

Testimony of Larimer County Sheriff Justin Smith

HB19-1263

Good afternoon Chairman Lee and members of the committee.

I am Justin Smith. I am here on behalf of the County Sheriffs of Colorado and as the Sheriff of Larimer County. In addition to my 30 years of law enforcement experience, I've also served as an adjunct professor of criminal justice at Colorado State University. I have the unique background of being both a practitioner as well as a part time academic in criminal justice issues.

We can all agree that Colorado and our nation are in the midst of a deadly illicit drug epidemic. With skyrocketing fatal drug overdoses doubling from 36,000 in 2007 to over 70,000 in 2017- it's no stretch to say illicit drugs are killing America.

The question remains, how do we turn the tide. HB19-1263 takes the approach that we should de-emphasize sanctions in favor of providing treatment. However, without the threat of legal consequences, users almost never seek or succeed at treatment. You must understand just how strong these addictions truly are. Without the threat of real punishment, most addicts chose to continue their dangerous behavior.

I am here to adamantly oppose this leniency approach, because experience tells me it will fail miserably and will lead to hundreds of thousands of more Coloradans addicted and countless lives being negatively impacted.

Because of historical records, we can look to the past to see the impacts of different strategies in the past. In the 1960s and 70s reduced sanctions resulted in an increase of over 150% in property crime rates across the country. Conversely, the reintroduction of increased sanctions beginning in the 1980s resulted in a quarter of a century decline in property crimes that reduced the rate in half.

Those same efforts resulted in a similar across the board reduction in violent crimes over that same time period. The primary benefactors of these policies were minority communities. (Homicide victimization rates for black Americans decreased from 40 per 100,000 in 1990 to 20 per 100,000 2010. This compares to less than 8 per 100,000, down to 5 per 100,000 for white Americans in that same time period). (Offender rates decrease similarly)

In 2013, the state legislature made a dramatic change in the drug laws of Colorado. For many offenses, the sanctions were dramatically reduced. Many offenses that had been felonies were reclassified as misdemeanors. What has occurred since?

In Larimer County, our district attorney documented and increase of drug felony charges filed from 615 in 2014 to 2,395 in 2018. You heard that right, after decreasing sanctions and

lowering felony offense to misdemeanor offenses- the number of felony offenses in Larimer County quadrupled in four years.

Reviewing statewide statistics, Larimer County is certainly not alone in witnessing this trend.

Further, during that time period, our state has witnessed an explosion in transients and transient related crime. In my county jail, we went from 50 criminally charged transients on average in 2011 up to 200 in 2017. These individuals are not incarcerated for petty crimes- many were multi-state, serial offenders before they show up in Colorado and they brought their addictions and their criminal patterns with them.

Now, in 2019, you are contemplating another bill that would only serve to accelerate this trend by reducing any drug offense that's not manufacturing or distributing dangerous drugs down to a misdemeanor offense. Not only that, it would assure that no one would actually be arrested for those offenses. They would only receive the equivalent of a traffic citation for possessing dangerous drugs, such as heroin, fentanyl and carfentanil!

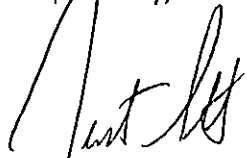
While this bill specifically addresses dangerous drug users, you need to understand- This bill will have a tremendous impact on dangerous drug manufacturers and distributors.

Investigations into illegal manufacturing and distribution almost always begin with a case against a user who is willing to take a deal with the prosecutor to reveal their source and the investigators follow the chain from there. This bill will bring that process to a halt and will certainly embolden those producers and peddlers of these poisons.

If this bill becomes law, generations to follow will suffer then consequences and those who follow in your seats will be left to undo this very harmful legislation.

I implore you to kill this dangerous legislation today.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin Smith". The signature is written in a cursive style with a large initial "J".

Sheriff Justin Smith

Larimer County