

Colorado

Colorado's parole board is made up of nine members serving political appointments; these individuals apply for the position, are nominated from their applications by the governor, and are then confirmed by the Colorado state senate. Statutorily, there is no requirement that the board be made up of an equal number of members from each political party and thus the board tends to skew quite heavily toward the current governor's party; however, Colorado does require that a certain number of board members come from particular backgrounds, such as law enforcement or victims' advocacy. Colorado's sentencing structure includes life without parole or the death penalty for first-degree murder convictions and long, indeterminate sentences for other kinds of crime, such as sexual-conduct-based offenses and other murder convictions. Activists in Colorado are currently working to change the use of the death penalty; death by incarceration; and long, indeterminate sentences.

Dianne Tramutola-Lawson, of Colorado CURE, stated that Colorado is reluctant to parole individuals convicted of sex-based offenses because there are not enough psychiatrists and other mental health providers in the prison system to meet the demand for therapy and rehabilitative programming. Thus, CURE works on finding therapists and related programming for these individuals outside of the prison system, in order to work on increasing parole rates.

The applicable form of executive clemency in Colorado is a commutation of sentence, and the governor has full discretion in this realm. In order to be eligible for a commutation, the individual must be confined, not within 15 months of parole eligibility, not participating in Intensive Supervision Program, must have served $\frac{1}{3}$ of their sentence or 10 full years (whichever is less), must not have had any significant misconduct during their confinement, and must have no pending or possible appeals. Individuals incarcerated for crimes against a peace officer are ineligible for commutation of sentence. Applications are sent directly to the governor's Director of Executive Clemency, and consist of a letter to the governor explaining the reasons for requesting clemency, a recent performance review, a diagnostic summary, psychiatric reports, disciplinary reports, arrest records, among other things. The Director of Executive Clemency convenes the Executive Clemency Advisory Board, the board reviews applications and then makes recommendations to the governor. At present, applications can take up to one year to be reviewed. If an individual's clemency application is denied, then they must wait four years before reapplying.

Data on clemency rates was exceedingly difficult to find; what little there was suggested that in 2018, Governor Hickenlooper issued approximately 50 pardons to individuals that finished serving their prison sentence, while commuting only 12 sentences during his time in office. Governor Hickenlooper's office claimed they received "over 500 hundred" applications for clemency but that he granted it only to "those where the individual has a proven track record of rehabilitation." Six of the 12 commutations were for individuals convicted of murder; these commutations were Hickenlooper's first exercise of his power of executive clemency since 2013 (when he granted an indefinite stay of execution in a death penalty case).

Tramutola-Lawson recommends the ACLU of Colorado, the Marshall Project, the Sentencing Project, the Prison Policy Initiative, the Vera Institute, John Jay College, and the Brennan Center for Justice as go-to resources.

In 2018, Colorado voters passed an amendment to the state constitution, changing Article II, Section 26. Prior to the amendment, the section read, "Slavery Prohibited. There shall never be in this state either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted." With the now-approved amendment, however, the constitution will read, "There shall never be in this state either slavery or involuntary servitude," closing a loophole that allowed for the constitutionality of slavery in prisons (language very similar to that of the US Constitution).

Kamau Waset Allen, a full-time organizer with Together Colorado and one of the grassroots organizers supporting the amendment shared his uncle's, Joseph Bell's, experiences with modern-day slavery while incarcerated. "I learned that he was forced to work and that--if he refused--he was beaten and put into solitary confinement. He was only paid 25 cents per day and, with that, he was expected to buy everything he needed at full price: soap, toothpaste, toilet paper, snacks--all the little things that keep us human," wrote Allen.

Because prison policy is overseen by the legislature and various administrative departments, the constitutional amendment is but a small step toward achieving change, but it does open a door for legal challenges about the constitutionality of many forced labor practices in prison. "Simply removing the loophole for slavery from the constitution will have no direct impact on how people like Uncle Joe are treated while incarcerated. Instead, it is a first step--one that recognizes that power and scope of our constitution should never, at the very least, be complicit with the practice of slavery," Allen said.

Sources

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