

PROTECTING VULNERABLE COLORADANS AND RESPECTING HEALTHCARE WORKERS

Colorado healthcare workers have worked hard throughout the pandemic to care for the sick and keep our communities healthy, often risking their own wellbeing in the process. Without question, these workers are deserving of dignity, respect, and safety on the job.

Policies that increase criminal penalties when a healthcare worker is assaulted may be well intentioned, but fail to prevent violence against healthcare workers and have the unintended consequence of causing further harm to vulnerable populations in need of treatment

and care in the process. That includes people with behavioral health issues, people with disabilities, and people with conditions like epilepsy, neurological disorders, traumatic brain injuries, dementia, and other conditions that impact the brain.

Increasing criminal penalties for assault has no evidence basis for preventing assault. Instead, it disproportionately impacts people with serious physical and behavioral health conditions, creating a harmful cycle of felonization for vulnerable populations that need care, not cuffs. Not only that, but these policies put healthcare providers who have a duty to first and foremost do no harm in an ethically compromised position.

Healthcare workers deserve solutions that work

- This policy puts healthcare providers who have a duty to first and foremost do no harm in an ethically compromised position.
- We need to invest resources in early prevention for behavioral health needs and more accessible physical and behavioral health care options rather than criminalizing those with cognitive decline, brain injuries, or behavioral health issues.
- Appropriate staffing ratios, staffing training for providers, and higher pay will do more to support our healthcare workers than this felonization policy.

Increasing criminal penalties when a healthcare worker is harmed will not prevent violence

- A 2017 review of multiple studies found little evidence that enhanced sentencing had a substantial or significant effect on deterring crimes.
- A review of judicial data shows that since 2015, there has been an overall *increase* in felony assault charges brought that involve an alleged assault on a first responder. These laws are not associated with a “deterrence” impact.
- In 2015, there were 541 felony charges filed for assaults on first responders and in 2021, a record 783 felony charges were filed.

This policy will cause further harm to vulnerable populations

- Similar existing crimes are disproportionately charged against people who have specific health conditions and are subsequently found incompetent to proceed (ITP). While the total number of charges has increased 2 fold since 2013 to 2018, those charged with these crime who were found ITP has increased 25 times
- People with intellectual and developmental disabilities (IDD) are oftentimes misdiagnosed, if diagnosed at all, with a disability and do not receive the support and accommodations necessary for equal and equitable access throughout the justice system process. Historically, this lack of support has led to the over incarceration of people with IDD.
- In 2013, a little over 1% of people who had enhanced felony assault charges filed against them were ITP. By 2018, those proportions had increased by 20-fold, with individuals who were ITP representing 14-22% of all the enhanced felony assault charges showing the disproportional impact these laws are having on people with specific health conditions.
- Individuals with a felony on their record face difficulties finding work and housing and are more likely to have applications denied by employers and landlords. Policies that increase criminal penalties would endanger an already vulnerable population and make it more difficult for them to care for themselves and their families.
- When people in need of treatment become fearful that they will be arrested and charged for demonstrating symptoms of their health condition in a hospital, they will be less likely to seek care.
- Some physical and behavioral health conditions are difficult to diagnose and treat. These Coloradans should not be at risk of a felony while they try to identify while they are having cognitive issues.



**MENTAL HEALTH
COLORADO**

The following organizations **oppose** increasing criminal penalties for assault:



**COLORADO
CROSS-DISABILITY
COALITION**

