

Evaluating proposed legislative responses to the Opioid Crisis

ACLU Colorado

Why use a consistent framework?

- Balanced solutions to complex, multi-dimensional problems.
- Help center big picture, long-term and evidence-based policy-making when presented with urgent issues and tragic individual or hypothetical cases.
- Choose how to prioritize limited resources.
- Get it right.

Framework

- **Prevention**

- Will the proposed policy prevent future harm or reduce crime?

- **Investment**

- Is the proposed policy a good long-term investment of taxpayer dollars?

- **Fairness**

- Is the proposed policy fair to survivors, the accused, and communities?

Prevention

- Will incarceration prevent future harm in the opioid crisis?
 - No net positive impact on synthetic opioid supply
 - No net positive impact on synthetic opioid demand
 - Increase overdoses
 - Null effect on crime

Incarceration – It’s a wash

- Unprecedented meta-analysis of 116 studies:

“[Incarceration] has no effect on reoffending or slightly increase[s] it...This finding is robust regardless of variations in methodological rigor, types of sanctions examined, and sociodemographic characteristics of samples. All sophisticated assessments of the research have independently reached the same conclusion. The null effect of [incarceration] is considered a ‘criminological fact.’ Incarceration cannot be justified on the grounds it affords public safety...”

The Impact of Incarceration on Recidivism, Annual Review of Criminology, Vol. 5:133-152 (January 2022)

Investment

- Is incarceration a good long-term investment of limited public resources regarding the opioid crisis?
 - +\$1,000,000,000 annually on the Colorado Department of Corrections
 - \$56,766 to incarcerate in CDOC per person per year
 - \$178,471 to add one CDOC bed
 - Jails dominant budget expense for many counties
 - Police often the largest budget expense for cities; policing of drug crimes dwarfs time spent on solving violent crime with low clearance rates
 - Public health interventions cost pennies on the dollar with better

Fairness

- Is the proposed policy fair to survivors, perpetrators, and communities?
 - Decades of polling shows voters consistently agree that people using drugs deserve treatment and second chances, not punishment
 - A majority of survivors of violent crime prefer rehabilitative and restorative approaches to accountability, as compared to longer prison sentences
 - Incarceration inescapably hits low-income communities and communities of color the hardest
 - Incarceration lowers average life expectancy by two years, along

Framework – Applied to Opioid Crisis

- **Prevention**

- Incarceration will not prevent opioid deaths, opioid supply, or opioid use

- **Investment**

- Incarceration would throw good money after bad, following decades of extraordinary spending on incarceration without little return on investment

- **Fairness**

- Incarceration would punish struggling people and struggling communities

ACLU

WE THE PEOPLE