



GOVERNMENT

JUSTICE

Rising crime rhetoric persists in Colorado. Data tells a different story.

The state's pandemic-era rise in crime rates appears to have peaked last year

BY: **CHASE WOODRUFF** - SEPTEMBER 11, 2023 4:00 AM



📷 The Lindsey-Flanigan Courthouse in Denver is pictured on Sept. 5, 2023. (Chase Woodruff/Colorado Newsline)

In the opening days of Colorado's 2023 legislative session, a bipartisan group of state lawmakers, mayors and law enforcement officials stood in the halls of the Capitol and [unveiled what they said was the solution](#) to a statewide spike in motor vehicle thefts.

[Senate Bill 23-97](#) increased penalties for repeat offenders and re-felonized thefts of motor vehicles valued at under \$2,000, reversing a change made in a 2021 criminal justice reform law. It came with the backing of Gov. Jared Polis, a Democrat who had successfully pressed the Colorado Commission on Criminal and Juvenile Justice to recommend more punitive sentencing guidelines.

In the wake of a heated 2022 campaign season full of talk from Colorado Republicans about the state's "[crime tsunami](#)," the bill was passed by overwhelming bipartisan majorities in the House and Senate. State Sen. Bob Gardner, a Colorado Springs Republican and the bill's sponsor, [called it](#) a "good start in the right direction" as "crime continues to climb in Colorado, especially auto theft."



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In fact, after peaking in the spring of 2022, rates of car theft had fallen nearly 20% in the nine months leading up to SB-97's introduction, according to data reported by law enforcement agencies to the Colorado Bureau of Investigation. They continued to decline steadily throughout the first half of 2023, before the law went into effect on July 1.

The decline is part of a broader trend over the last year: Though little notice has been taken by leading political figures and the media, Colorado's reported crime rates appear to have peaked in 2022, and are now trending downward again.

Through the first six months of 2023, Colorado was on pace to record its lowest number of homicides since 2019, according to a Newsline analysis of CBI data. Rates of violent crime and property crime, two key aggregate metrics reported by Colorado law enforcement to state and federal databases, saw year-over-year declines during the same period. More recent data published by police departments in Colorado's three largest cities – Denver, Colorado Springs and Aurora – show those trends continuing through July and August.

Mirroring national trends, reported crime levels in Colorado remain elevated above the near-historic lows recorded in the 2010s. But as in most states around the country, crime rates in its largest cities have entered a slow but steady decline after the increase that began in 2020 – a wave that criminologists attribute in large part to the unprecedented social and economic disruptions caused by the COVID-19 pandemic.

"We saw all these stressors that happened during COVID, especially economic ones, that are leading to other forms of health problems, such as drug abuse and alcohol abuse," said Lisa Pasko, chair of the Department of Sociology and Criminology at the University of Denver. "Now we (have) not just a typical police response – although we do have that more now than we did before – but we see our services coming back, we see youth intervention efforts coming back. All of that was on pause."

With a new legislative session and a high-stakes election looming in 2024, the political furor over crime shows no signs of abating. But advocates for criminal justice reform say the reversal of the post-2020 trend is all the more reason for police, prosecutors and lawmakers not to revert to more punitive policies. The newly increased penalties for auto theft, they say, are a prime example of ignoring the underlying causes of crime for the sake of political expediency.

“That is so common,” said Christie Donner, executive director of the Colorado Criminal Justice Reform Coalition. “You can see that time and time again, that by the time a legislature reacts – and that’s all it is, it’s just a reaction – to what is perceived to be a spike in crime, the trend changes.”

Auto theft trends

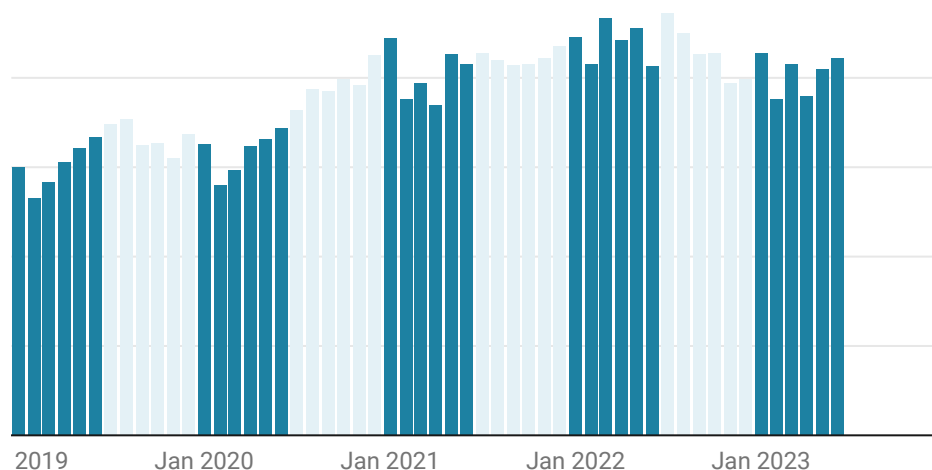
Following a well-established seasonal pattern, crime rates in large Colorado cities rose this summer, but didn’t spike as high as they have in recent years.

In Denver, about 20% fewer motor vehicle thefts have been reported through Sept. 5 than at the same point last year, according to Denver Police Department data. It’s a decrease that DPD chief Ron Thomas attributes both to more dedicated local enforcement and better community engagement.

“What has been helpful for us in Denver is continued education on how to keep the car safe – constant messaging from our officers to the community,” Thomas said in an interview. “We’ve also identified hot spots that our officers can focus on, and we stood up our own dedicated auto theft team to focus on those hot spots.”

Colorado property crime rates

Monthly crimes per 100,000 residents in the 5 largest reporting law enforcement jurisdictions, Jan. 2019–June 2023



"Property crime" includes burglary, larceny, motor vehicle theft and arson.

Chart: Colorado Newsline • Source: Colorado Bureau of Investigation • [Get the data](#) • Created with [Datawrapper](#)

Denver and other Colorado cities experienced some of the highest rates of auto theft in the country in 2021 and 2022, according to FBI data. Pandemic disruptions led to more

opportunities for theft and an increase in “motivated offenders,” Pasko said, in a state that has “a lot of the cars that people want,” like pickup trucks and SUVs. Car theft, in turn, helps drive up rates of other kinds of crime through so-called secondary offenses.

“Those three things combined to create (higher) crime rates, and then you see an increase in things like automobile or other forms of property theft, and sometimes that will come with the use of a firearm,” Pasko said.

In 2023, auto thefts in Aurora are also down 26% year-over-year, according to Aurora Police Department data. Colorado Springs is an exception to the statewide trend; reported rates of car theft there are up roughly 20% in 2023, though they remain lower than Aurora and Denver on a per-capita basis.

To Donner, the Legislature’s move to increase penalties was a classic case of “soundbite policy.” Opponents of the bill questioned whether changes to Colorado’s sentencing statutes would be an effective deterrent to potential car thieves.

“Can you tell me the difference between motor vehicle theft penalties before and after, without having to consult a source?” she said. “I can’t do it, and it’s my job to know it, too – I’d have to go to a source.”

“You’re not actually solving anything when you don’t understand the context, you’re not going to the root, and you’re not even relying on data and best-practice research to help guide you,” Donner added.

Boulder County District Attorney Michael Dougherty championed SB-97’s passage at the Legislature. While he says that trends in auto theft and other crimes are driven by “a number of different factors,” he believes that harsher punishments were one part of the solution.

“When we see a spike in crime of such a significant nature that it rockets us to No. 1 in the nation, I think we have to take a hard look at the systems that currently exist, and figure out what we could do to improve those systems to address what was quickly becoming a crisis for Colorado,” Dougherty said. “So looking at the sentencing structure, I think was certainly a necessary and appropriate step.”



📷 Michael Dougherty, the Boulder County district attorney, participates in a gun violence prevention roundtable at the Renée Crown Wellness Institute at the University of Colorado Boulder on Aug. 21, 2023. (Chloe Anderson for Colorado Newsline)

“The argument that people aren't going to consider the penalty when they're committing a crime – I'm not sure I agree with that,” Dougherty added. “The emphasis that a society and a culture places on conduct and unacceptable conduct, I do think that has an impact on people over the long term.”

Statewide, reports of motor vehicle theft peaked at a monthly total of 4,336 in March 2022. Through the first half of this year, they were on pace to decline by roughly 25%. That's despite the fact that auto theft is on the rise in most other parts of the country – the one exception to the downward national trend in crime rates this year, the nonprofit Council on Criminal Justice [reported in July](#).

SB-97 went into effect on July 1, giving prosecutors and judges leeway to levy harsher sentences on people convicted of stealing cars worth less than \$2,000 – a threshold that applies to roughly 1 in 12 stolen cars – and to people convicted of multiple car thefts.

In general, criminologists say there's little evidence that harsher punishments serve to effectively deter crime.

“Only the true career criminals know how to manipulate the system,” said Pasko. “The majority of people have no clue what's going to happen to them.”

Pasko said there's more evidence that increased police presence and other forms of deterrence can help bring crime rates down.

“A lot of times, the cost-benefit analysis is, ‘Am I going to get caught?’ That's really the big question,” she said. “So if you increase policing and patrol, increase supervision, then you increase the belief that you might get caught.”

Partisan politics

“Are we in the throes of a new Summer of Violence?”

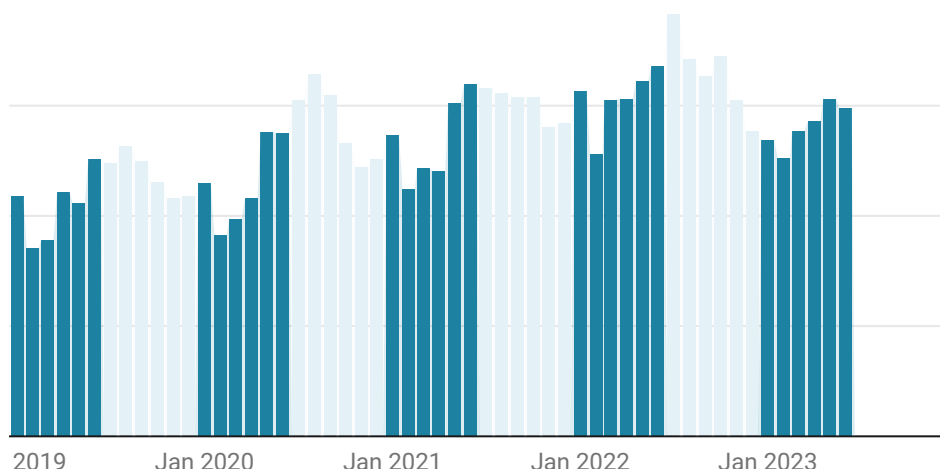
That was the [question posed](#) by a town hall on youth violence hosted by the Denver Gazette and 9News last month, referring to the name given by local media to the city's infamous summer of 1993.

In fact, the summer of 2023 is similar to the “Summer of Violence” in one respect: Homicides and other violent crimes are down, just like they were in 1993, when, despite an 80% year-over-year increase in [newspaper headlines about the violence](#), Denver's homicide and violent crime rates fell slightly compared to 1992.

Decades of research has linked media coverage of crime with distorted public perceptions of crime trends and risks. In annual surveys conducted between 2001 and 2019, a majority of Americans consistently [told Gallup pollsters](#) they believed national crime rates had risen over the previous year, even as data showed those rates falling to their lowest levels in a half-century. Consumption of local TV news, especially, is associated with “significantly elevated perceptions of risk and fear of crime,” [studies have found](#).

Colorado violent crime rates

Monthly crimes per 100,000 residents in the 5 largest reporting law enforcement jurisdictions, Jan. 2019–June 2023



"Violent crime" includes homicides, sexual assault, aggravated assault and robbery.

Chart: Colorado Newsline • Source: Colorado Bureau of Investigation • [Get the data](#) • Created with [Datawrapper](#)

Since its launch in 2020, the Denver Gazette, one of several Colorado-based news outlets owned by Republican megadonor Phil Anschutz's Clarity Media Group, has positioned itself as the most aggressive chronicler of Colorado's "crime tsunami." Nonstop news coverage of violence, drugs and homelessness is accompanied by commentary denouncing, in the words of one recent [editorial](#), the state's "abundance of gullible, weak-willed, soft-on-crime elected leaders."

The backlash among Colorado conservatives to criminal justice reform mirrors a return to tough-on-crime rhetoric by Republicans across the country – with one notable difference. While red-state governors have placed blame for rising crime rates on big-city [liberal mayors](#) and "[woke](#)" [prosecutors](#), in Colorado – where two of the state's three largest cities, Colorado Springs and Aurora, have had conservative-leaning city governments and Republican DAs during the surge – Republicans have largely sought to frame criminal justice as a state-level issue.

In 2022, with Polis up for reelection and Colorado Democrats defending their legislative majorities, GOP politicians made crime a central issue on the campaign trail, though the strategy failed to produce results as Democrats strengthened their hold on state government.

National data shows that crime levels rose across the country in the pandemic's wake – in red states and blue states, in big cities and small towns, in jurisdictions that had embraced sentencing reforms and in those that hadn't. In general, the same has been true of 2023's declines.



📷 Denver Police Department officers respond to an incident in the Speer neighborhood on May 11, 2022. (Faith Miller/Colorado Newsline)

“Most states, regardless of politics, saw their murder rate rise by 40% or more in 2020, with a few conservative states, such as Montana, South Dakota, and Kentucky, seeing the highest jumps,” Pasko wrote in a [2022 analysis](#) of Colorado’s rising crime rates. “Crime is not political.”

Even as crime rates begin to come down again, however, there’s little sign that Colorado conservatives are giving up trying to wield it as a political cudgel.

State Rep. Gabe Evans, a Hudson Republican who [last week launched his campaign](#) for the 8th Congressional District seat held by Democratic U.S. Rep. Yadira Caraveo of Thornton, focused exclusively on crime in his announcement video. In it, Evans, a former Arvada police lieutenant, claims that Colorado is experiencing “record violent crime,” an assertion that was false even before the recent decline, since violent crime rates were higher in the 1980s and 1990s.

And as recently as last week, a headline on a Gazette [news story](#) described Boulder municipal leaders mulling less punitive policing strategies “amid rising crime,” a characterization that Boulder Police Department data shows is no longer true.

Re-criminalizing drugs

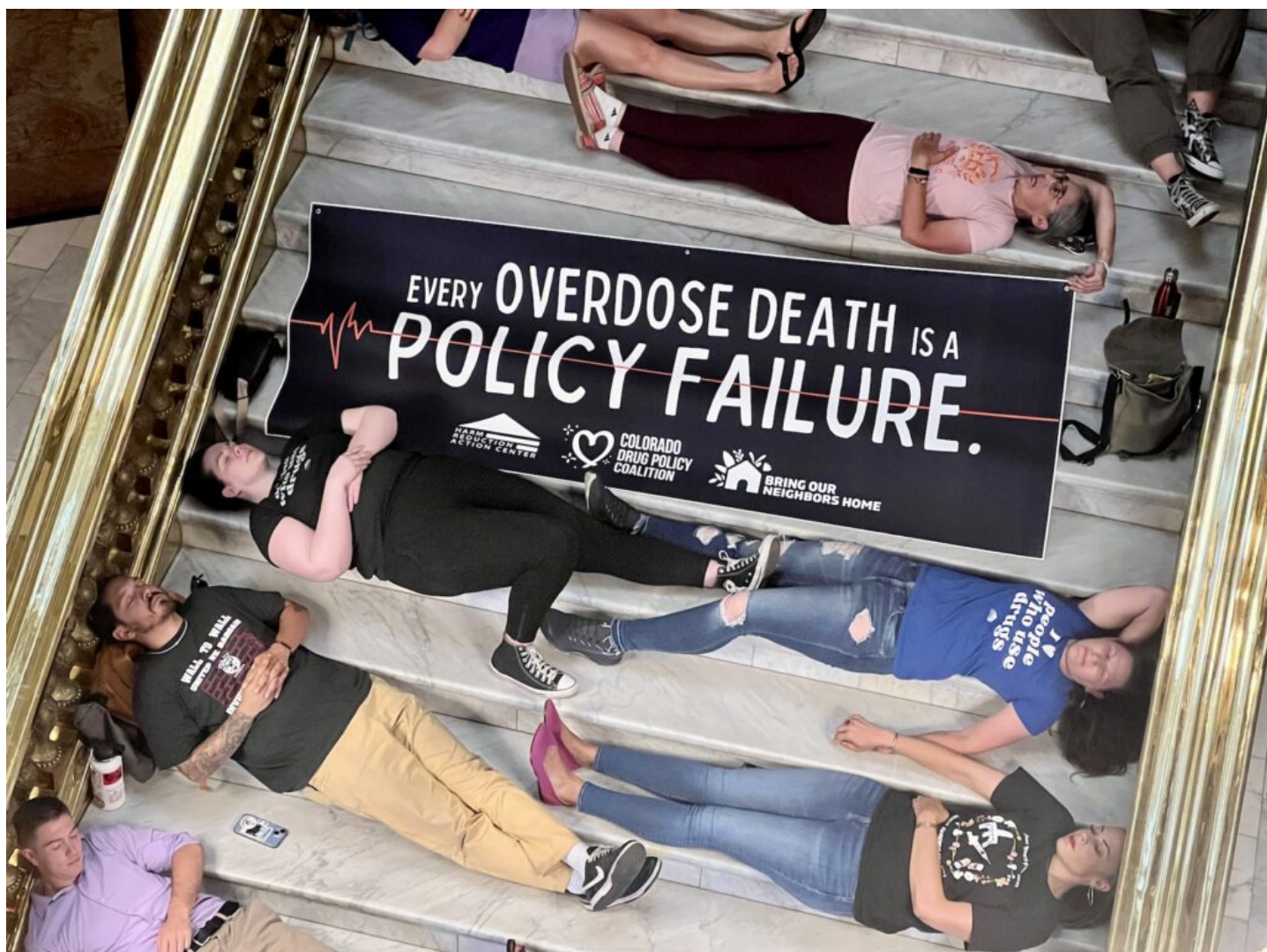
Though Colorado Republicans’ tough-on-crime rhetoric didn’t prove effective at the ballot box in 2022, GOP lawmakers have successfully worked with moderate Democrats in the General

Assembly to toughen sentencing laws, not only for auto theft but for drug distribution and possession, too.

Last year, lawmakers passed House Bill 22-1326, [which re-felonized simple possession of small amounts of synthetic opioids](#) like fentanyl, reversing a change made by a 2019 law enacted with bipartisan support.

It's been an abrupt reversal for a criminal justice reform movement that worked throughout the 2010s to win support on both sides of the aisle for less punitive and incarceration-focused criminal justice policy, especially when it came to drug use disorders.

“For a while there – for a solid decade – there really was a lot more alignment about research-based best practices on how to promote public safety,” Donner said.



📷 Demonstrators, including Rep. Elisabeth Epps, bottom right, and Rep.-elect Tim Hernández, bottom left, lay on the interior Capitol steps on Aug. 31, 2023, for 288 seconds in honor of the number of people in Denver who have died of a drug overdose in 2023 so far. (Sara Wilson/Colorado Newsline)

The alarm over the fentanyl crisis – another trend that public-health experts say has been exacerbated by the pandemic and its destabilizing economic effects – has frequently veered into outright misinformation. Myths about the risk of airborne or passive exposure to

fentanyl, which toxicologists have debunked as virtually impossible, continue to be spread by law enforcement agencies.

“We saw a resurgence of this really shallow, get-tough rhetoric, and then followed fairly quickly after that with a ridiculous conversation about fentanyl, which was reminiscent for me of some of the drug war hysterics over the crack cocaine,” Donner said.

HB-1326 reverted possession of more than 1 gram of synthetic opioids to a felony charge, lowering that threshold from 4 grams. In a widely repeated talking point, the bill’s supporters described 4 grams of fentanyl as equivalent to “2,000 fatal doses of the drug.” But because the law’s threshold applies to compound weights, it re-felonized the possession of as few as 5 to 10 pressed pills containing trace amounts of synthetic opioids.

In the wake of the change, one exception to Colorado’s general downward trend in crime rates in 2023 is the reported rate of drug crimes, which has rebounded after dropping roughly by half after the onset of the pandemic. In Denver, police reported more than 2,000 drug crimes in the first six months of 2023, the highest year-to-date total since 2019.

Drug arrests in Denver, 2014–present

Monthly reported drug crimes, 3-month rolling average



Chart: Colorado Newsline • Source: Colorado Bureau of Investigation • [Get the data](#) • Created with [Datawrapper](#)

In official statistics, drug and alcohol crimes are classified neither as violent nor property crime but under a separate “crimes against society” category. They help illustrate what reform advocates say is a major limitation in how most government and law-enforcement agencies measure criminalized activity: the drop in Colorado’s drug crime rate corresponded much more closely to a pandemic-era decrease in enforcement, rather than any change in illegal drug use. Such limitations can distort the underlying reality behind crime trends in a variety of ways.

“The proxies for crime most often are either reports to law enforcement, or arrests by law enforcement,” Donner said. “Reporting is probably, of the two unreliable (proxies), the less unreliable. But we have wide, wide variations in reporting by crime.”



📷 Denver Police Chief Ron Thomas. (Denver Police Department)

Thomas linked Denver Police officers’ “increased focus on on drug issues” with broader efforts by the city to address homelessness.

“There’s a lot of drug traffic and drug use that involves our community that’s experiencing homelessness,” Thomas said. “So focusing on where the challenges are, I think is a reason why we’re seeing an increase in those arrests.”

Echoing comments made by prosecutors who supported HB-1326, Thomas said the “leverage” of a drug charge can help divert people with drug use disorders to treatment, rather than jail or prison, through efforts like the state’s Law Enforcement Assisted Diversion program. The department, he said, is also “trying to be intentional about not criminalizing homelessness.”

“So while we are focusing on the challenge there, our primary focus is on dealers,” Thomas said.

In spite of other positive indicators, drug overdose deaths in Colorado don’t appear to be on the decline. Denver experienced a 16% increase in fatal fentanyl overdoses in the first six months of 2023, a trend that reform advocates say is proof the approach being taken since HB-1326’s passage isn’t working.

“Fentanyl-related charges have doubled in the last year but deaths due to fentanyl have not decreased,” Denise Maes, former public policy director for the ACLU of Colorado, [wrote](#) last week on X, formerly Twitter. “Criminalization isn’t saving lives.”

Dougherty said that “people shouldn’t have to hit the doors of the courthouse or the jail to get help.”

“We rank in the bottom 10 nationwide in substance abuse treatment being available in the community,” he said. “As long as we’re continuing to fail the people of Colorado who are in dire need of substance abuse treatment and/or mental health treatment, we’re going to continue to see a certain percentage of them flowing into the justice system.”

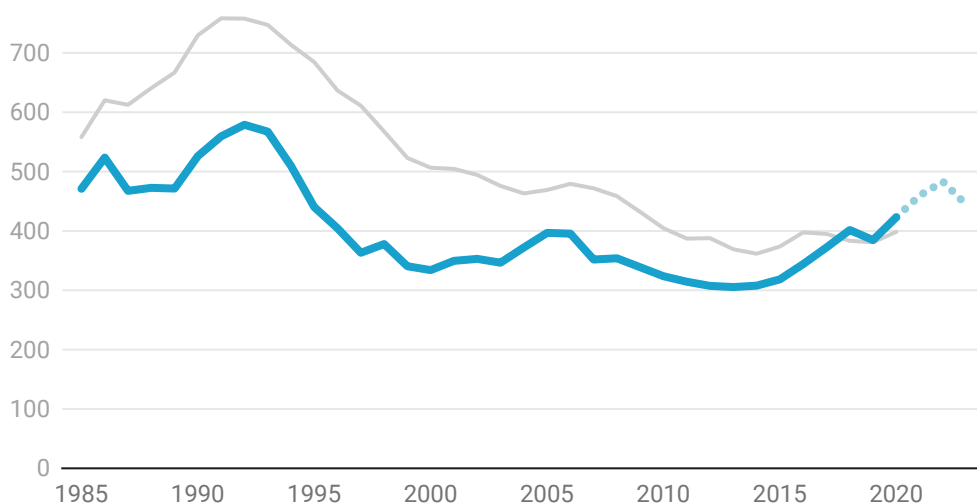
Barring a sudden reversal of the trend, Colorado’s post-2020 crime wave will have peaked at levels below the highs experienced in the 1980s and 1990s.

“We’ve had these moments in history before,” Pasko said. “We’ve seen those factors come back in the last few years that were there in the late '60s and early '70s. We saw it again in the late '80s and '90s, and then we saw violent crime going down in about 1996 across the country.”

Likening the return of investment in youth and gang violence intervention programs to similar efforts undertaken in the mid-1990s, Pasko said that if those conditions continue, Colorado and other states around the country could see incremental declines over the next decade.

Violent crime rates, 1985–present

Yearly crimes per 100,000 residents in Colorado (in blue) and the U.S. (in gray)



Dotted line based on preliminary 2021–2023 CBI data.

Chart: Colorado Newsline • Source: Federal Bureau of Investigation, Colorado Bureau of Investigation • [Get the data](#) • Created with [Datawrapper](#)

“We’re seeing this stabilization, a return of resources and a little bit more order,” she added. “I think that that’s going to gradually get reflected in our crime stats going back down. It’s not going to be an immediate drop.”

“When we look at the complex drivers of crime, I don’t think there’s any single cause we can look at and say, ‘That’s the one thing that’s driven crime up, or the one thing that’s driven crime rates down,’” Dougherty said.

In spite of the political backlash in recent years, there’s agreement among advocates and some law enforcement leaders that many of the criminal justice reforms enacted throughout the

2010s represent important progress. Conservative efforts to repeal or undermine policies like bail reform and a bipartisan police accountability bill passed in 2020 have failed.

“We should definitely improve the justice system and ensure that it's working fairly and equally for all, and there's improvements that we've made as a state over the last 10 years – we've come a long way, actually,” said Dougherty “But those improvements all should be designed to ultimately improve community safety and well-being.”

Amid lingering disputes between reformers and law enforcement leaders, Democratic lawmakers this year declined to reauthorize the Colorado Commission on Criminal and Juvenile Justice, a sentencing reform panel that had advised lawmakers since its formation in 2007. Progressives had faulted the commission for what they viewed as its increasing politicization, exemplified by its endorsement last year of tougher auto theft penalties.

The CCJJ's disbandment this summer could serve as a reset for Colorado criminal justice policy. All sides expect to come to the table at the Legislature next year and hash out what a successor to the CCJJ might look like.

“It creates an opportunity. I do think that having a multi-disciplinary, collective group look at some of these issues is useful,” said Donner. “There is energy in moving towards that direction, and I think there's a lot of ideas in the community – in terms of both what the priorities and challenges are, and what the solutions are.”

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