

# STRENGTHENING PUBLIC SAFETY AND LIBERTY THROUGH SMARTER CRIMINAL JUSTICE POLICY

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## Introduction

A free society must balance public safety with personal liberty. The criminal justice system exists to protect communities from violence and crime, but it must do so in a way that respects the dignity and rights of the people it governs. Over the past several decades, the United States has relied heavily on incarceration as its primary strategy for addressing crime. Today the United States incarcerates a larger share of its population than any other industrialized democracy.<sup>1</sup> While incarceration is necessary for individuals who pose a serious danger to society, the widespread use of imprisonment as a default policy tool has created significant economic, social, and moral costs. Colorado has the opportunity to strengthen public safety while also strengthening liberty. By focusing incarceration on individuals who truly threaten the community, removing systemic barriers that drive recidivism, and investing in investigative capacity that stops serious offenders earlier, the state can build a criminal justice system that is both more effective and more just. Strong justice institutions also strengthen democratic society. When incarceration systems expand without clear limits and ethical standards, they can become tools that enable abuses of power. A disciplined justice system protects both public safety and civil liberty.

## Case Study: John H.

John H. was the first offender I ever took to the parole board when I was a new case manager. When I first met him, he had already spent ten years in prison on a two-year sentence.

John was a military veteran with a stable job who experimented with crack cocaine at a party. That decision led to the offense that resulted in his original conviction and a two-year prison sentence. What followed, however, was not a straightforward completion of that sentence.

Over time, John repeatedly cycled through prison because parole placed him in homeless shelters, environments that triggered relapse. Each failure resulted in additional penalties for escape or technical violations, gradually extending his incarceration far beyond the original sentence.

Recognizing the pattern, I contacted John's brother and arranged for him to parole to Maryland, where stable housing and family support were available. With those supports in place, John succeeded. For several years afterward we received Christmas cards from him expressing

gratitude to me and to two other staff members who had been particularly supportive during his transition to his brother's home.

John H.'s experience illustrates a broader systemic problem. His original sentence was short, yet the structure of the supervision system repeatedly placed him in conditions likely to cause failure. As a result, a two-year sentence became a decade of incarceration. Effective criminal justice policy must address these structural barriers so that supervision supports successful reintegration rather than creating predictable cycles of return to prison.

## Experience Inside the System

I spent seventeen years working in the Colorado Department of Corrections.

My first two years were at the San Carlos Correctional Facility, which houses some of the most severely mentally ill offenders in the state system. Working in that environment provided early exposure to the complex intersection between mental illness and the criminal justice system. I then transferred to the Trinidad Correctional Facility, where I spent the next fifteen years. I promoted to housing sergeant when I moved to Trinidad and served in a variety of operational and supervisory roles during my time there, including housing sergeant, recreation sergeant, locksmith, shift commander, duty officer, management team member, and for ten years as a case manager.

These roles provided a broad view of how the criminal justice system operates on a daily basis. I observed firsthand how policies developed at the legislative and administrative level play out inside correctional institutions and during the supervision process. That experience informs the observations and policy recommendations that follow.

## Core Principle

A free society must balance public safety with personal liberty.

The criminal justice system exists to protect communities from violence and crime. At the same time, it must operate within limits that respect the rights and dignity of the people it governs. When either of these priorities is ignored, the system begins to fail.

A system that fails to protect the public from serious offenders undermines public safety and erodes confidence in the rule of law. A system that relies too heavily on incarceration, supervision, and punishment for individuals who do not pose a serious threat can weaken liberty, damage communities, and consume public resources without improving safety. Effective criminal justice policy recognizes that not all offenders present the same level of risk to the community. Policies that focus incarceration on individuals who truly pose a danger, while

creating realistic pathways for others to reintegrate successfully, strengthen both public safety and personal liberty.

A disciplined justice system therefore does not simply punish crime. It allocates resources in ways that reduce harm, protect communities, and preserve the freedoms that define a democratic society.

## Categories of Offenders

During my years working in the correctional system, it became clear that most offenders fall into two broad categories.

The first category includes individuals who repeatedly violate rules and are likely to continue committing crimes. These individuals often display persistent antisocial behavior and show little willingness to change their conduct. They pose a continuing risk to public safety and require close supervision or incarceration in order to protect the community.

The second category includes individuals who made poor decisions but are capable of living productive lives if given the right conditions and support. These individuals may have committed a serious mistake, but they often demonstrate the ability to follow rules, maintain employment, and rebuild stable lives once they are placed in environments that support success rather than failure.

A criminal justice system that treats both categories identically is likely to produce poor outcomes. Resources devoted to incarceration and supervision are limited. When those resources are used indiscriminately, the system spends large amounts of time and money supervising individuals who are capable of succeeding while potentially failing to focus sufficient attention on individuals who present the greatest risk to the community.

Effective policy therefore requires distinguishing between these categories and allocating resources accordingly. Doing so allows the justice system to strengthen public safety while also reducing unnecessary incarceration.

## Mass Incarceration in the United States

Over the past half century, the United States has come to rely on incarceration more heavily than any other developed nation. Today the United States imprisons a larger share of its population than any other industrialized democracy.<sup>1</sup>

At its peak in the late 2000s, more than two million people were incarcerated in American prisons and jails.<sup>2</sup> Even after modest declines in recent years, the United States still incarcerates far more people per capita than countries such as Canada, Germany, or the United Kingdom. This expansion did not occur because Americans suddenly became more prone to criminal behavior. Rather, it resulted from policy choices made over several decades that increased sentence lengths, expanded mandatory minimum sentencing laws, and relied heavily on incarceration as a response to drug addiction and other social problems.

Colorado reflects many of these national trends. While the state's incarceration rate is lower than some states, imprisonment remains a major component of the criminal justice system and consumes substantial public resources.<sup>3</sup>

Incarceration is necessary for individuals who pose a serious danger to society. Violent offenders and individuals who repeatedly commit serious crimes must be removed from the community in order to protect the public. However, when incarceration becomes the primary tool for addressing social and behavioral problems, it often produces diminishing returns.

In practice, systems that rely too heavily on imprisonment begin to shift their focus away from preventing and solving crimes and toward managing large incarcerated populations. At that point the system is no longer primarily organized around justice or public safety. It becomes organized around confinement. In that sense, Colorado does not truly operate a criminal justice system so much as an incarceration system.

When criminal justice systems rely too heavily on incarceration, they risk spending large amounts of public money in ways that do little to improve public safety. Resources devoted to imprisoning low-risk individuals are resources that cannot be invested in other strategies that reduce crime more effectively. These include crime prevention efforts, successful reintegration programs, and investigative resources that help law enforcement identify and stop violent offenders earlier in their criminal careers. A more effective justice system uses incarceration where it is truly necessary while directing greater resources toward strategies that both prevent crime and improve the ability to solve serious offenses.

## Criminogenic Factors and the Drivers of Crime

For many years conventional wisdom in criminal justice policy held that crime was primarily driven by factors such as drug use, lack of education, and poverty. While these issues can contribute to criminal behavior, modern criminological research has shown that they are relatively weak predictors of whether an individual will commit new crimes.

Research has identified several factors that are among the strongest predictors of criminal behavior and recidivism. These are often referred to as criminogenic factors. They include

antisocial attitudes, association with antisocial peer groups, a history of criminal behavior, and unstable or chaotic social environments, including unstable housing.

Individuals who repeatedly associate with others engaged in criminal activity are far more likely to continue committing crimes themselves. Similarly, individuals who develop antisocial beliefs about authority, rules, and the rights of others often struggle to successfully reintegrate into society after incarceration. Housing instability can also play a significant role. Individuals who lack stable housing often move frequently between temporary living arrangements, sometimes referred to informally as “couch surfing,” which can make it much more difficult to maintain employment, comply with supervision requirements, or establish stable social networks.

In my experience as a case manager, the offenders most likely to succeed were those who developed stable support systems and long-term goals. Many individuals who commit crimes do so because they believe they have little to lose. When people begin to build stable lives, employment, and relationships, they also develop something worth protecting. Helping individuals build those foundations is one of the most effective ways to reduce future crime.

Understanding these drivers of criminal behavior is important because policies that ignore them often fail to reduce crime. Approaches that rely primarily on punishment without addressing the underlying criminogenic factors tend to produce high rates of recidivism.

At the same time, reducing recidivism is only one part of an effective public safety strategy. Criminal justice systems must also ensure that serious offenders are identified and stopped as early as possible. Investments in investigative capacity, forensic science, and effective law enforcement tools can help prevent additional crimes by identifying repeat offenders sooner in their criminal careers.

A justice system that focuses only on punishment after crimes occur will struggle to reduce crime over the long term. A more effective system reduces crime both by helping individuals successfully reintegrate into society and by improving the ability of law enforcement to identify and stop dangerous offenders.

## Structural Barriers to Reintegration

Many individuals return to prison because our system does not do enough to promote their successful re-entry into society. In many cases, the structure of the supervision system creates predictable points of failure rather than conditions that support success.

Individuals released from prison often face numerous requirements designed to monitor their behavior and encourage compliance with the law. When these requirements accumulate without sufficient support, the system can unintentionally create conditions where failure becomes more likely than success.

These conditions can include drug testing, curfews, employment requirements, housing restrictions, and regular reporting to supervision officers. While these requirements are intended to promote accountability, they can also create significant challenges for individuals attempting to rebuild their lives.

One common barrier is the cost of compliance. Drug testing fees, program costs, and other supervision-related expenses can place substantial financial burdens on individuals who are often trying to secure employment immediately after release. Failure to meet these requirements can result in technical violations that return individuals to prison even when no new crime has occurred.

Housing is another critical challenge. Individuals leaving prison frequently struggle to find stable housing due to financial limitations, criminal records, and restrictions placed on where they may live. As a result, some individuals move between temporary living arrangements or shelters, environments that may expose them to the same unstable social conditions that contributed to their criminal behavior in the first place.

Transportation restrictions can also create barriers to success. Individuals who are unable to legally drive may have difficulty maintaining employment, attending required supervision meetings, or participating in rehabilitation programs.

Halfway houses and transitional housing programs are intended to support reintegration, but their effectiveness varies widely depending on management, oversight, and available resources. Well-run facilities can provide structure and accountability that help individuals succeed. Poorly managed facilities can instead expose residents to high-risk environments that increase the likelihood of relapse or reoffending.

In my experience as a case manager, individuals on supervision were far more likely to succeed when they were able to build stable support systems and long-term goals. Many individuals who commit crimes do so because they believe they have little to lose. When people begin to build stable lives, employment, and relationships, they also develop something worth protecting. Those foundations make it far more likely that individuals will comply with supervision and avoid returning to criminal behavior.

Colorado lawmakers recognized part of this problem nearly a decade ago. Reforms adopted in 2015 and expanded in 2019 encouraged the use of intermediate sanctions rather than automatic reincarceration for many technical violations. These changes helped reduce the number of individuals returned to prison for supervision failures that were not new crimes.

Those reforms represent meaningful progress. However, the structural challenges facing individuals on supervision have not disappeared. Housing instability, transportation barriers, employment difficulties, and the cost of required testing or programs can still create conditions

where individuals struggle to meet supervision requirements even when they are attempting to rebuild their lives.

Building a supervision system that promotes success requires more than simply reducing reincarceration for technical violations. It requires actively helping individuals build the foundations of stable lives. One approach would be to expand partnerships between the criminal justice system and labor unions that operate apprenticeship programs in the skilled trades. Many trades face significant workforce shortages, and structured apprenticeship programs provide clear career pathways, mentorship, and stable employment. Similar partnerships could be developed with community colleges, technical schools, and private training institutions to help individuals leaving prison develop marketable job skills. Programs that connect supervision with real opportunities for employment and long-term career development can help individuals build the stability and sense of purpose that reduce the likelihood of future criminal behavior.

## Net-Widening Through Probation and Supervision

Probation is a sentence that allows an individual to remain in the community under supervision instead of being incarcerated. Courts often impose probation when they believe a person can be held accountable without sending them to jail or prison.

Probation typically comes with strict conditions. These may include regular reporting to a probation officer, drug testing, participation in treatment programs, maintaining employment, and restrictions on travel or associations.

When probation is successful, individuals avoid incarceration entirely. When probation conditions are violated, however, courts may impose additional sanctions. These can include stricter supervision, short jail stays, placement in residential facilities such as halfway houses, or revocation of probation and imposition of a jail or prison sentence.

In this way probation functions as a second chance. But when supervision systems create conditions that are difficult to meet, that second chance can sometimes become the pathway that leads individuals into incarceration.

Halfway houses can also play a role in this process. Individuals on probation are not typically required to reside in halfway houses as part of their original sentence. However, when probation violations occur, courts may order placement in transitional housing facilities as an intermediate sanction rather than immediately imposing a prison sentence.

These facilities are often the same ones used for parole placements. When they are well managed they can provide structure and accountability that helps individuals regain stability. When they are poorly managed or expose residents to high-risk environments, individuals may relapse or

violate program rules. In those cases, what began as a probation violation can become the pathway that ultimately leads to incarceration.

Because transitional housing facilities influence whether individuals stabilize or return to incarceration, their performance directly affects public safety outcomes in the communities where those individuals live. Because these facilities play such an important role in the supervision system, their quality and oversight matter greatly. Well-run facilities can provide structure, accountability, and access to services that support successful reintegration. Poorly managed facilities, however, may expose residents to high-risk environments that undermine recovery and stability. Ensuring consistent standards, oversight, and accountability for these programs should therefore be an important component of criminal justice reform.

The result is a phenomenon sometimes described as net-widening, in which supervision systems intended to reduce incarceration instead expand the number of individuals who ultimately enter prison.

A criminal justice system that converts non-prison sentences into prison sentences through supervision failures does not reduce crime. Instead, it increases incarceration without necessarily improving public safety.

## Allocation of Criminal Justice Resources

Incarceration is one of the most expensive tools available to the criminal justice system. In Colorado, the annual cost of housing a single individual in state prison is approximately **\$58,000 per year**. With a prison population of roughly **16,000 individuals**, the state spends close to **\$1 billion annually** operating its prison system.

Even modest reductions in incarceration can therefore produce significant savings.

**Table 1**

**Reduction in Prison Population Annual Savings**

500 inmates	~\$29 million
1,000 inmates	~\$58 million
2,000 inmates	~\$116 million

A substantial portion of Colorado's prison population consists of individuals convicted of non-violent offenses. Roughly **30 percent of the prison population falls into this category**, representing several thousand individuals each year. Policies that safely reduce incarceration among non-violent offenders can therefore generate large and recurring fiscal savings.

Despite the scale of these costs, incarceration systems tend to expand over time rather than contract.

**Table 2**  
**Growth of Colorado Dept. of Corrections Spending**

Year	DOC Budget
2015	~\$755 million
2020	~\$900 million
2024-2025	~\$1.05 billion

Over roughly a decade, Colorado’s corrections spending increased by approximately **40 percent**. Legislatures frequently respond to public concern about crime by creating new criminal offenses or increasing penalties for existing ones. Over time the cumulative effect of these changes steadily increases the number of individuals entering the incarceration system and significantly increases the cost of maintaining it.

As prison populations grow, governments face additional infrastructure costs. Building a modern prison facility is extremely expensive.

**Table 3**  
**Estimated Cost of Prison Construction**

Facility Size	Estimated Construction Cost
500-bed facility	\$125–\$200 million
1,000-bed facility	\$250–\$400 million
Large prison complex	\$350–\$500+ million

When prison populations exceed available state capacity, governments may also rely on **private prison contracts** to house inmates. These arrangements transfer incarceration responsibilities to private operators but do not reduce the underlying cost of maintaining a large correctional system.

The financial implications of incarceration extend beyond the corrections system itself. Every dollar spent expanding incarceration is a dollar that cannot be invested elsewhere. To illustrate the scale of these tradeoffs, the **\$58 million saved by reducing the prison population by 1,000 individuals** could instead fund major investments in other public priorities.

**Table 4**  
**Examples of Potential Alternative Investments**

Investment Area	What \$58 Million Could Support
Rural highway reconstruction	30–50 miles of rebuilt roads
Public education	Education for ~4,000 students for one year
Medicaid coverage	Health care for ~8,000–9,000 residents

These comparisons illustrate an important policy principle. A criminal justice system should not be evaluated solely by how many people it incarcerates. It should be evaluated by how effectively it protects the public and strengthens communities.

When incarceration becomes the dominant policy response, the system risks directing large amounts of public funding toward managing individuals who have already been caught rather than toward preventing crimes or strengthening the communities where those crimes occur.

## Investigative Capacity and Serious Crime

As discussed in the previous section, incarceration consumes a large share of criminal justice resources. One of the most important alternative investments is investigative capacity, the ability of law enforcement to identify and stop serious offenders before additional crimes occur.

Modern forensic science has significantly improved the ability of investigators to solve serious crimes. DNA analysis, in particular, has become one of the most powerful tools available to law enforcement. Forensic evidence plays an essential role in the investigation of violent crimes such as sexual assault, homicide, and other serious offenses. When evidence is processed quickly, investigators can identify suspects, link crimes across jurisdictions, and prevent additional victims.

Sexual assault investigations provide a clear example of the importance of timely forensic testing. Evidence collected through sexual assault examinations, commonly known as rape kits, can identify offenders and connect crimes that may initially appear unrelated. When these kits remain untested, investigators may lose critical opportunities to identify and stop violent offenders.

For many years jurisdictions across the United States faced significant backlogs of untested sexual assault evidence kits. Colorado was not immune to this problem. In response, the state enacted reforms requiring the tracking and testing of sexual assault evidence kits and establishing a statewide system to monitor their status. Through these reforms, thousands of previously untested kits were identified and submitted for testing. These reforms significantly improved transparency and accountability in the handling of sexual assault evidence.

However, while tracking and testing requirements addressed part of the problem, they did not fully resolve the underlying issue of forensic testing capacity. Recent data from the Colorado Bureau of Investigation indicates that more than **1,300 sexual assault evidence kits remain in the testing backlog**, with an average processing time of roughly **550 days** before results are returned to investigators.

**Table 5**  
**Colorado Sexual Assault Evidence Processing**

<b>Metric</b>	<b>Estimate</b>
Untested rape kits in backlog	~1,300
Average DNA processing time	~550 days
State target turnaround time	~90 days

These delays are not the result of a lack of evidence or investigative interest, but rather the limited capacity of forensic laboratories to process the volume of evidence submitted to them. Evidence from across the United States has shown that individuals who commit serious crimes such as sexual assault frequently commit multiple offenses before being apprehended. Research studying undetected sexual offenders has found that individuals who admitted to sexual assault reported committing an average of **five to six assaults each before being caught**.<sup>1</sup> Prompt forensic testing can reveal those patterns earlier and allow law enforcement to intervene before additional crimes occur.

The value of forensic DNA analysis is also demonstrated by the national Combined DNA Index System (CODIS), which allows investigators to compare crime scene DNA evidence against millions of known offender profiles.

**Table 6**  
**FBI CODIS National Statistics**

<b>Metric</b>	<b>Total</b>
Offender DNA profiles in CODIS	~22 million
Forensic DNA profiles (crime scene evidence)	~1.3 million
Investigative hits linking suspects to crimes	<b>700,000+</b>

Each investigative hit represents a case in which DNA evidence linked a suspect to a crime or connected multiple crimes to the same offender. Many of these hits reveal patterns of repeat offending that would otherwise remain undetected.

The consequences of delayed testing extend beyond investigative efficiency. Justice delayed is justice denied. When forensic evidence that could identify offenders remains untested or significantly delayed, victims are forced to wait longer for answers while offenders remain free to commit additional crimes. In this way, delays in forensic testing can effectively re-victimize individuals who have already suffered serious harm while also increasing the likelihood that additional victims will be created.

It is also important to recognize that forensic DNA testing is not routinely used for minor offenses. DNA analysis is typically reserved for the investigation of serious crimes such as sexual assault, homicide, and other violent offenses. This reality further underscores the importance of ensuring that sufficient resources are available to process forensic evidence quickly in cases where the stakes are highest.

However, the effectiveness of forensic science ultimately depends on investigative capacity. Crime laboratories must have the personnel, funding, and equipment necessary to process evidence quickly. When forensic testing backlogs develop, investigations can be delayed and connections between crimes may go undetected.

As discussed in the previous section, incarceration consumes a large share of criminal justice budgets. Housing an individual in prison in Colorado costs roughly **\$58,000 per year**. Even modest reductions in the number of low-level offenders who are incarcerated could free substantial resources. For example, reducing the state prison population by just **5 percent, approximately 800 individuals**, would save roughly **\$46 million per year**.

Even redirecting a small fraction of incarceration spending toward forensic laboratories and investigative personnel could dramatically reduce evidence backlogs and accelerate the identification of violent offenders.

Redirecting even a portion of those savings toward forensic laboratories and investigative resources could significantly expand testing capacity, reduce evidence backlogs, and allow investigators to identify serious offenders much earlier.

Research on sexual assault investigations has repeatedly shown that individuals who commit these crimes often offend multiple times before being identified. Each delay in forensic testing therefore increases the likelihood that additional victims will be harmed. Clearing backlogs and reducing testing times is not simply a matter of administrative efficiency; it is a public safety strategy.

When investigators are able to identify and apprehend serious offenders earlier, fewer crimes occur and fewer victims suffer harm. A criminal justice system that focuses its resources on identifying and stopping dangerous offenders improves public safety more effectively than one that relies primarily on incarceration after crimes have already occurred.

Strengthening investigative capacity allows law enforcement to solve more serious crimes, identify repeat offenders sooner, and prevent additional victims. It also ensures that limited criminal justice resources are directed where they protect the public most effectively.

## Racial and Economic Disparities

A fair criminal justice system must apply laws consistently and impartially. Yet when incarceration patterns, sentencing outcomes, and access to legal representation are examined in Colorado, a troubling question emerges: whether the state has built a system primarily focused on administering justice, or one primarily focused on managing incarceration.

Evidence from across the state suggests that race and economic status can influence how individuals move through the criminal justice system. Studies have repeatedly found disparities in arrest rates, charging decisions, sentencing outcomes, and access to legal representation. These disparities rarely arise from a single decision point. Instead, they often accumulate across multiple stages of the system, producing significantly different outcomes for individuals who commit similar offenses.<sup>1</sup>

Economic disparities are particularly visible in access to legal representation. Individuals who can afford private attorneys often have access to more time, investigative resources, and legal expertise than those who must rely on public defenders. Public defenders play an essential and often heroic role in the justice system, but they frequently operate under heavy caseloads and limited resources.

Economic disparities are also visible in pretrial detention decisions. Research using Colorado court data has shown that defendants who remain in jail before trial are significantly more likely to receive jail sentences than comparable defendants who are released prior to trial.<sup>2</sup> For individuals who remain in custody before trial, the consequences of detention can shape the entire outcome of a case.

Racial disparities have also been documented in sentencing outcomes in a number of Colorado jurisdictions. Black residents make up roughly five percent of Colorado's population but account for nearly eighteen percent of the state's prison population.<sup>3</sup> These disparities appear in several counties across the state, including Mesa, Douglas, El Paso, Arapahoe, and Weld, where data has shown patterns in which nonwhite defendants receive harsher sentences than white defendants convicted of comparable offenses.

When disparities occur, they weaken public confidence in the justice system. A system perceived as unfair is less effective at maintaining public safety because communities are less likely to trust the institutions responsible for enforcing the law.

Addressing disparities requires transparency, consistent data collection, and careful review of how sentencing decisions are made across jurisdictions. It also requires a broader reconsideration of how criminal justice resources are allocated. Policies that reduce unnecessary incarceration and invest in investigative capacity can help shift the system toward one that focuses on solving serious crimes and protecting communities.

By emphasizing fairness, accountability, and effective use of resources, Colorado can strengthen both public safety and public trust in its justice system.

## Policy Direction: Building a Smarter Justice System

The evidence presented in the preceding sections suggests that Colorado's criminal justice system faces two interconnected challenges. First, resources are often concentrated on incarceration rather than investigation and prevention of serious crime. Second, structural barriers within the system can push individuals deeper into incarceration rather than supporting successful reintegration.

Addressing these challenges does not require weakening public safety. In fact, the opposite is true. A system that focuses its resources on identifying dangerous offenders, solving serious crimes, and supporting successful reintegration will produce stronger and safer communities. Several policy principles follow from this analysis.

First, incarceration should be reserved primarily for individuals who pose a clear threat to public safety. Individuals who repeatedly commit serious offenses or demonstrate a persistent unwillingness to follow the law must be removed from society in order to protect others.

Second, individuals who have the capacity to successfully reintegrate into society should be supported in doing so. Removing unnecessary barriers to employment, housing, transportation, and treatment can significantly improve the likelihood that individuals will succeed after release.

Third, the savings generated by reducing unnecessary incarceration should be redirected toward high-impact public safety investments. This includes expanding investigative capacity and forensic testing so that serious crimes can be solved more quickly and repeat offenders can be identified earlier.

Beyond crime laboratories and investigative resources, a portion of these savings should also fund programs proven to reduce crime over the long term, such as quality public education, affordable housing, healthcare, and community-based services. Directing resources toward these areas strengthens communities and prevents future offenses, rather than rewarding wealth or providing tax cuts for businesses at the expense of public safety.

Finally, transparency and accountability must remain central to the system. Reliable data collection, consistent sentencing practices, and careful oversight can help ensure that justice is administered fairly and that disparities are identified and addressed.

By focusing on these principles, Colorado can move toward a justice system that protects communities, treats individuals fairly, and uses public resources effectively to reduce crime and strengthen public trust.

## Specific Policy Recommendations

The following policy recommendations build on the analysis presented in this paper and on reforms Colorado has already undertaken in recent years. Legislative changes addressing technical supervision violations, improvements in forensic evidence tracking, and other criminal justice reforms have moved the system in a positive direction. The next step is to build on that progress by aligning criminal justice resources more closely with the goals of public safety, fairness, and effective crime prevention.

### **Prioritize incarceration for serious offenders.**

Reserve prison space primarily for individuals who pose a clear, ongoing threat to public safety, including repeat violent offenders. Reduce the incarceration of low-risk and nonviolent offenders, who are more likely to succeed with community-based supervision.

### **Redirect savings toward investigative capacity.**

Use the resources freed by reducing unnecessary incarceration to expand the investigative capacity of Colorado's criminal justice system. This includes fully staffing and equipping crime laboratories, eliminating backlogs in sexual assault evidence kits, reducing forensic processing times, and strengthening investigative resources that allow law enforcement to identify repeat offenders more quickly.

### **Invest in evidence-based crime prevention programs.**

A portion of the savings generated by reducing unnecessary incarceration should be directed toward programs proven to reduce crime over the long term. These include high-quality public education, affordable housing initiatives, accessible healthcare and behavioral health services, and community-based rehabilitation and support programs that strengthen community stability.

### **Strengthen reentry and supervision systems.**

Continue reducing structural barriers that prevent successful reintegration. This includes reviewing supervision conditions that create unnecessary technical violations, improving access to employment and housing, and expanding vocational training, substance use treatment, and transitional housing programs. Transitional housing and halfway house programs should be evaluated to ensure they promote stability and rehabilitation rather than contributing to additional incarceration.

### **Review policies that expand incarceration.**

Future legislation affecting sentencing, supervision, and corrections policy should be evaluated for its fiscal and public safety impact. Policymakers should consider whether proposed laws increase incarceration without improving public safety, and ensure that new policies are aligned with the goal of reducing crime rather than simply increasing prison populations.

### **Improve transparency and oversight.**

Implement consistent data collection and reporting across jurisdictions to identify disparities in

arrest, charging, sentencing, and pretrial detention. Reliable data should be used to guide policy decisions, enforce accountability, and ensure that justice is administered consistently.

### **Address systemic disparities.**

Take active measures to reduce racial and economic disparities at every stage of the criminal justice process. This includes oversight of pretrial detention, sentencing practices, and access to legal representation, particularly in counties where disparities have been documented.

## Conclusion

Colorado stands at a crossroads. The state faces serious budget challenges, including the fiscal pressures created by federal policies such as Trump's Big Beautiful Bill. One piece of the solution is reducing unnecessary incarceration and redirecting resources toward smarter investments in investigative capacity, crime prevention, and community stability. These reforms not only improve public safety and fairness but also help Colorado better manage its fiscal constraints in the years ahead.

The evidence throughout this paper demonstrates that current practices—overreliance on incarceration, insufficient forensic capacity, and structural barriers to reintegration—produce unnecessary harm, perpetuate disparities, and leave serious offenders undetected for too long. At the same time, Colorado has already shown that targeted reforms, such as improved tracking of sexual assault evidence kits and reductions in low-risk incarceration, can yield measurable improvements.

By focusing on high-impact reforms, Colorado can create a justice system that is smarter, fairer, and more effective. Reserving incarceration for those who pose a genuine threat, strengthening investigative capacity so serious crimes can be solved more quickly, and supporting successful reentry are not just ideals—they are practical strategies that improve public safety, reduce future crime, and ensure limited resources are used efficiently.

These changes also strengthen Colorado's communities. Investments in education, housing stability, healthcare, and community-based support programs reduce the conditions that contribute to criminal behavior while helping individuals build stable and productive lives. This is a system designed to focus on outcomes rather than simply filling beds. A system that balances accountability with opportunity, efficiency with fairness, and punishment with prevention.

Colorado does not have to accept a default model centered primarily on incarceration. By acting decisively, the state can build a justice system that delivers real justice, strengthens public trust, and safeguards communities while helping the state manage its fiscal realities.

For Colorado, the choice is clear: we can build a criminal justice system, or we can settle for an incarceration system—but not both.

## Notes

1. Vera Institute of Justice, \*State Incarceration Trends: Colorado\* (New York: Vera Institute of Justice, 2023).
2. Bureau of Justice Statistics, \*Prisoners in the United States\* (Washington, DC: U.S. Department of Justice).
3. Vera Institute of Justice, \*State Incarceration Trends: Colorado\*.
4. David Lisak and Paul M. Miller, “Repeat Rape and Multiple Offending Among Undetected Rapists,” \*Violence and Victims\* 17, no. 1 (2002): 73–84.
5. Vera Institute of Justice, Colorado incarceration data reports.
6. Colorado Evaluation and Action Lab, University of Denver, \*Pretrial Detention and Case Outcomes in Colorado\*.