



**COLORADO
CROSS-DISABILITY
COALITION**

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TO: Members of the Senate Judiciary Committee
FROM: Julie Reiskin, Executive Director, Colorado Cross-Disability Coalition
RE: HB19-1225 and SB 19-191

I am writing on behalf of the Colorado Cross-Disability Coalition (CCDC) to ask for your support of HB19-1225 and SB 19-191. CCDC is Colorado's largest disability-led membership organization. Our mission is to advocate for social justice on behalf of people with all types of disabilities (cross-disability).

CCDC strongly believes and states in our strategic plan that people with disabilities must have both rights and responsibilities. Much of policy work is geared towards creating systems that enable people to engage in the full responsibilities of citizenship. We have made great strides in Colorado, but have a long way to go. Because of the many systemic injustices and barriers faced by people with disabilities, our community is disproportionately affected by poverty, lack of education, and unemployment. These systemic barriers are reversing, but very slowly.

One example is that since 2014 we have had the ability to buy into Medicaid while still being able to engage in competitive employment, and earn and save money. Since having this option the percentage of people with disabilities working full-time and full-year increased from 26-29% (as of 2017 the last year with available data). Therefore we still have more than 70% of people with disabilities are NOT employed full time and full year. Those not able to take advantage of this great program, or those still scarred by years or even decades of being told that work is impossible and savings constitutes some sort of fraud remain in poverty and often are reliant on programs that do not allow them to ever accumulate more than \$2000 in all assets combined in any one month. If someone gets an SSDI check of \$1200 this means that they could never have more than \$800 in the bank.

Because of systemic discrimination, people with disabilities are dramatically overrepresented at every stage in the criminal justice system. Jail is no exception. People in jail are 4 times more likely to have disabilities than people in the general population, and more than half of people in jail have psychiatric disabilities. The injustice of these disparities are heightened in the pretrial context, where presumptively innocent people may have their lives derailed from pretrial detention for a crime they did not commit or which is so minor that they would never even receive jail as a sentence. I share this to explain why HB 19-1225 and SB 19-191 is so important for people with disabilities.

When someone is detained pending trial a plethora of other problems can occur that are exacerbated by living with a disability.

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1. In some housing situations, particularly assisted living, if one is gone more than a limited number of days one can lose their place. Then the person is not only facing criminal charges, but is now experiencing homelessness. Replacement housing for low-income people with disabilities is very unlikely..especially if there is some sort of criminal record.
2. Many people with disabilities are living in deep poverty. There is no extra money and they balance every month trying to manage. Fees involved in the criminal justice system add up quickly and if they pay, this is likely to cause the individual to not pay rent, utilities or other bills. Often they will give up services such as their phone, which then removes all of their data, reminder systems, etc. They then are not able to be reached and often get in more trouble for missing deadlines and appearance dates. For people unable to physically write, or those with cognitive disabilities who may have been trained using specialized apps to manage information are particularly hard hit. Finally, people often skimp on food and eat what is cheap, which causes secondary health issues OR they are forced to skip psychiatric medication because they do not have food to take with the meds.
3. Often when people are kept in jail too long due to problems releasing people after they have posted bond people have other problems. They miss scheduled medications, people who use oxygen may run out. Some people may require oxygen only at night but if they are kept in jail overnight a medical visit is required before the jail can provide oxygen if the individual has none. People in supervised living situations have curfews. Sometimes people are released so late that there is no public transportation. Because jails cannot give family or friends a specific (or even approximate) time, arranging for transportation home is a problem.
4. Unfortunately, poor people often have many debts. Once someone is involved with the criminal justice system they start incurring fees and fines. This can include fees for taking "classes", fines for missing said classes, fees for "therapy" groups, and various other charges. When one is again arrested, any fees applied to the new bond should not be taken to address anything else.

HB1225 and SB191 are both smartly aimed at safely and smartly decreasing our pretrial population, in which people with disabilities are hugely overrepresented. Our support of this bill in no way implies that we think people with disabilities should not be held accountable if they commit a crime. What we do want, is a system that will have the punishment be proportional to the crime. Too often we see people with punishments that far exceed the crime. People with disabilities who are arrested should have to answer for their crimes (if they actually committed the crime) but that process should not cause someone to forever lose their housing, cause severe medical complications, or destabilize the person completely.

We believe HB19-1225 and SB 19-191 will help make justice more just in Colorado for the community that we represent and request your support.

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3/14/2019

Dear Mr. Chair and Members of the Committee,

My name is Abigail Negley and I am offering this written testimony on behalf of The Arc of Colorado. The Arc of Colorado promotes and protects the human rights of people with intellectual and developmental disabilities and actively supports their full inclusion and participation in the community throughout their lifetimes. Thank you for the opportunity to testify in support of House Bill 1225.

We believe it to be vital that people with disabilities are considered within this discussion. People with disabilities are overrepresented in jails. Recent data estimates that 40% of jail inmates have at least one disability, according to the National Center on Criminal Justice and Disability. When looking specifically at intellectual and developmental disability (I/DD), people with I/DD make up around 3-4% of the population at large but make up 10% of the prison population.

While individuals with I/DD do commit serious crime, we know, based on the experience of our advocates at our fourteen local chapters in this state, that a large part of the crime committed by people with intellectual and developmental disabilities are petty offenses. People with I/DD have extremely limited income making seemingly insignificant bail expenses impossible to pay. The I/DD population has a general unemployment rate of over 85% according to a FINDS survey and according to a 2014 Congressional Report, 1 in 3 individuals with I/DD live in poverty.

Once behind bars, people with intellectual and developmental disabilities face more obstacles. Individuals with complex health care needs do not receive adequate treatment. This is especially true for individuals with co-occurring intellectual or developmental disability and behavioral health diagnosis who struggle to find adequate services under the best of circumstances. People with disabilities represent a vulnerable population in jails. Just as they are overrepresented as offenders, they are also overrepresented as victims. For all of these reasons, it is better for people with disabilities to be back in their communities while they await their court date.

We know that the best place for many individuals with intellectual and developmental disabilities and any co-occurring diagnosis is in the community. This belief has been reflected throughout Colorado care systems. We are one of the most progressive states boasting incredibly low rates of institutionalization and a robust and ever improving system of community-based services and supports. When it comes to people with I/DD, we have already determined that community supports are a Colorado state priority. For offenders of low-level, often victimless crimes, the standard should be no different. Let us not forget that some of these individuals have not yet even been deemed competent to proceed.



People with disabilities are disproportionately victims of a system that criminalizes their own poverty. When people with I/DD commit petty and often victimless crimes, they should be allowed back into their community where they may receive the proper supports as they await trial. If the average Coloradan could reasonably pay their way out of jail, those without the financial means to post bail, such as people with intellectual and developmental disabilities, should not find themselves behind bars. We believe that House Bill 1225 demonstrates a substantial move towards equity for the population we advocate for.

Thank you again for the opportunity to testify in support of House Bill 1225.

Sincerely,

A handwritten signature in black ink, appearing to read "Abigail Negley".

Abigail Negley

Public Policy and Advocacy Coordinator, The Arc of Colorado

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