

ACLU Colorado

COLORADO'S JAIL POPULATION IS SKYROCKETING

One of the most concerning effects of pretrial detention is the rise in the jail population

- Since the 1970s, Colorado has seen an at least an ***eightfold increase*** in its jail population. Yet, over the last 50 years, both violent and property crime rates decreased significantly.
- Colorado's jail population has ***skyrocketed from 1,500 in 1970 to over 13,000 today***. If current incarceration trends continue, the statewide jail population is expected to exceed 16,000 by 2025 and 17,500 by 2030—***far beyond the capacity of our county jails***.
- ***Today, many jails are already severely overcrowded***. For example, in a recent investigation, Pueblo Jail was at 194% capacity, and Alamosa Jail was at 127% capacity.

About 60% of Colorado's jail population is made up of pretrial, unconvicted defendants held solely because they cannot afford to post money bond

- Over 25% of Colorado's pretrial population is held ***solely on misdemeanor charges***.
- Rural counties have reported even higher pretrial percentages in their jails—for example, 82% in Otero and Logan Counties, 88% in Las Animas County, 94% in Clear Creek County.
- Pretrial defendants can ***remain in custody for weeks or months awaiting trial***. Adams County, for example, reported the average pretrial length of stay to be 39 days for misdemeanor defendants and 80 days for felony defendants.

Pretrial Incarceration in county jails is extremely expensive

- According to recent JBC data, the average cost per day to house people in jail is \$98.83. With over 6,500 pretrial defendants behind bars each day in Colorado, ***taxpayers are spending at least \$640,000 per day and \$23,400,000 per year to house defendants who simply can't pay bond***.

Jail population growth impacts to prison population growth

- Since pretrial detention directly impacts case outcomes, there is ***correlation between the number of people held in our county jails and the number of new court commitments to DOC***.
- Further, as more jail beds are occupied by those who simply can't afford to post bond, less beds are available to house DOC overflow in county facilities.

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THE HARMS OF WEALTH-BASED PRETRIAL DETENTION

Even short jail stays have profound consequences for defendants and their families

- Among other financial hits, pretrial detainees face the very real prospect of their **medical care being disrupted, and of losing their job, their housing and custody of their children**. These destabilizing consequences of money bail can make or break a defendant's ability to return to life after release.
- The impacts of pretrial detention extend beyond individual defendants—for families that are able to scrape together enough money, **paying bail may mean foregoing basic necessities such as food or shelter**.

Pretrial detention increases convictions and causes steeper sentences

- Inability to pay money bail may **coerce people to enter guilty pleas**, including wrongful ones, so that they can get out of jail sooner. In fact, guilty pleas have become the standard in resolving over 95% of cases each year.
- Even those held on unaffordable money bond who plead not guilty are **more likely to be convicted**—they must wear their jail uniform to court and cannot communicate freely with counsel, gather evidence, contact witnesses, or otherwise prepare for their defense.
- Whether a defendant is free pretrial is the single greatest predictor of a jail sentence once convicted. One study showed that in-custody misdemeanor defendants are **four times more likely to be sentenced to jail** than out-of-custody defendants with the same charges.
- Sentences to jail and prison are **more than twice as long** for defendants detained until trial.

Pretrial detention exacerbates disparities

- Decisions about bail are often based on discriminatory tools like the CPAT, which is **known to be biased against people with disabilities, people living in poverty and people of color**.
- In Colorado, **white defendants are more likely to be released** on their own recognizance, compared to defendants of color.
- Studies show that **black defendants age 18 through 29 typically receive the highest bail amounts**.
- These disparities are evident in Colorado's jail populations. For example:
 - 33% of the Larimer County Jail identify as homeless or transit
 - 10% of Denver's residents are black, yet 30% of the Denver City Jail population is black
 - People in jail are 4 times more likely to have disabilities than people in the general population

Pretrial detention on money bond harms public safety

- Money bail keeps people behind bars based on one factor: money. It detains people who pose no risk to public safety, and **allows wealthy but dangerous defendants to simply buy their way out of custody**.
- For those who can't afford money bail, pretrial detention **puts people at a higher risk for future involvement with the justice system**

Pretrial detention has caused CO's jail population to skyrocket at great cost to taxpayers

SEE REVERSE