

\$1 Billion Prison Budget Looms for Colorado

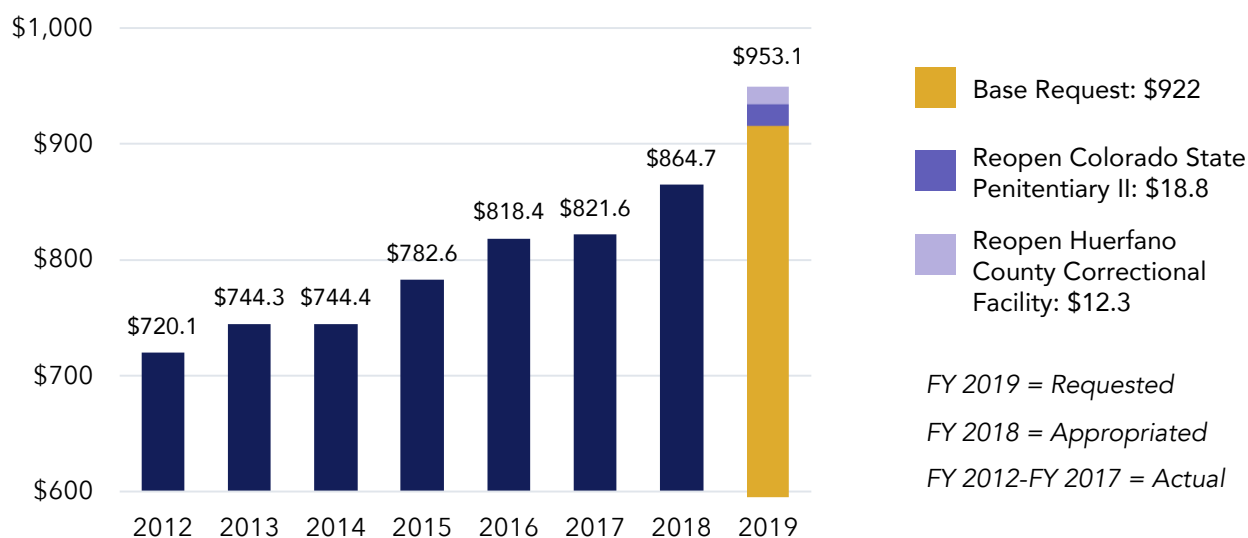
A surge in drug felony filings — mostly for simple possession — is driving demand for prison beds and having a disproportionate impact on women

The Colorado General Assembly is considering funding requests from the Department of Corrections for multiple prison expansion plans, which could add more than \$30 million to a budget that is rapidly nearing \$1 billion for the first time in Colorado’s history. An analysis of state court and prison data finds Colorado’s war on drugs is a major driver of the DOC’s “need” for more prison beds, and it is having a particularly dramatic impact on women.

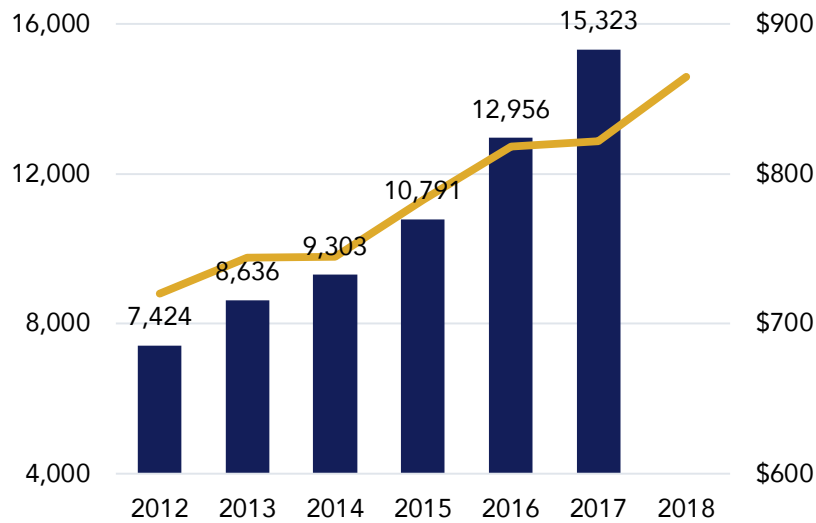
Drug felony filings have increased sharply in judicial districts around the state — the vast majority of which have been for simple possession — resulting in an increase in the number of people being sentenced to prison, especially women. As a result, Colorado’s prison population is projected to grow for the next several years, and the DOC, which initially asked the Legislature for \$922 million for FY 2018-19, has requested additional funding to reopen two closed prisons: \$18.8 million for Colorado State Penitentiary II in Cañon City, and \$12.3 million for Huerfano County Correctional Facility.

Reopening prisons to, in part, accommodate an influx of low-level drug offenders is the opposite of what the General Assembly envisioned when it enacted Senate Bill 13-250 in 2013. The legislation was intended to comprehensively reform state drug laws in order to reserve prison beds for high-level dealers while prioritizing treatment and community supervision for individuals charged with possession. Five years later, it is clear that it did not go far enough.

Department of Corrections Budget (in Millions): FY 2012-FY 2019¹⁻³



Drug Felony Case Filings in Colorado and Department of Corrections Budget (in Millions): FY 2012-FY 2017¹⁻⁴



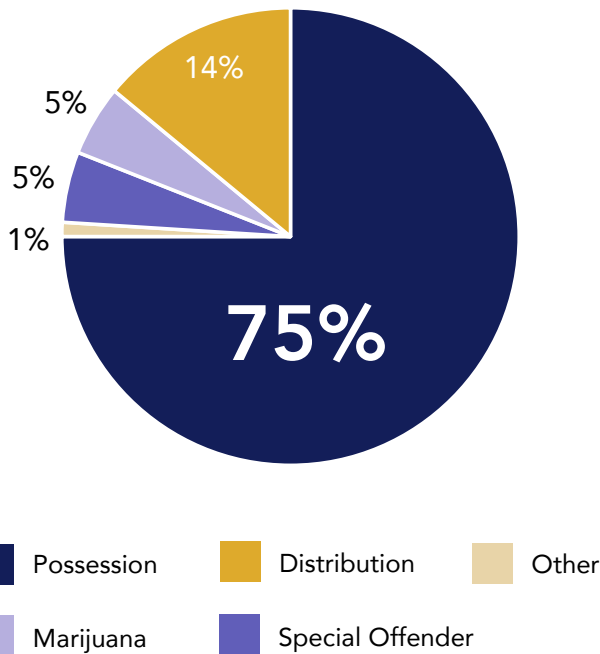
■ Drug Felony Case Filings — Department of Corrections Budget

Colorado experienced a **106% increase in drug felony case filings** in 2017 compared to 2012.⁴

The dramatic increase in drug felony case filings in Colorado is correlated with significant growth in the state’s prison budget.

Of the drug felony cases filed in Colorado in 2017, **three out of four were for possession.**⁵

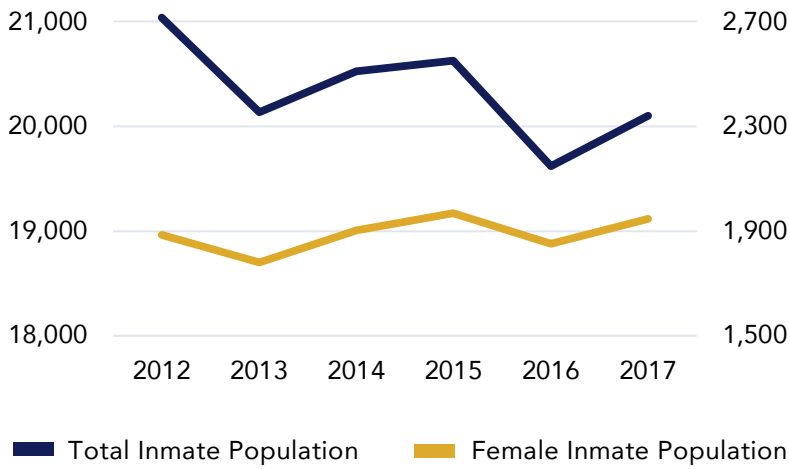
Drug Felony Case Filings in Colorado by Type of Offense: CY 2017⁵



Drug possession was the crime type with the highest increase from 2015 to 2016, during which time **the number of individuals sentenced to prison for drug possession in Colorado grew by 17%.**⁶

Of the people sentenced to prison for drug possession in CY 2017, **84% were originally charged only with possession** (i.e. they did not plead down to possession from distribution).⁷

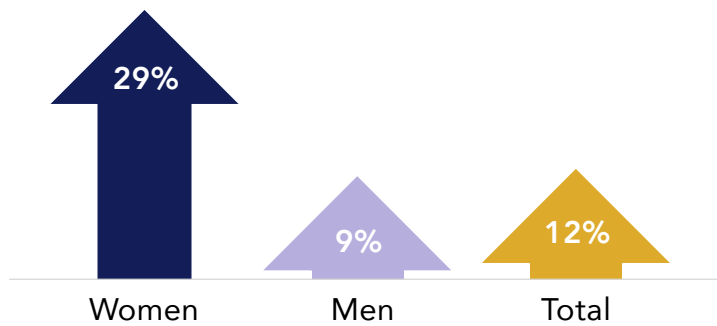
Total Inmate Population and Female Inmate Population in Colorado: 2012-2017⁸



Women represented 9.9% of Colorado’s total inmate population in June 2017, up from 8.8% at the end of FY 2013 — **an increase of 12.5%**.⁸

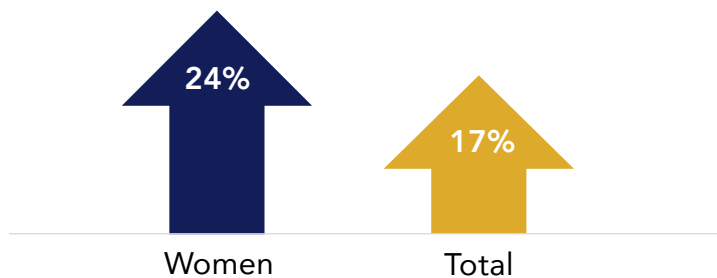
Another driver of the increase in the prison population was an **increase in revocations from probation** in 2016 of individuals whose most serious crime of conviction was drug possession, **especially women**.⁶

Increase in the Number of Individuals Sentenced to Prison in Colorado: 2016-2017⁹



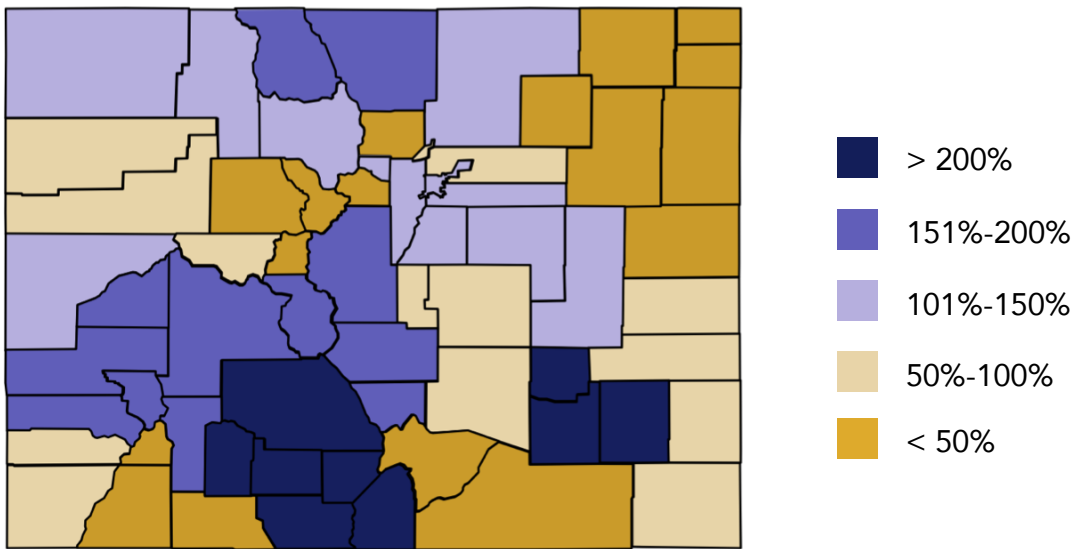
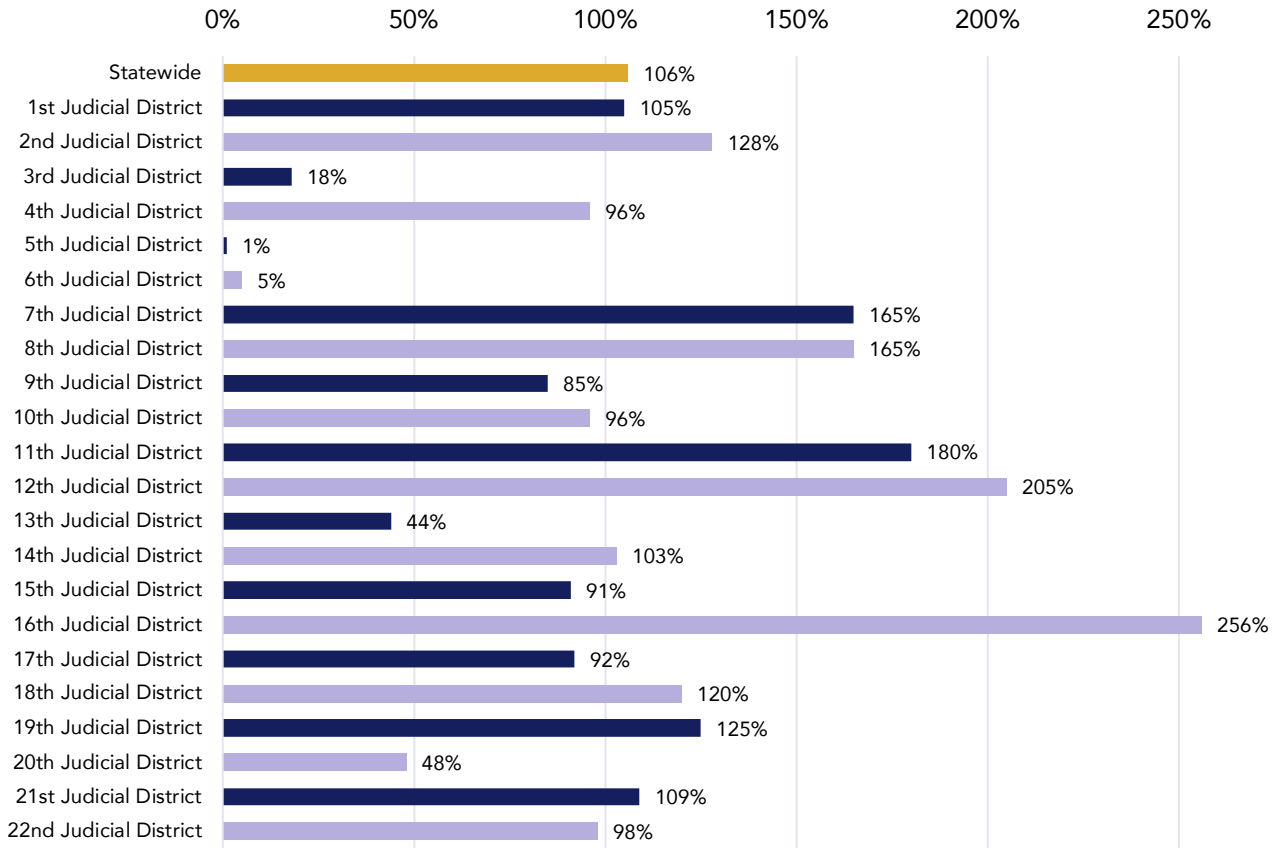
The number of individuals sentenced to prison in Colorado **grew 12% overall and an unprecedented 29% among women** from 2016 to 2017. The admission rate for men grew just 9% during the same time period.⁸

Increase in the Number of Individuals Sentenced to Prison for Drug Possession: 2015-2016⁶



From 2015 to 2016, the number of individuals sentenced to prison for drug possession **increased 24% among women, compared to 17% overall**.⁶

Increase in Drug Felony Case Filings Statewide and per Judicial District in Colorado: 2017 Compared to 2012⁴



See pages 7-28 for individual district profiles.

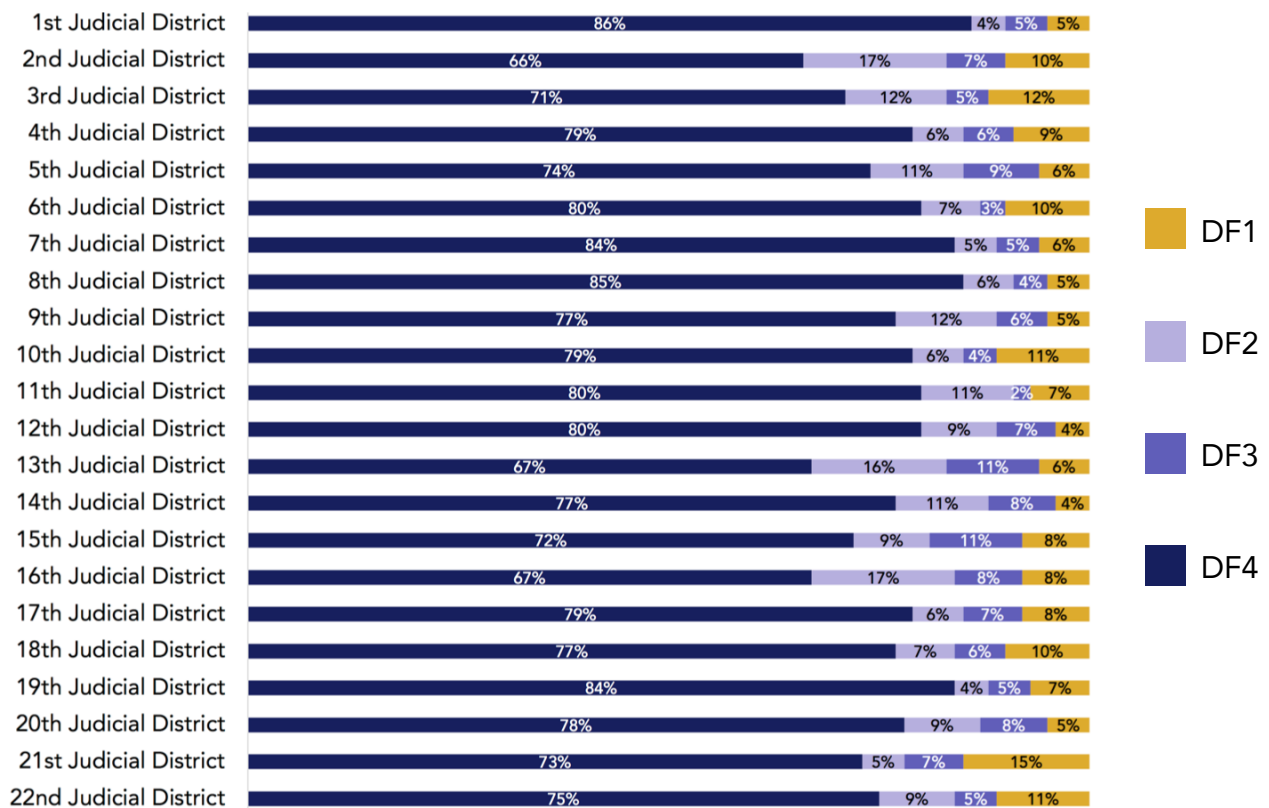
Colorado Drug Crime Classifications and Penalties

Senate Bill 13-250 created a new stand-alone framework for all drug offenses and took effect on October 1, 2013. Previously, drug crimes were classified alongside other, non-drug-related misdemeanor and felony crimes.

SB 13-250 reclassified drug crimes into two categories — Drug Misdemeanors (DM) and Drug Felonies (DF) — and they are further classified into levels within those two categories (DM1-DM2 and DF1-DF4). In distribution cases, the combined weight of multiple drug sales can be added together to establish the crime level. An “aggravated” sentence can be triggered by certain aggravating circumstances, such as committing the offense in prison or while on parole, probation, or bond for another felony.

A summary of DF1-DF4 crimes is available below. See page 6 for more details.

Drug Felony Case Filings by Class in Colorado Judicial Districts: 2017⁵



DF4 includes drug possession and sharing (transfer without remuneration);

DF3 includes lower-level distribution offenses as defined by the combined weight of the drugs sold;

DF2 includes mid-level distribution offenses as defined by the combined weight of the drugs sold; and

DF1 includes high-level drug distribution offenses as defined by the combined weight of the drugs sold and/or other characteristics of the crime, such as sales to minors or the use of a weapon.

Colorado Drug Crime Classifications and Penalties

Schedule I substances include heroin, LSD, psilocybin and psilocyn (mushrooms), and cathinones (bath salts).

Schedule II substances include cocaine, methamphetamine, methadone, and prescription opioid painkillers such as morphine, codeine, and oxycodone.

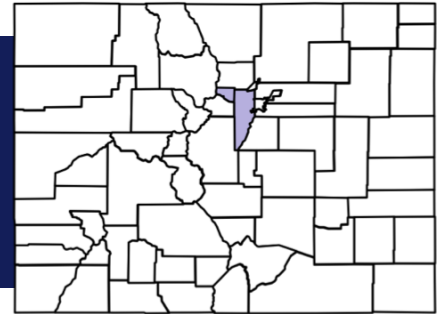
Schedule III-V substances include anabolic steroids, many non-painkiller prescription drugs, and some prescription drugs that include low levels of Schedule II drugs, such as prescription cough medicine with codeine.

| DM2 | DM1 |
|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum: 0 Months Maximum: 12 Months | Minimum: 6 Months Maximum: 18 Months |
| Use: Any Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V substance | Possession: Any amount of a Schedule III, Schedule IV, or Schedule V substance, except flunitrazepam or ketamine Transfer (Sharing): ≤4g of a Schedule III or Schedule IV substance Sale: Any amount of a Schedule V substance |

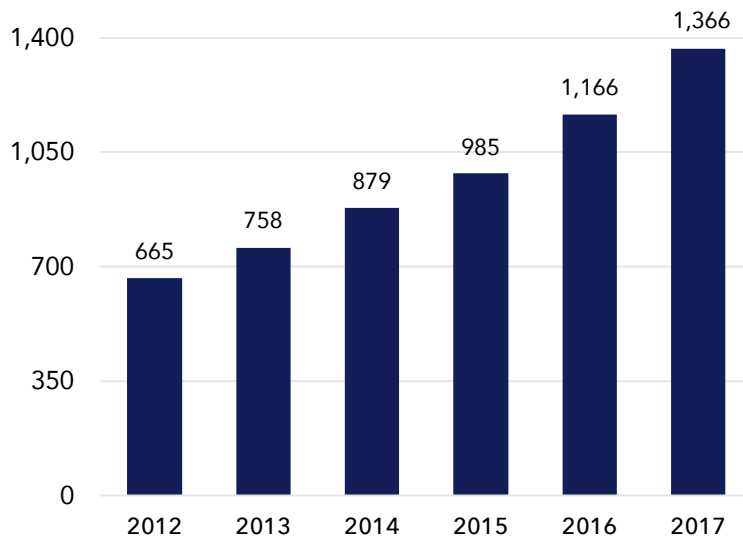
| DF4 | DF3 | DF2 | DF1 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Presumptive: 6-12 Months Aggravated: 1-2 Years | Presumptive: 2-4 Years Aggravated: 4-6 Years | Presumptive: 4-8 Years Aggravated: 8-16 Years | Mandatory Minimum: 8 Years Maximum: 32 Years |
| Possession: Any amount of a Schedule I or Schedule II substance, ketamine, flunitrazepam, or cathinones Transfer (Sharing): ≤2g of heroin, ketamine, methamphetamine, or cathinones; ≤4g of any other Schedule I or Schedule II substance Sale: ≤4g of a Schedule III or Schedule IV substance Other: Sale of an imitation substance to an adult | Sale/Manufacture: ≤7g of heroin, ketamine, methamphetamine, or cathinones; ≤10mg of flunitrazepam; ≤14g of any other Schedule I or Schedule II substance Sale: >4g of a Schedule III or Schedule IV substance Other: Sale of an imitation substance to a minor | Sale/Manufacture: 7g-112g of heroin, methamphetamine, ketamine, or cathinones; 10mg-50mg of flunitrazepam; 14g-225g of any other Schedule I or Schedule II substance Sale: Any amount of a Schedule III, Schedule IV, or Schedule V substance to a minor by an adult 2+ years older | Sale/Manufacture: >112g of heroin, ketamine, methamphetamine, or cathinones; >50mg of flunitrazepam; >225g of any other Schedule I or II substance Sale: Any amount of a Schedule I or Schedule II substance to a minor by an adult 2+ years older Importation: >7g of heroin, ketamine, methamphetamine, or cathinones; >10mg of flunitrazepam; >14g of any other Schedule I or II substance |

1st Judicial District

Counties: Gilpin, Jefferson

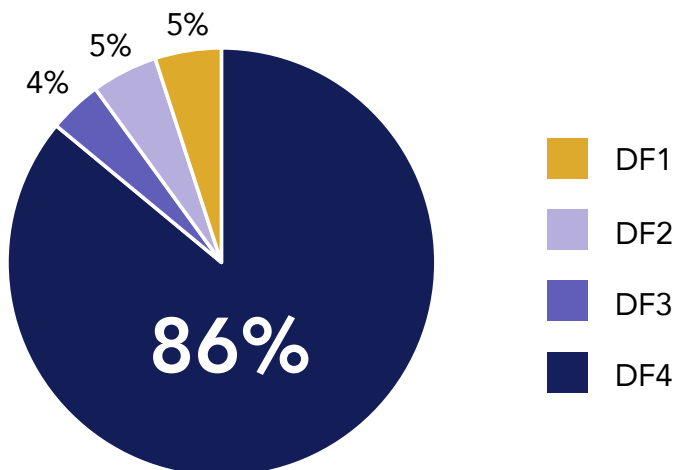


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 1st Judicial District experienced a **105% increase in drug felony case filings** in 2017 compared to 2012, which was the 10th-largest increase among the state's 22 districts.

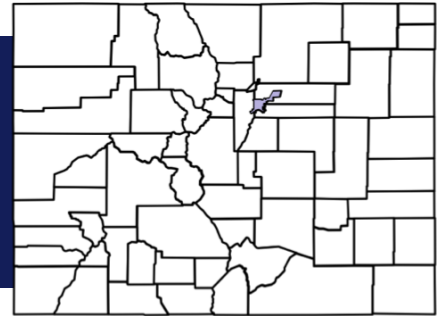
Drug Felony Case Filings by Class: CY 2017⁵



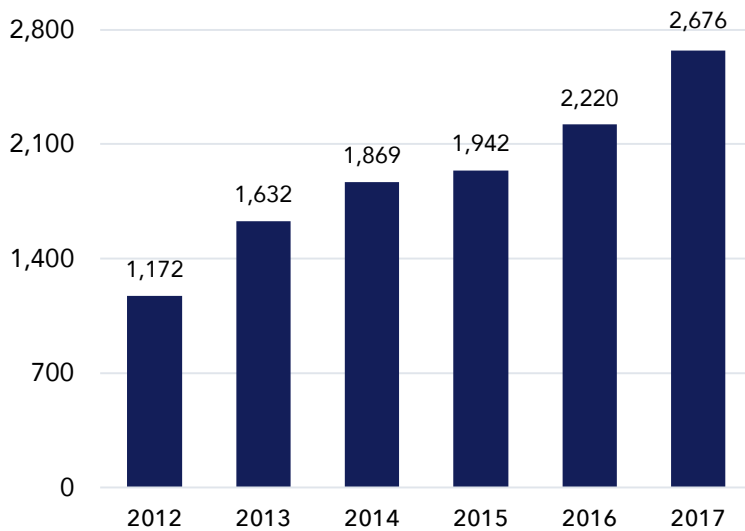
Of the drug felony cases filed in the district in 2017, about **six out of seven were for possession or sharing**.

2nd Judicial District

Counties: Denver

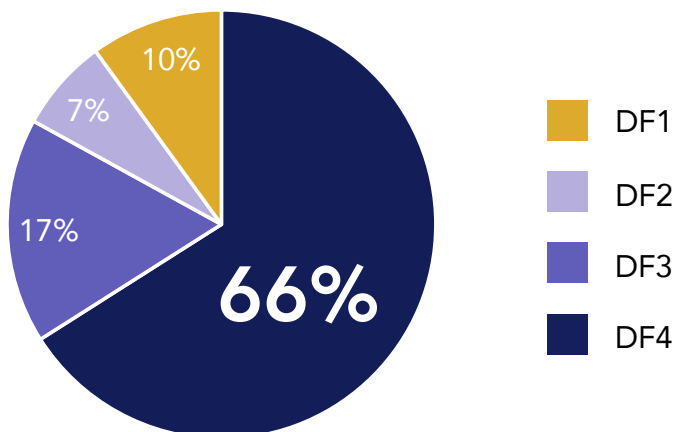


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 2nd Judicial District experienced a **128% increase in drug felony case filings** in 2017 compared to 2012, which was the fifth-largest increase among the state's 22 districts.

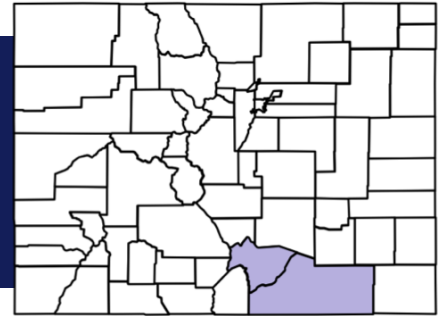
Drug Felony Case Filings by Class: CY 2017⁵



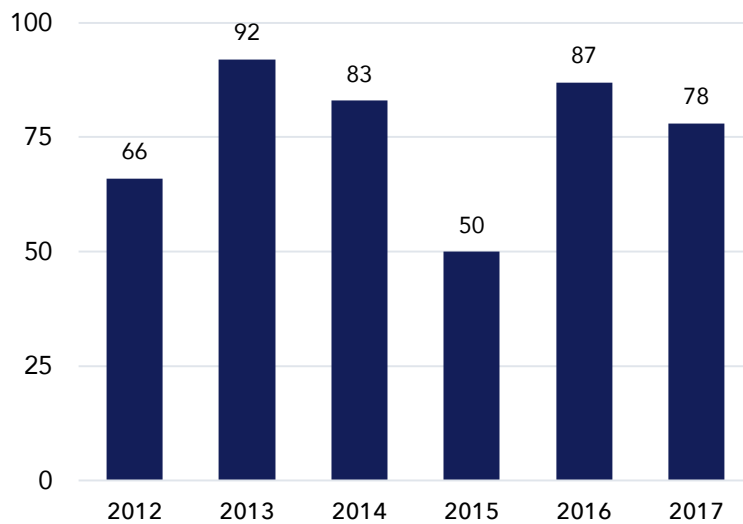
Of the drug felony cases filed in the district in 2017, about **two out of three were for possession or sharing**.

3rd Judicial District

Counties: Huerfano, Las Animas

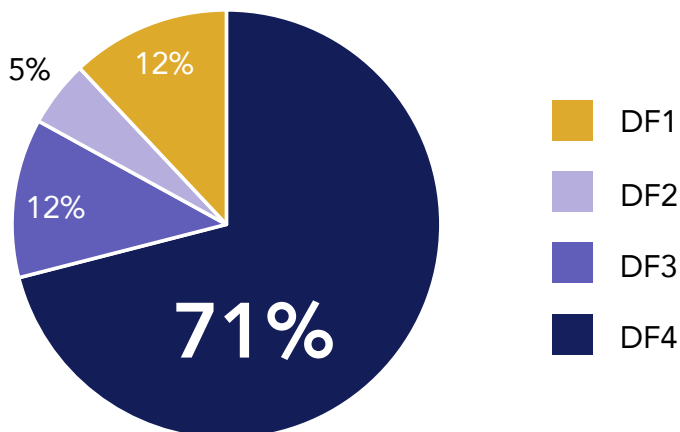


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 3rd Judicial District experienced an **18% increase in drug felony case filings** in 2017 compared to 2012, which was the 18th-largest increase among the state's 22 districts.

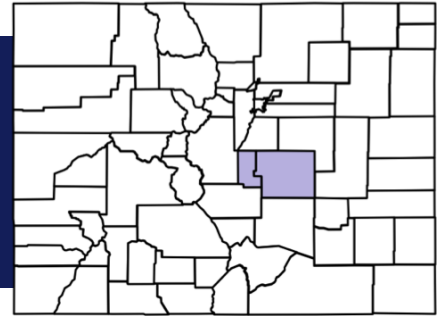
Drug Felony Case Filings by Class: CY 2017⁵



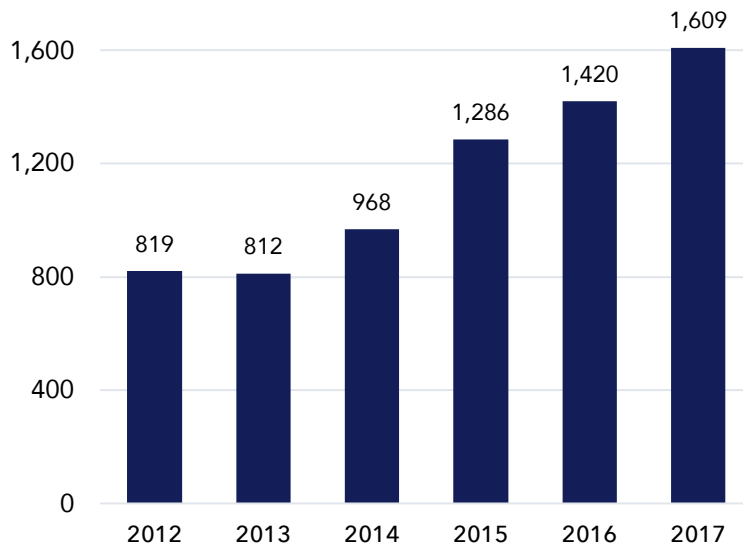
Of the drug felony cases filed in the district in 2017, about **seven out of 10 were for possession or sharing**.

4th Judicial District

Counties: El Paso, Teller

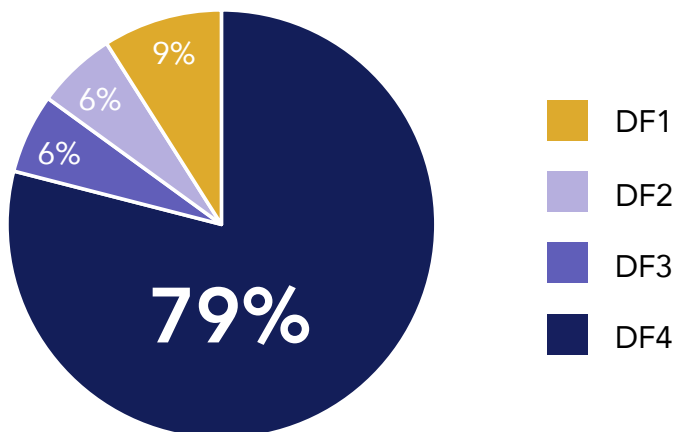


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 4th Judicial District experienced a **96% increase in drug felony case filings** in 2017 compared to 2012, which was tied for the 12th-largest increase among the state's 22 districts.

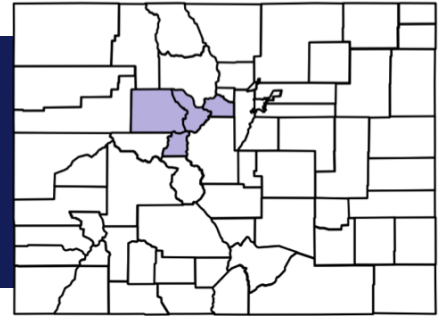
Drug Felony Case Filings by Class: CY 2017⁵



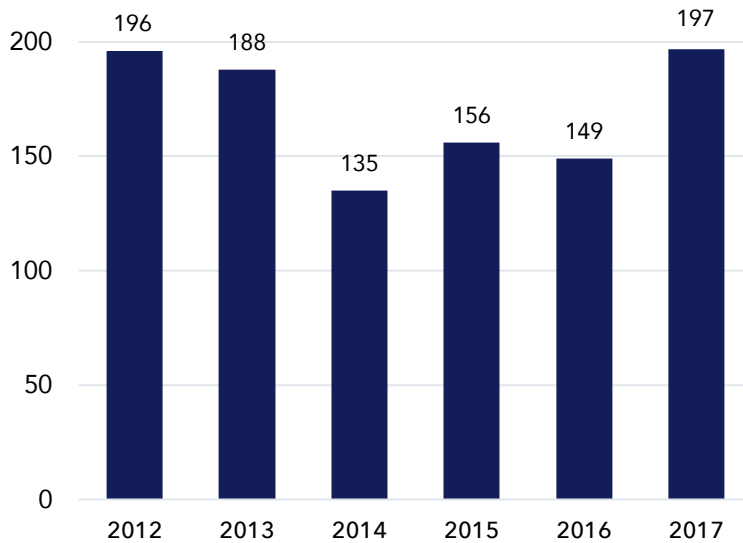
Of the drug felony cases filed in the district in 2017, about **four out of five were for possession or sharing**.

5th Judicial District

Counties: Clear Creek, Eagle, Lake, Summit

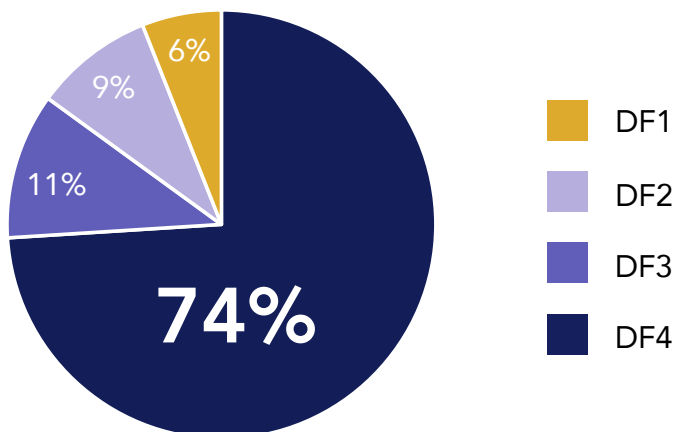


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 5th Judicial District experienced a **1% increase in drug felony case filings** in 2017 compared to 2012, which was the smallest increase among the state's 22 districts.

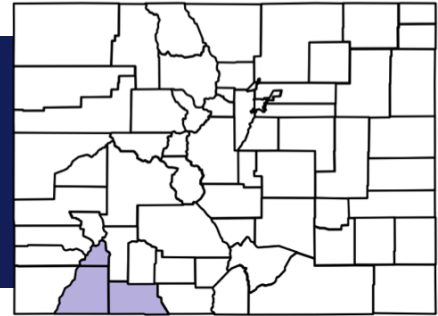
Drug Felony Case Filings by Class: CY 2017⁵



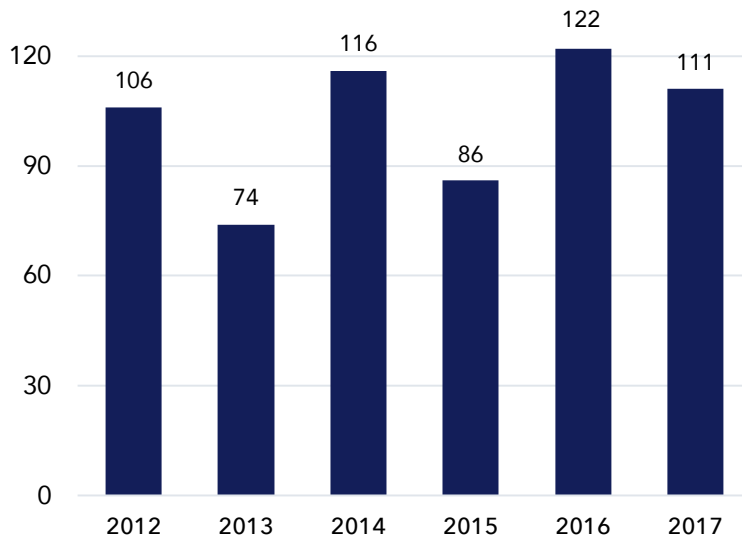
Of the drug felony cases filed in the district in 2017, about **three out of four were for possession or sharing**.

6th Judicial District

Counties: Archuleta, La Plata, San Juan

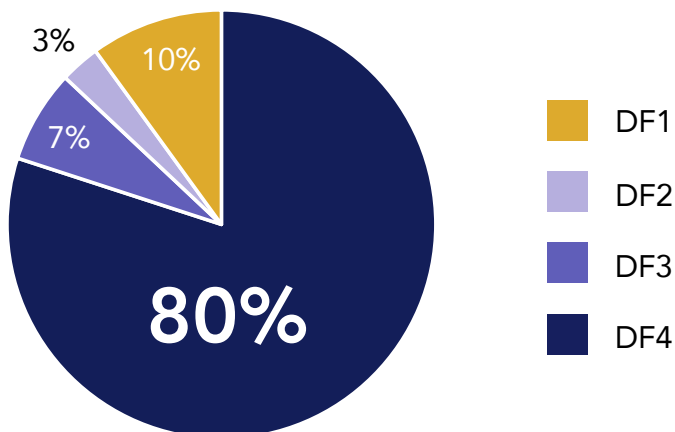


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 6th Judicial District experienced a **5% increase in drug felony case filings** in 2017 compared to 2012, which was the second-smallest increase among the state's 22 districts.

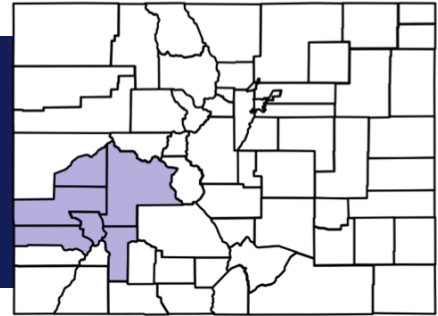
Drug Felony Case Filings by Class: CY 2017⁵



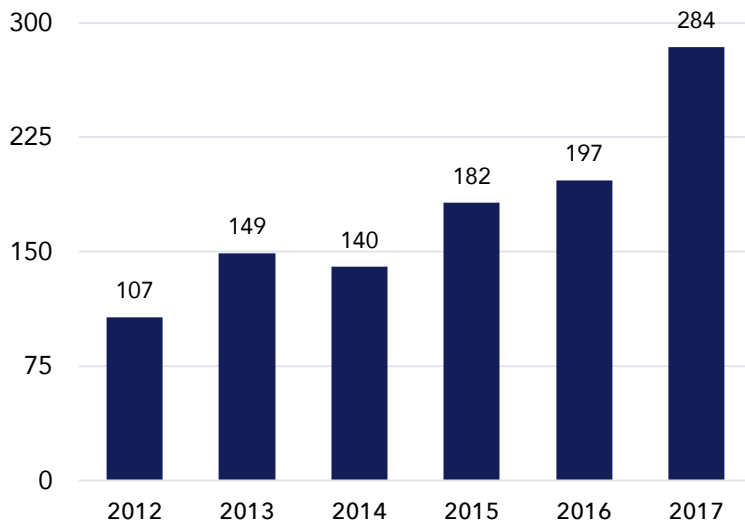
Of the drug felony cases filed in the district in 2017, about **four out of five were for possession or sharing**.

7th Judicial District

Counties: Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel

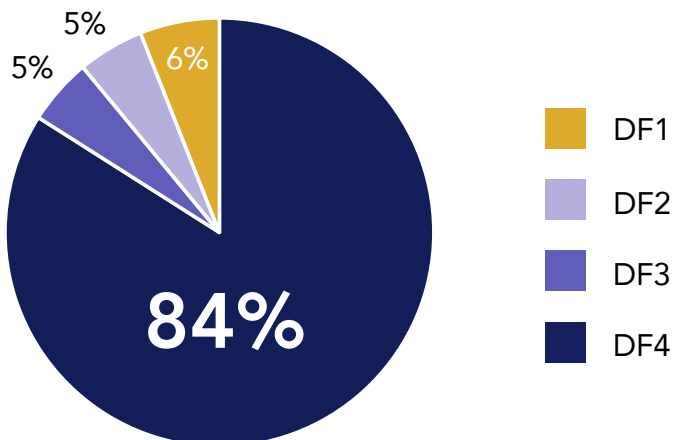


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 7th Judicial District experienced a **165% increase in drug felony case filings** in 2017 compared to 2012, which was tied for the fourth-largest increase among the state's 22 districts.

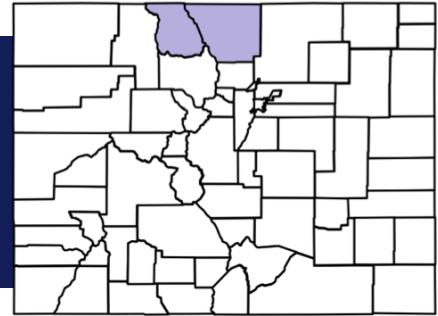
Drug Felony Case Filings by Class: CY 2017⁵



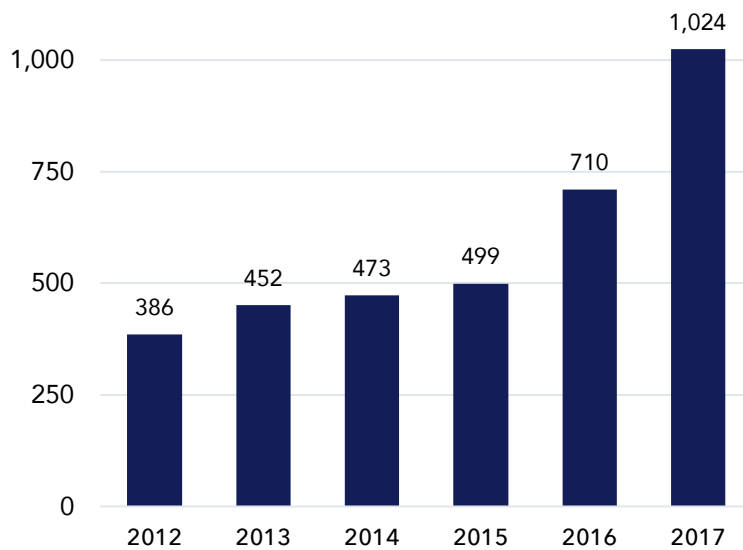
Of the drug felony cases filed in the district in 2017, about **five out of six were for possession or sharing**.

8th Judicial District

Counties: Jackson, Larimer

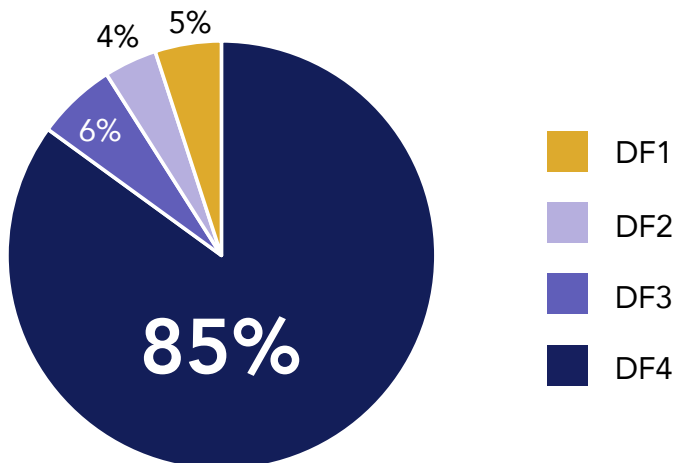


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 8th Judicial District experienced a **165% increase in drug felony case filings** in 2017 compared to 2012, which was tied for the fourth-largest increase among the state's 22 districts.

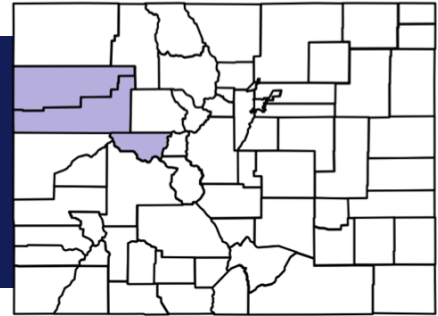
Drug Felony Case Filings by Class: CY 2017⁵



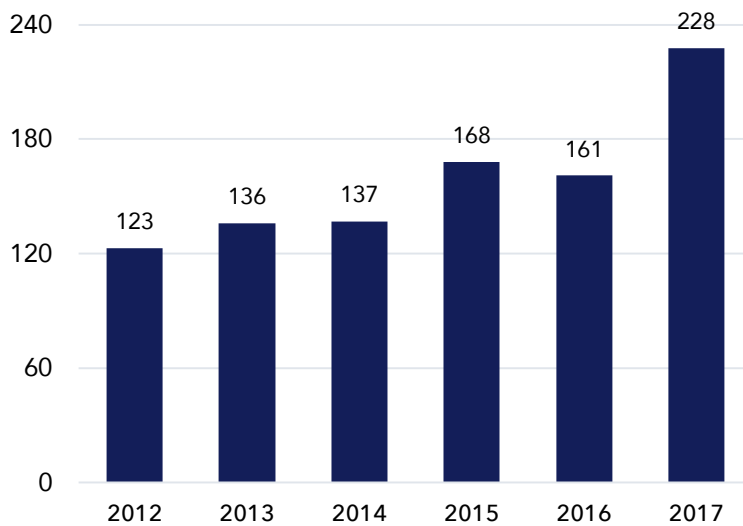
Of the drug felony cases filed in the district in 2017, about **six out of seven were for possession or sharing**.

9th Judicial District

Counties: Garfield, Pitkin, Rio Blanco

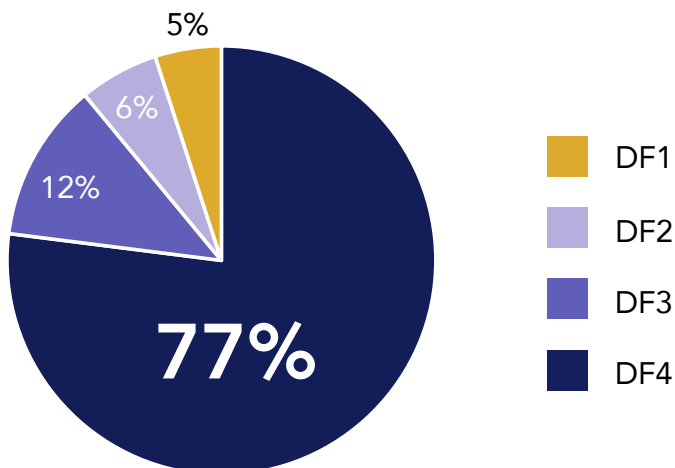


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 9th Judicial District experienced an **85% increase in drug felony case filings** in 2017 compared to 2012, which was the 15th-largest increase among the state's 22 districts.

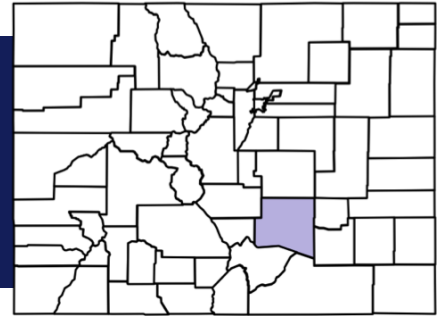
Drug Felony Case Filings by Class: CY 2017⁵



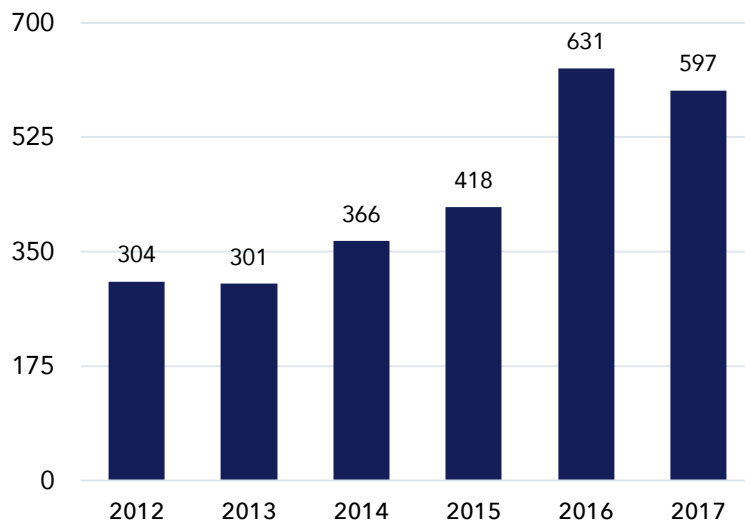
Of the drug felony cases filed in the district in 2017, about **three out of four were for possession or sharing**.

10th Judicial District

Counties: Pueblo

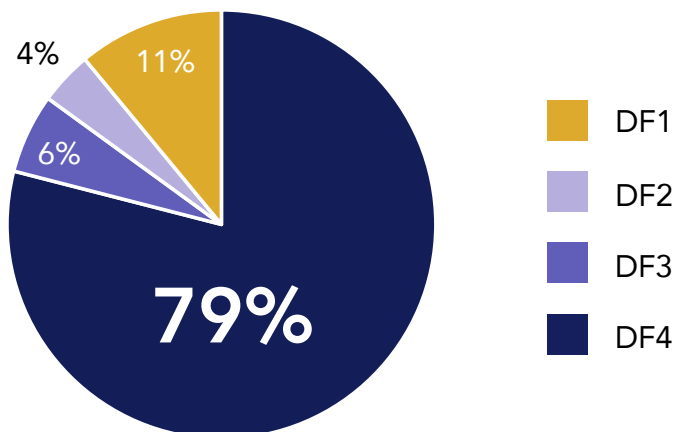


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 10th Judicial District experienced a **96% increase in drug felony case filings** in 2017 compared to 2012, which was tied for the 12th-largest increase among the state's 22 districts.

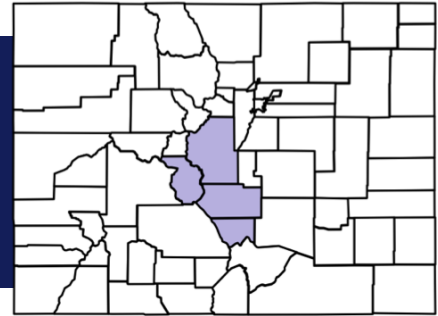
Drug Felony Case Filings by Class: CY 2017⁵



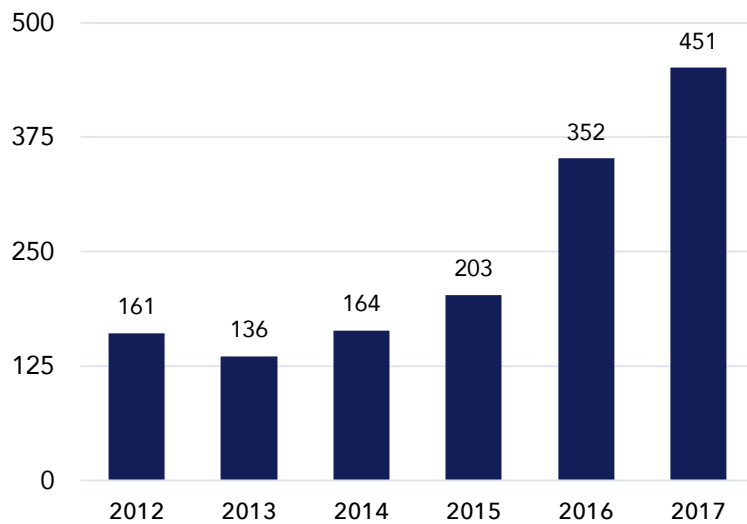
Of the drug felony cases filed in the district in 2017, about **four out of five were for possession or sharing**.

11th Judicial District

Counties: Chaffee, Custer, Fremont, Park

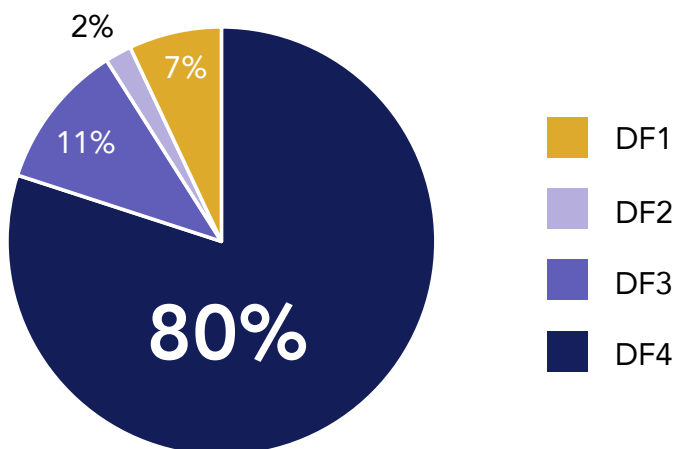


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 11th Judicial District experienced a **180% increase in drug felony case filings** in 2017 compared to 2012, which was the third-largest increase among the state's 22 districts.

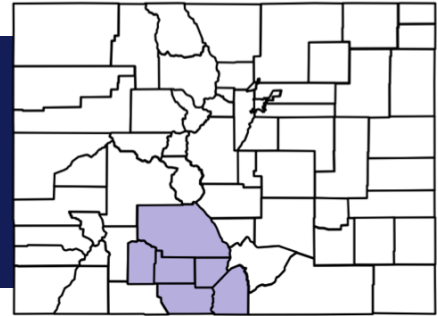
Drug Felony Case Filings by Class: CY 2017⁵



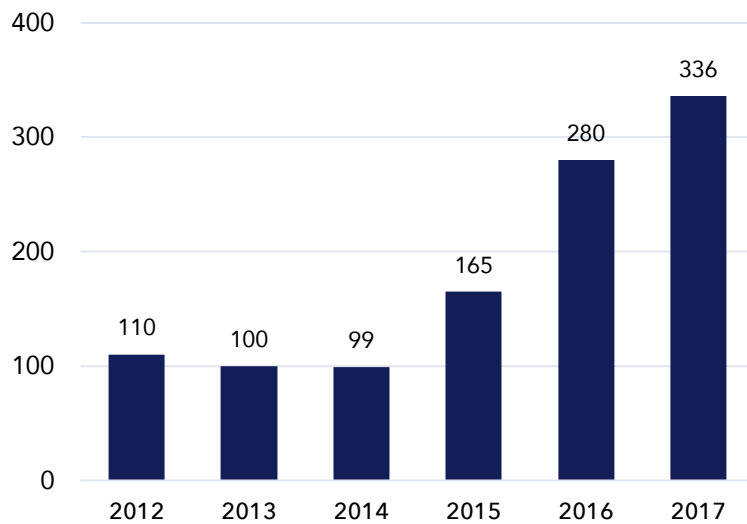
Of the drug felony cases filed in the district in 2017, about **four out of five were for possession or sharing**.

12th Judicial District

Counties: Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache

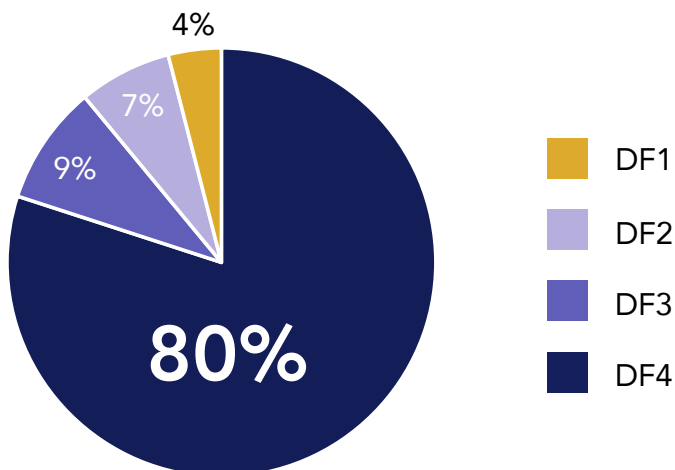


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 12th Judicial District experienced a **205% increase in drug felony case filings** in 2017 compared to 2012, which was the second-largest increase among the state's 22 districts.

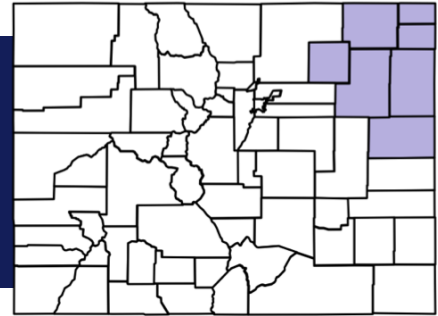
Drug Felony Case Filings by Class: CY 2017⁵



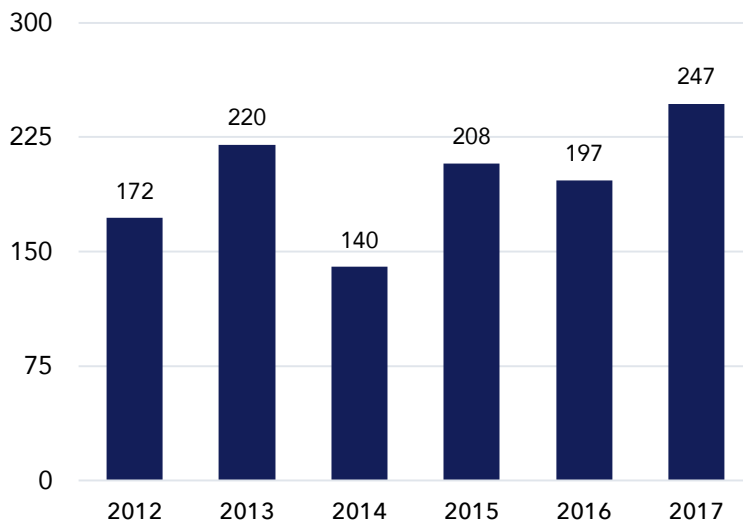
Of the drug felony cases filed in the district in 2017, about **four out of five were for possession or sharing**.

13th Judicial District

Counties: Kit Carson, Logan, Morgan, Phillips
Sedgwick, Washington, Yuma

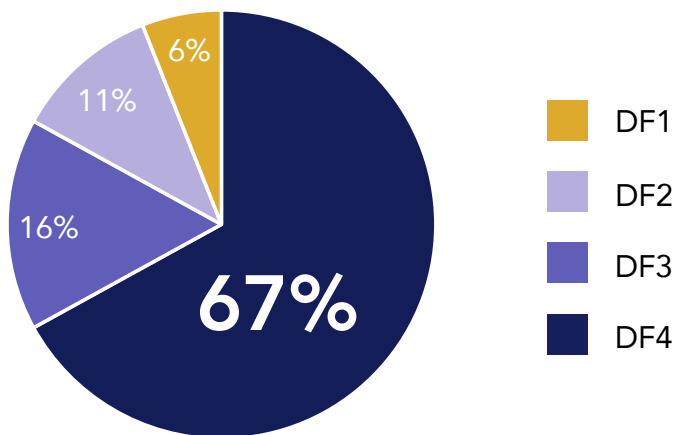


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 13th Judicial District experienced a **44% increase in drug felony case filings** in 2017 compared to 2012, which was the 17th-largest increase among the state's 22 districts.

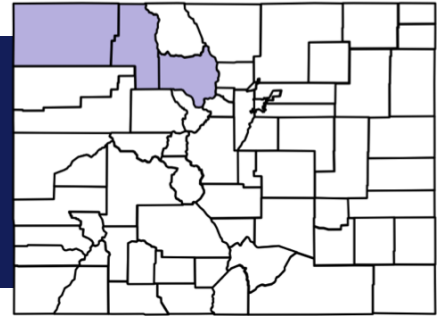
Drug Felony Case Filings by Class: CY 2017⁵



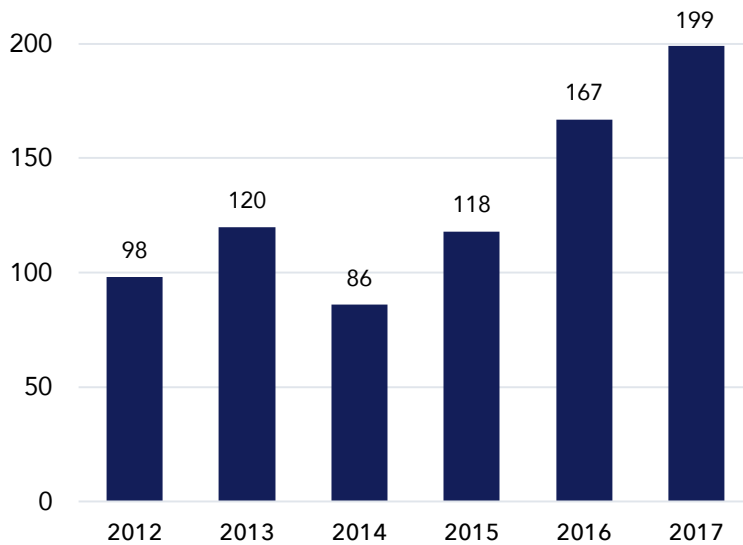
Of the drug felony cases filed in the district in 2017, about **two out of three were for possession or sharing**.

14th Judicial District

Counties: Grand, Moffat, Routt

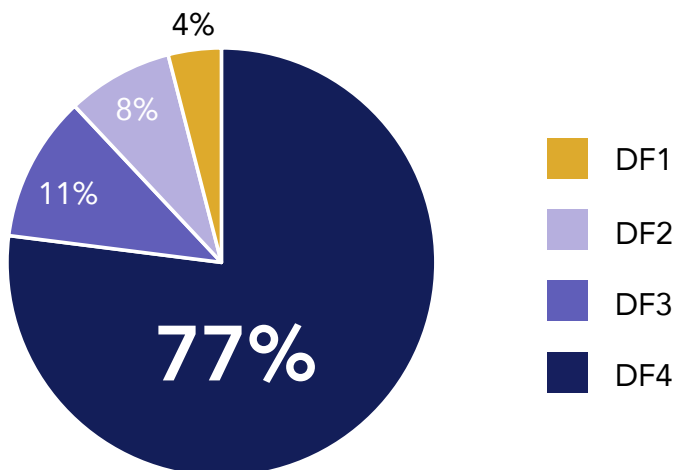


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 14th Judicial District experienced a **103% increase in drug felony case filings** in 2017 compared to 2012, which was the 10th-largest increase among the state's 22 districts.

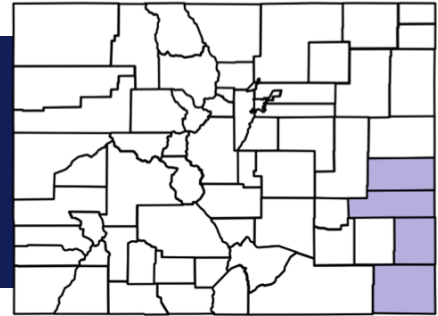
Drug Felony Case Filings by Class: CY 2017⁵



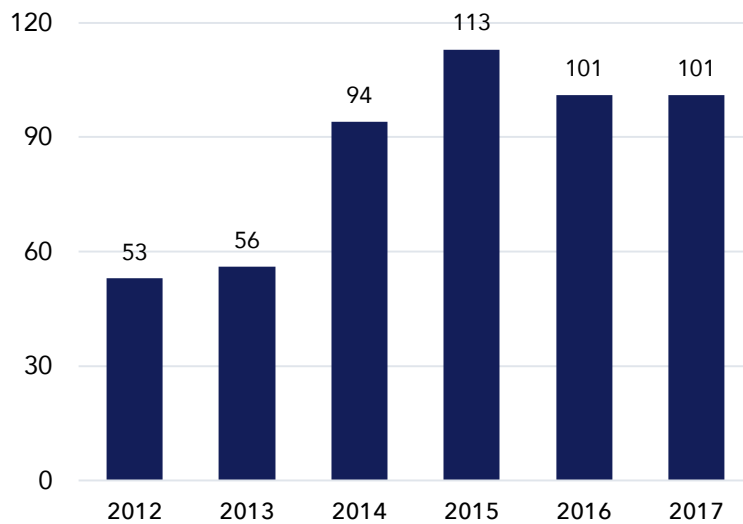
Of the drug felony cases filed in the district in 2017, about **three out of four were for possession or sharing**.

15th Judicial District

Counties: Baca, Cheyenne, Kiowa, Prowers

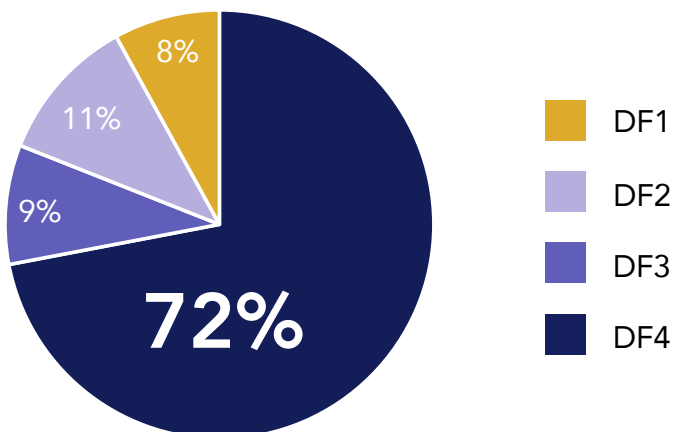


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 15th Judicial District experienced a **91% increase in drug felony case filings** in 2017 compared to 2012, which was the 14th-largest increase among the state's 22 districts.

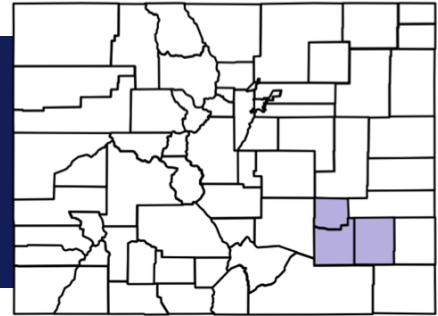
Drug Felony Case Filings by Class: CY 2017⁵



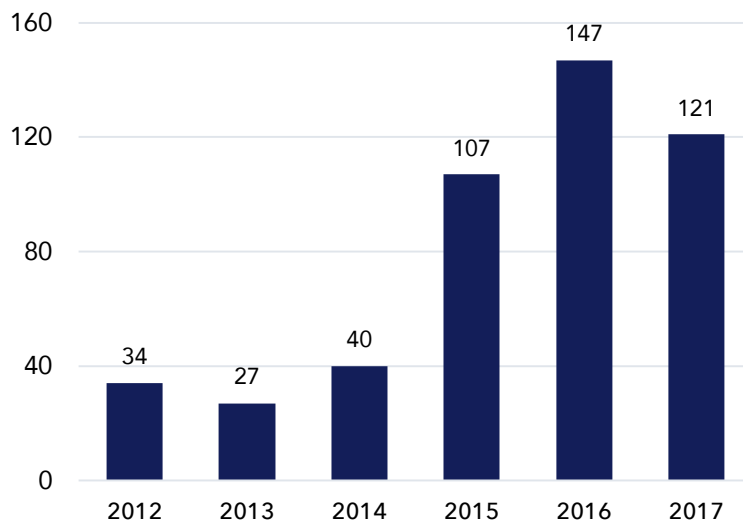
Of the drug felony cases filed in the district in 2017, about **five out of seven were for possession or sharing**.

16th Judicial District

Counties: Bent, Crowley, Otero

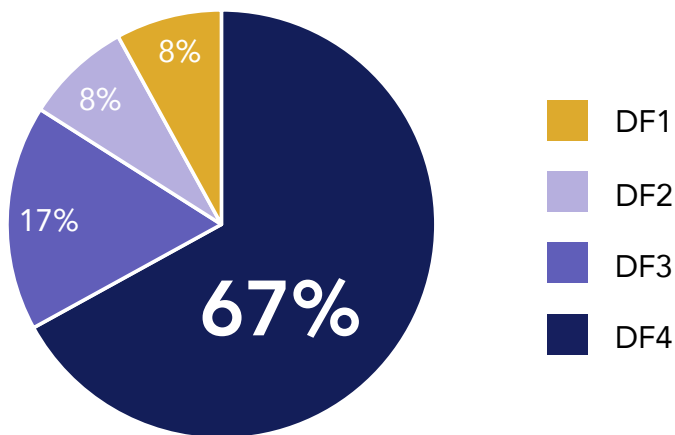


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 16th Judicial District experienced a **256% increase in drug felony case filings** in 2017 compared to 2012, which was the largest increase among the state's 22 districts.

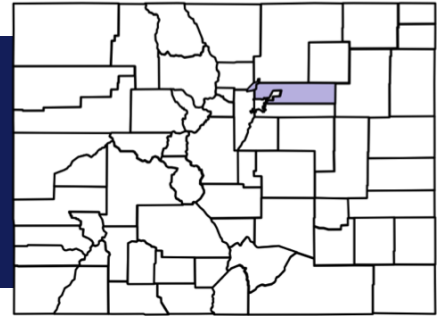
Drug Felony Case Filings by Class: CY 2017⁵



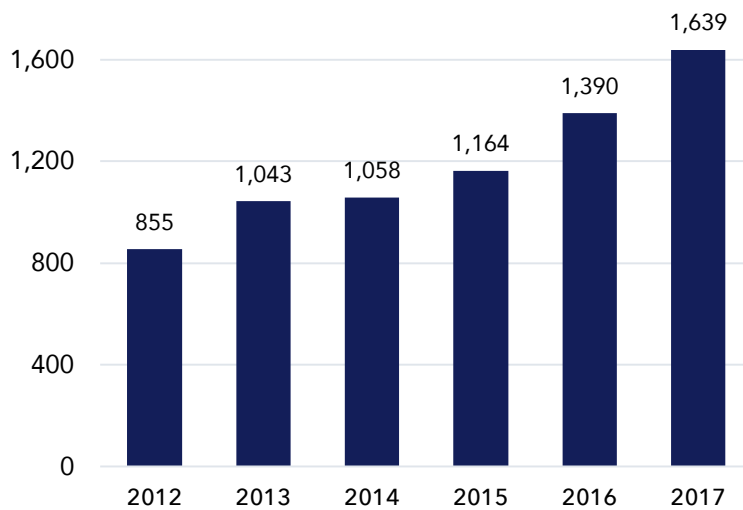
Of the drug felony cases filed in the district in 2017, about **two out of three were for possession or sharing**.

17th Judicial District

Counties: Adams, Broomfield

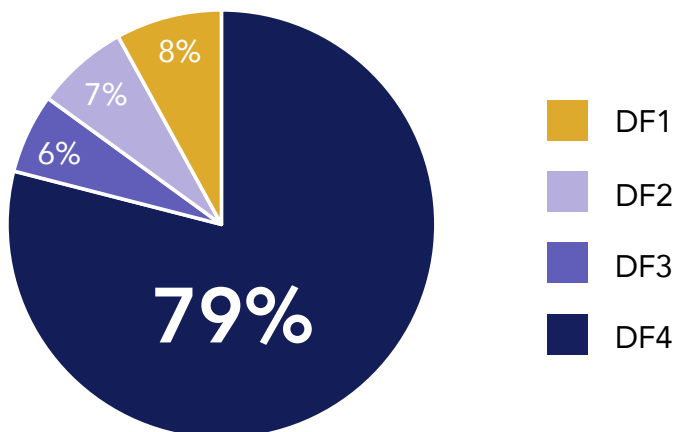


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 17th Judicial District experienced a **92% increase in drug felony case filings** in 2017 compared to 2012, which was the 13th-largest increase among the state's 22 districts.

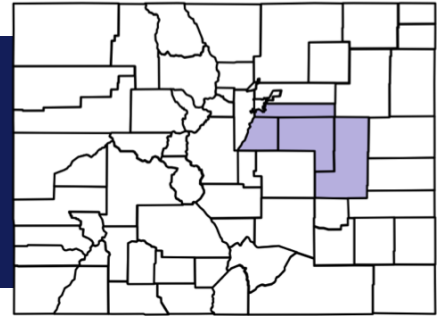
Drug Felony Case Filings by Class: CY 2017⁵



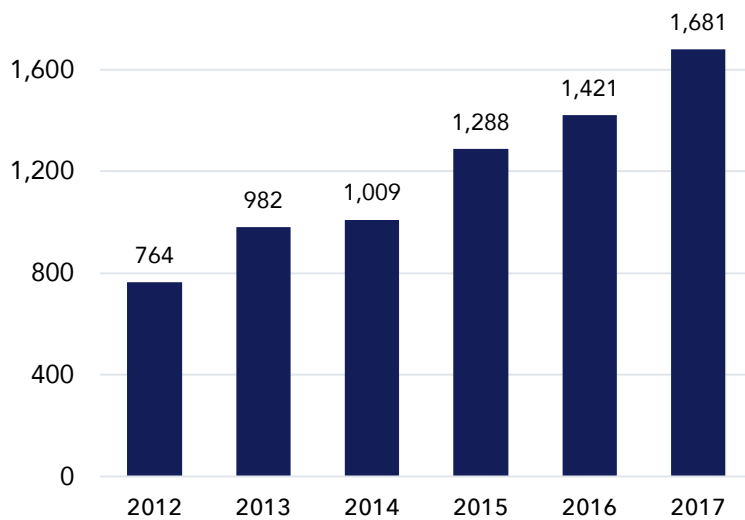
Of the drug felony cases filed in the district in 2017, about **four out of five were for possession or sharing**.

18th Judicial District

Counties: Arapahoe, Douglas, Elbert, Lincoln

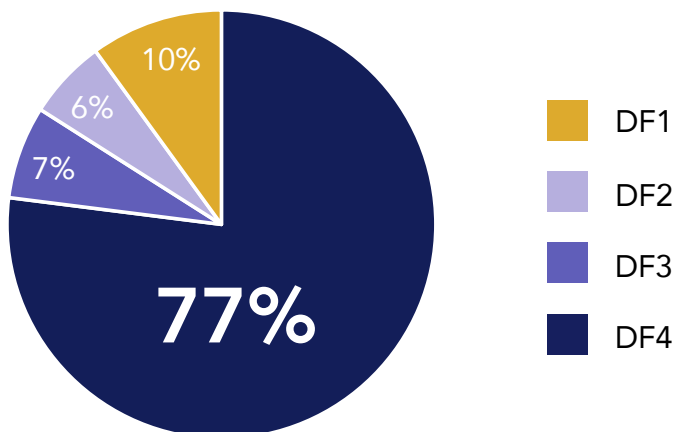


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 18th Judicial District experienced a **120% increase in drug felony case filings** in 2017 compared to 2012, which was the seventh-largest increase among the state's 22 districts.

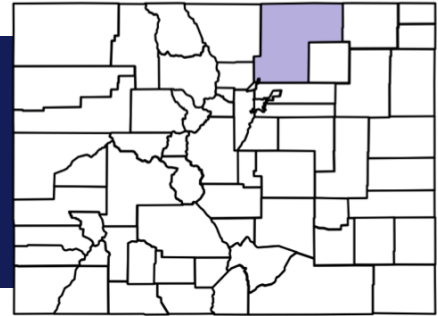
Drug Felony Case Filings by Class: CY 2017⁵



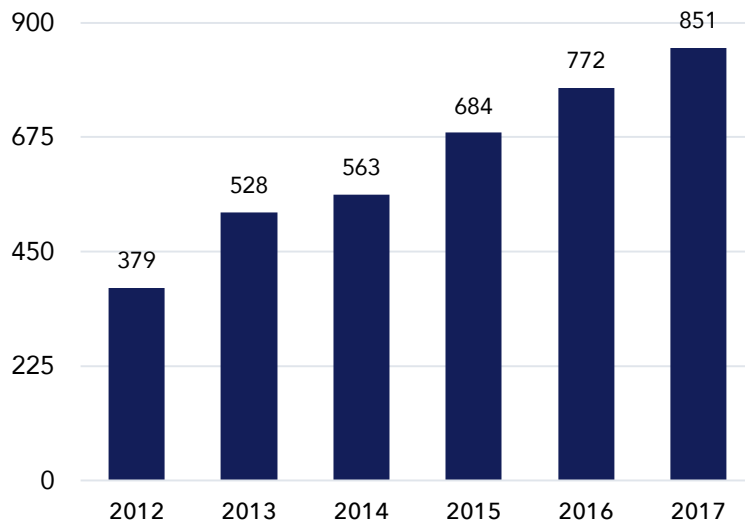
Of the drug felony cases filed in the district in 2017, about **three out of four were for possession or sharing**.

19th Judicial District

Counties: Weld

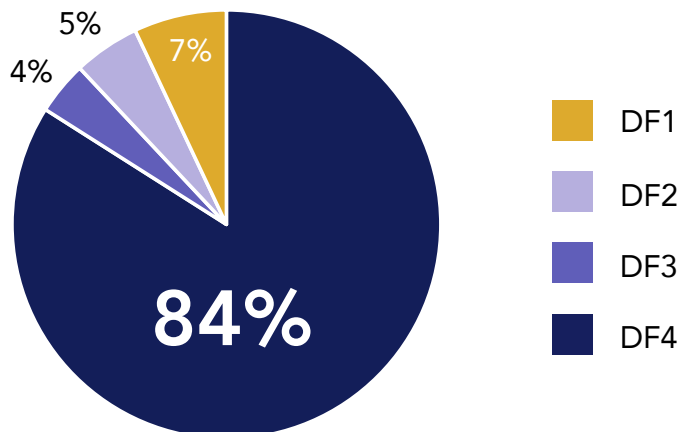


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 19th Judicial District experienced a **125% increase in drug felony case filings** in 2017 compared to 2012, which was the sixth-largest increase among the state's 22 districts.

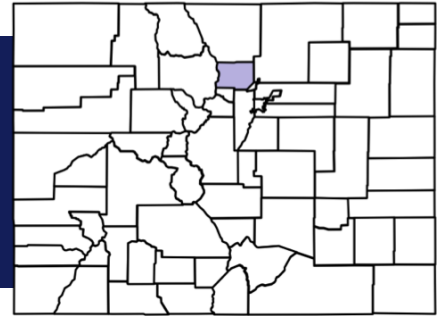
Drug Felony Case Filings by Class: CY 2017⁵



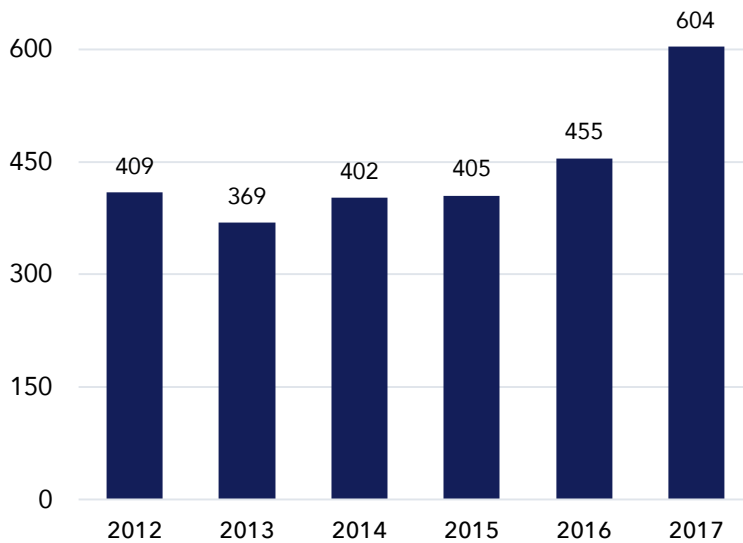
Of the drug felony cases filed in the district in 2017, about **five out of six were for possession or sharing**.

20th Judicial District

Counties: Boulder

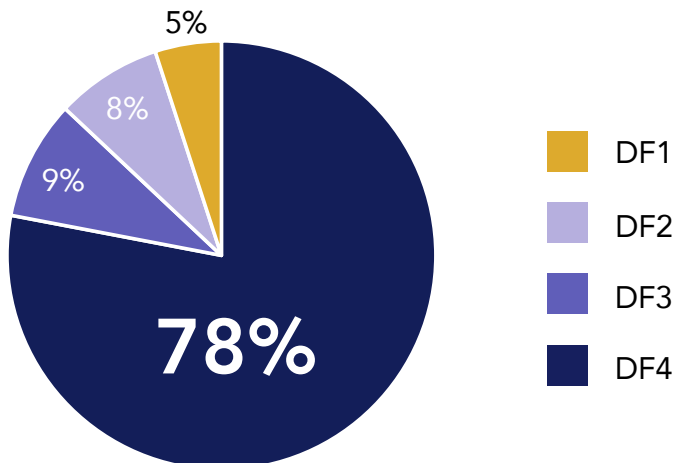


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 20th Judicial District experienced a **48% increase in drug felony case filings** in 2017 compared to 2012, which was the 16th-largest increase among the state's 22 districts.

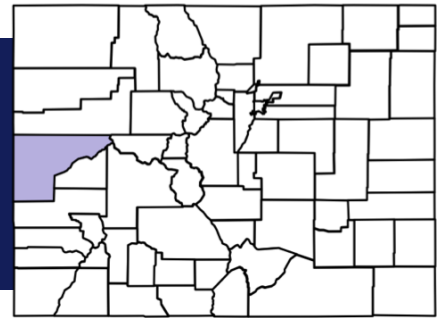
Drug Felony Case Filings by Class: CY 2017⁵



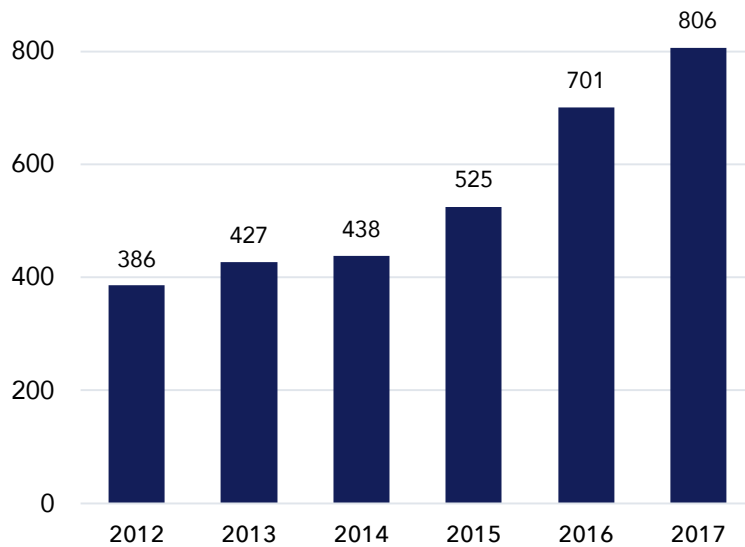
Of the drug felony cases filed in the district in 2017, about **three out of four were for possession or sharing**.

21st Judicial District

Counties: Mesa

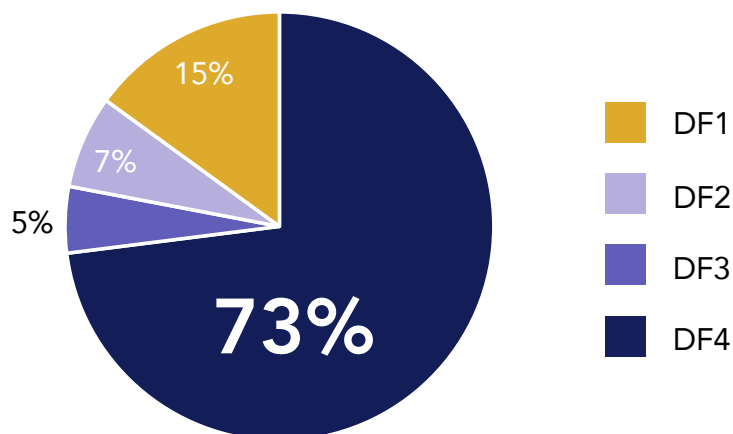


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 21st Judicial District experienced a **109% increase in drug felony case filings** in 2017 compared to 2012, which was the eighth-largest increase among the state's 22 districts.

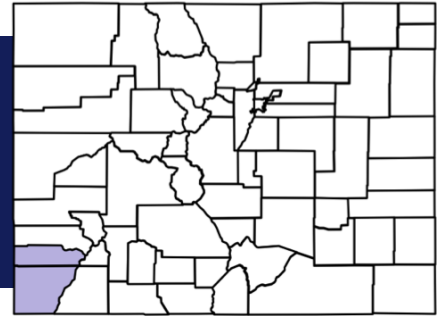
Drug Felony Case Filings by Class: CY 2017⁵



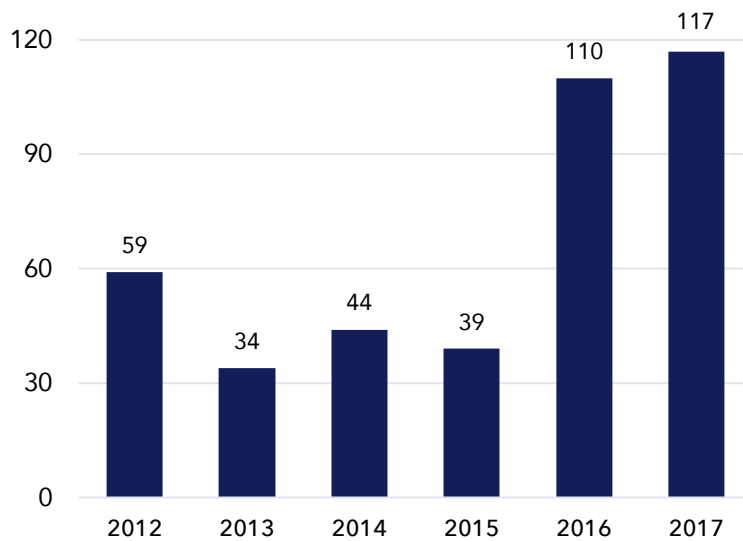
Of the drug felony cases filed in the district in 2017, about **seven out of 10 were for possession or sharing**.

22nd Judicial District

Counties: Dolores, Montezuma

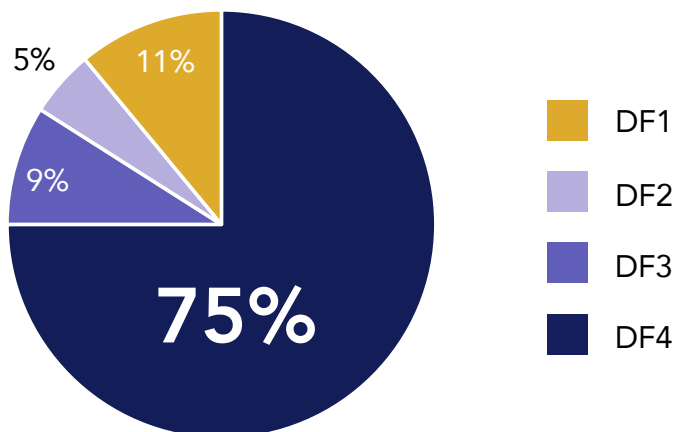


Drug Felony Case Filings: FY 2012-FY 2017⁴



Colorado's 22nd Judicial District experienced a **98% increase in drug felony case filings** in 2017 compared to 2012, which was the 11th-largest increase among the state's 22 districts.

Drug Felony Case Filings by Class: CY 2017⁵



Of the drug felony cases filed in the district in 2017, about **three out of four were for possession or sharing**.

Sources

- ¹ *Staff Budget Briefings: Department of Corrections, FY 2012-FY 2019*, Colorado General Assembly Joint Budget Committee
- ² *Appropriations Report Fiscal Year 2017-18*, Colorado General Assembly Joint Budget Committee
- ³ *Supplemental Budget Request FY 2016-17 and FY 2017-18: Department of Corrections*, Colorado General Assembly Joint Budget Committee
- ⁴ *Analysis of Felony Drug Filings By Judicial District*, prepared by the Office of the Colorado State Public Defender (2018)
- ⁵ *Filings with DF1-DF4 Drug Charges, CY 2017*, Colorado Division of Criminal Justice (February 16, 2018)
- ⁶ *Factors Influencing the Increase in Prison Population*, Colorado Division of Criminal Justice (August 2017)
- ⁷ *Data Prepared for the Prison Population and Capacity Needs Working Group*, Colorado Division of Criminal Justice (March 8, 2018)
- ⁸ *Monthly Capacity and Population Reports: FY 2012-FY 2017*, Colorado Department of Corrections
- ⁹ *Monthly Capacity and Population Report: June 2017*, Colorado Department of Corrections



1212 Mariposa St. #6, Denver, CO 80204
(303) 825-0122, info@ccjrc.org, CCJRC.org