP Criminal Justice Program staff: "Over incarceration deepens disadvantage and forecloses upward mobility for African Americans and others who have been historically marginalized by unjust systems." Colorado can be a leader by moving forward and passing SB21-62, Jail Population Management.

Sincerely,

Shikima Ray, NAACP State Secretary

Member, NAACP Denver Branch

Cherry-Rose Anderson, NAACP State Civic Engagement Chair

Member, NAACP Boulder County Branch

Rosemary Lytle, NAACP State President

Member, NAACP Colorado Springs Branch

Written Testimony on SB21-62, 3/4/2021

My name is Esther Shipsey, I work and reside in I live in Boulder, and I am writing in firm support of a YES vote on SB21-62. This is my first time submitting testimony, and I apologize to Committee Members for any improprieties which may be contained herein. I hope to provide the case for passing this landmark legislation, offer a brief rebuttal to critics testifying from my own city, and explain why passage of the bill is warranted even if the critics are correct in their anticipated claims.

First, the case in favor: **Passing SB21-62 would enhance public life and safety in four basic ways: It saves money, saves lives, reduces crime, and enhances local control.** Taking each of these in order, the first reason to vote in favor is that the bill under consideration **saves millions in taxpayer money.** Jail depopulation during the pandemic has saved the state over \$465,000 per day, every penny of which can go toward pressing needs: schools, housing, healthcare, unemployment, snow removal, et cetera. With TABOR making new taxes difficult to pass and the decline in sales tax revenue impacting budgets statewide, **every dime that goes into the jail comes out of the schools.**

Saving taxpayer money alone should be sufficient reason to vote for SB21-62, but it is the least of the benefits. The second reason to vote for SB21-62 is that **the bill would save lives.** It should go without saying that jails are dangerous places. Yet, 60% of Colorado's jail population are people who have not been convicted of a crime. They are incarcerated only because they cannot afford to pay a money bond. The stories of Jerid Thistle and Suzanne Bergaz, who committed suicide when they could not pay their bonds, and Michael Marshall, who was arrested for misdemeanor trespass, was unable to pay a \$100 bond, and died as a result of injuries caused by deputies in Denver City Jail, are heartbreaking. **Jerid, Suzanne, and Michael should be alive. Their deaths made no-one safer. Wealth-based detention kills: sometimes quickly, sometimes slowly.** Their cases are extreme examples of the fruits of a policy which makes life that much more difficult for thousands of others who might otherwise get on their feet.

The critics may argue that saving lives and money all sound well and good, but that those costs are small compared to the urgency of addressing crime. This brings me to the third benefit: **SB21-62 would reduce recidivism.** Criminologists have known for a long time that many crimes are born of desperation, and dynamiting the foundations of a person's life before the jury has even been sat will make them desperate as surely as night follows day. Being jailed before trial can cost people everything: their job, their housing, their healthcare, their kids. The statistics bear this out. Research shows that pretrial detention puts people at higher risk of future involvement with the system while increasing convictions and causing steeper sentences. **There is no surer way to make a man a criminal than to take away his job,** and pretrial detention does just that. Reducing pretrial detention for nonviolent offenders is an excellent start to safer communities.

The last reason to vote for SB21-62 will be the smallest to some, and to others, the greatest: SB21-62 will give Sheriffs discretion over how they run their jails. I have only ever lived in the Western United States, and where I'm from, the Sheriff runs the jail. Which brings me to a rebuttal of those critics of the bill whom I understand to have come from Boulder.

For the past several years, the City and County of Boulder have been in a tug-of-war over the County Jail. The story goes something like this: The City proposes a crackdown on some petty offense; loitering, perhaps, or trespassing, or public intoxication, whatever's bothering the residents who have a Councilmember's ear. Boulder having a low crime rate, the police have plenty of time to rustle up some ne'er-do-wells. They quickly fill the City jail, and start sending offenders to Boulder County. In the

meantime, the Sheriff has been dealing with cases from the L-towns: Louisville, Lafayette, Longmont, Lyons. All of a sudden, County Jail is inundated with unhoused people who dared to sleep under a blanket in violation of the camping ban, CU students who had a few too many, unlucky drivers with busted taillights, or whatever other unfortunates have ruffled Council's feathers this year. In the meantime, the Sheriff has a jail to run, and so he lets some people go, because he needs the berths for serious business. Council gives the Sheriff guff in response. The Sheriff then reminds them that the jail is his jurisdiction over which he has discretion, and if the City wants to lock up more people than they can fit in the City Jail, then the City ought to pay to build a new one. Not wanting to build a new Jail, the City apologizes. Things quiet down until Next Week, when Council forgets what happened Last Week. Physicists speculate that, unless acted upon by an outside force, this cycle will repeat until the sun burns out. **Enough. Local sheriffs know good and well who doesn't need to be in the jail. SB21-62 would allow Sheriffs the discretion to let people go when they don't need to be there.**

Any proposal to reduce jail population will inevitably be met with apocalyptic claims about crime. If this committee hears any doomsaying coming from Boulder today, I urge you to look at the facts: **Boulder's already low crime rate has dropped by 41 percent during the pandemic, even as its jail population decreased.** The numbers show there is no correlation between how many people we lock up and how safe we are. Sheriffs and police officers would retain the ability to detain violent offenders. It seems more likely, as a resident of this fair city, that some of her more vocal citizens are keen to put homeless folks in jail for breathing: last month, a small contingent of vocal Boulder residents pushed City Council to consider *mandatory jail time for sleeping outdoors under a blanket*, just before sub-zero temperatures killed several people in Colorado. **At this point, there are some folks up here who will argue for jails no matter how much evidence shows that one size doesn't fit all.**

Even if jails were revenue neutral (and they're not), caging non-violent offenders would increase crime in the long run. Even if pre-trial detention didn't increase crime, it would destroy people's lives before they even got to a jury. Even if being locked up were the only consequence, it would still not be just to imprison people because they couldn't pay for freedom. And even if this Committee believes that spending millions of dollars to increase crime by jailing unconvicted people and sending their lives into a downward spiral because they couldn't afford a \$100 bond was somehow a good idea, why shouldn't the Sheriff be able to let them go if he decides that's the best course of action?

A vote for SB21-62 would be an excellent start to bringing sanity to the justice system in Colorado, and with a little luck, Colorado could become a model of justice for the nation. I urge you to vote for it. Thank you for your time.

God Bless,
Esther Shipsey



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CROSS-DISABILITY
COALITION

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[Julie Reiskin](#)

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March 4, 2021

My name is Julie Reiskin and I am the Executive Director of the [Colorado Cross-Disability Coalition](#). We are the largest disability led social justice organization in Colorado and are in support of this bill. Cross-Disability means that we represent people with all disabilities including but not limited to people with visible disabilities, chronic illnesses, mental illness, intellectual disabilities, brain injuries, blind, Deaf and more.

People with disabilities are two times more likely to be victims of violent crime according to the Department of Justice. . So, why do we support this bill?

We also are overrepresented in the jail and prison population. We are about 10% of the population –all disability types—but 32% of the prison and 40% of the jail population have at least one disability. We have never and will never take the position that disability should excuse someone from consequences of wrong actions. We also do not think that disability should cause more severe consequences. Sometimes people have disability related behaviors that are better managed with support. Earlier today you all passed a bill unanimously acknowledging that some people with developmental disability might need help making decisions. These are the people that might benefit from this bill, not dangers but people that may make bad decisions or need support. One example sticks in my mind:

A suburban 17 year old boy with a developmental disability was supposed to be getting line of sight supervision at school. This did not happen. He was in the cafeteria. A teenage girl who was 15 sat on his lap. When she got up he slapped her (not hard) on the rear end. He was charged as a sex offender. He had been taught to manage appointments and reminders using his phone. Because he was a sex offender he was not allowed to have a phone (I think they thought he would look at pornography). He lost all of the skills of how to manage appointments, his parents were not allowed to help him, and of course he missed appointments and ended up in jail. His family mortgaged and eventually lost their home to get him legal counsel. While unwanted touching is not acceptable there were other ways to teach him and this conduct is not unusual in any setting with a group of teens. He was not a dangerous sexual predator that should be locked up—just a teenage boy who lacked impulse control and did something stupid.

Some people with disabilities have not had appropriate education or employment opportunities and may not be skilled at managing things like appointments. A couple of years ago this body wisely passed a reminder system pilot program. These programs should be expanded. Moreover, when someone demonstrates lack of life skills that cause poor decisions like not getting to court hearings, providing vocational rehabilitation with skill building for things like how to keep a calendar makes more sense than jail. We can get someone to gain skills that could lead to employment or we can lock them up so they can learn more negative behaviors. People with disabilities who are isolated may be prone to following others so putting them in a jail situation when it is not necessary for public safety is only going to cause more damage. Because people with disabilities are more likely than any other group to live in poverty (pre COVID 21% of us under the poverty level compared to 7.6% of non-disabled Coloradans)

NOTHING ABOUT us, WITHOUT us...EVER!

therefore they are more likely to be jailed due to being unable to post bond and likely to fail to pay fees or fines.

There can be consequences for criminal behavior that will actually correct the problem and maybe even lead to employment and increased independent living skills but jailing people before they are even tried is not going to help. Engaging people with appropriate supports before trial will give a judge and/or jury a better picture of the situation. Jailing someone even for a month or two will cause people with disabilities to lose any support they might have had including their housing, their support services, etc. Moreover due to jail formularies their medication is often changed or not provided. These situations can be impossible to come back from and often cause homelessness or force people into bad situations such as living with other people who are making poor decisions and hanging out all day because services or supported work is no longer available.

Having them remain in services and possibly increasing support will not absolve people who have broken the law from taking responsibility. It will simply ensure that they pay only for their crime, not destroy their life and give them a chance at actual rehabilitation and permanent change.

Representing a population that are both victims of crime and overrepresented in the criminal system we have a unique view. We all want a safer community and want everyone to have the help they need to make good decisions and contribute to their communities. We all want to use tax dollars wisely. SB 62 helps with these shared Colorado values.

Good afternoon; my name is Wilfred Romero. I am the Executive Director of the Arc Pikes Peak Region based in Colorado Springs, Colorado. Today I am testifying in support a Senate bill 21-62 as an advocate for the intellectual and developmental disability community. Over the past 26 years, the Arc Pikes Peak Region has provided advocacy services to individuals with intellectual and developmental disabilities (I/DD) in the criminal justice system. It is unfortunate that today, many of the beds of our local jails are filled by individuals with I/DD simply because of their inability to pay a bond. Many of these individuals are incarcerated for petty crimes that often lead to more severe offenses while they are incarcerated. One of the most significant factors in the additional infractions picked up is contributed to the lack of appropriate accommodations for individuals with I/DD while they are in jail. It is estimated that The Arc Pikes Peak Region saves our community approximately 1 to \$2 million annually by keeping individuals with I/DD out of jail that do not belong in jail. We do this through our advocacy efforts in the El Paso County 4th District courts, where we help find alternative sentences for individuals with I/DD in place of jail. One alternative often negotiated is the elimination of a set bond. Why is this important? On average, an individual with an I/DD lives month to month on \$72 after paying

their rent and other living expenses. Individuals with I/DD experience an unemployment rate of 85% therefore, eliminating the ability to pay a financial bond. Forty percent of youth with I/DD disabilities often fail to live successfully in their community due to the lack of additional resources after leaving the public school system. Our communities fail these young adults by systemically making it challenging to succeed in the community where they live. Unfortunately, the alternative to this lack of support has been the increase of incarceration rates of individuals with I/DD, increasing the cost and strain on our jails and courts.

These are just a few reasons why I am asking you to please support senate Bill 21-

62

Senate bill 21-62 would be beneficial in its ability to help eliminate the number of individuals with I/DD being incarcerated, only for their inability to pay a bond no matter how minimal it is. The criminal justice system can save money by eliminating the need for accommodations while reducing an individual's chances of picking up additional offenses. Speaking through our daily experience, Senate Bill 21-62 would reduce the strain on the courts by eliminating the need for costly hearings. Keeping pwidd in jail often causes additional medical challenges to that person because they are not able to get the medication they need (psychotropic or seizure meds to name a few) this causes additional emotional and physical

issues for the individual which in turn cost the counties and state money to treat the individual's untreated conditions while in jail and possible when they are released.

Thank You for your consideration.

To the Colorado State Senators on the Senate Judiciary Committee,

My name is Liam Donevan and I live in Edgewater, CO. I'm writing to urge you to support SB21-062. Jail population reduction is smart, safe and fiscally responsible.

During the pandemic, sheriffs, judges, public defenders and district attorneys across our state worked together to save lives by dramatically decreasing Colorado's jail population. They did this by reserving jail beds for people who pose a safety risk to others. At its peak, jail populations dropped by 46%, with almost 6,000 fewer people in jail each day. Jail populations are still down 35% over pre-COVID numbers.

The good news? Despite widespread jail population reduction, crime has not increased, and most of the state has seen a decrease. Data shows that variations in crime rates by county bear no correlation to the level of jail depopulation.

Colorado can save millions in taxpayer money with long-term jail depopulation. On average, there are 4,708 fewer people in jail each day compared to before the pandemic. With a daily incarceration cost of \$98.83 per person, this saves \$465,337 per day or \$170 million per year.

SB21-62 will solidify the smart jail depopulation policies already in place in many counties in Colorado counties. Importantly, it:

Requires summons for low-level offences and increases officer discretion to issue summons for misdemeanors and low-level felonies when there is no safety risk requiring incarceration.

Decreases the use of cash bonds. SB21-62 limits the use of money bonds for misdemeanors and low-level felonies to cases where there is a safety risk or a flight risk.

Empowers sheriffs to continue to safely depopulate county jails even after the end of the COVID-19 crisis.

The U.S. locks up more people per capita than any other nation, but most people in jails have not been convicted. 60% of Colorado's jail population are unconvicted people, incarcerated only because they cannot afford to post cash bond. People in prison and jail are disproportionately poor compared to the overall population, and pretrial detention can send people's lives into a downward spiral — those who can't post bond face losing their job, their housing, their medical care, and custody of their children. Research shows that pretrial detention puts people at a higher risk for future involvement with the criminal legal system while increasing convictions and causing steeper sentences.

Colorado has an opportunity to save money, families and lives by taking the positive lessons learned from the pandemic about smart jail depopulation strategies and enshrining them into law going forward. I hope you will support SB21-62.

Sincerely,
Liam Donevan