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Report: War on Drugs Still Driving Up Colorado's Prison Population and Budget; New Poll Finds Most Coloradans Want Lawmakers to Take New Approach

Drug felony filings continued to increase in 2018 and accounted for 30 percent of total felony filings in Colorado; with prisons nearly full, 63 percent of state voters think the General Assembly should reduce the prison population by lowering penalties for drug possession, rather than opening another prison

DENVER — The war on drugs is still driving up Colorado's prison population and budget, according to a report released Wednesday by the Colorado Criminal Justice Reform Coalition (CCJRC). The report also includes results of a statewide poll conducted earlier this month that found a strong majority of Colorado voters want state lawmakers to take a new approach to drug policy. **The report is available online at <http://bit.ly/CCJRC-Report-Jan2019>.**

The analysis of state court and prison data found drug felony case filings — the vast majority of which are for possession — increased 8 percent in 2018 and accounted for 30 percent of total felony case filings. After drugs, the next most frequent type of offense for which felony charges were filed was theft, which accounted for 11 percent of total felony filings. The report includes a breakdown of Colorado's 22 judicial districts and notes drug felony cases accounted for at least one-quarter of total felony filings in 17 of them. They accounted for one-third or more in six districts, including Denver County (41 percent), Mesa County (36 percent), and Weld County (33 percent).

Annual drug felony case filings have more than doubled since 2012, during which time the state's prison budget has grown by more than 25 percent. The General Assembly has appropriated more than \$907 million to the Department of Corrections for FY 2019.

"With Colorado prisons nearing capacity, lawmakers must decide whether to open another prison — and continue adding to the state's nearly \$1 billion prison budget — or pursue ways of safely reducing the prison population," the report reads.

Two out of three Colorado voters support the latter, according to a survey conducted earlier this month by Public Policy Polling. It also found that, when it comes to addressing issues related to drug use, four out of five Colorado voters want the state to focus more on prevention and treatment and less on punishment and incarceration. Specifically, 63% percent think the Legislature should lower the penalty for drug possession rather than opening another prison.

In Colorado, possession of any amount of Schedule I or II drugs, such as cocaine, methamphetamine, and heroin — including trace amounts detected in paraphernalia — carry felony penalties that can result in a prison sentence.

“Our state is engaged in an unpopular and increasingly costly war on drugs, and it needs to pursue a more aggressive exit strategy,” said CCJRC Executive Director Christie Donner. “Coloradans overwhelmingly support prevention and treatment over punishment and incarceration, and it’s time for our laws and funding priorities to reflect that. Lawmakers need to ask themselves whether they really want Colorado to be a state that spends \$1 billion per year on prisons with so little return on investment.

“Substance abuse and addiction are not problems we can arrest and imprison our way out of,” Donner said. “Over 80 percent of people incarcerated in Colorado are in need of substance abuse treatment. Prisons were never intended, nor can they be relied upon, to serve as treatment centers.”

The report also offers some policy recommendations for lawmakers.

“This is a complex issue, but there are some simple actions the General Assembly could take this session to produce immediate and long-term benefits,” the report reads. “Specifically, it could alleviate the upward pressure drug felony filings are placing on the state’s prison population by reducing the penalty for simple drug possession from a felony to a misdemeanor — a proposal that most Coloradans would prefer over opening another prison, according to the PPP survey. The Legislature could also move more aggressively to develop strategies that support recovery and stability and address current gaps in treatment access and affordable housing.”

The PPP survey of 695 registered Colorado voters was conducted January 18-20 and has a margin of error of plus or minus 3.7 percentage points.

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The Colorado Criminal Justice Reform Coalition is a non-profit organization dedicated to eliminating the overuse of the criminal justice system and advancing community health and safety. For more information, visit <https://www.ccjrc.org>.