



2nd Judicial District

(Denver County)

District Attorney Candidate

2016 Voter Guide

MAKE YOUR VOTE COUNT

Mark Your Calendars!

- ❖ **Mon. Oct. 31st:** Deadline to register to vote by mail or online and receive a ballot by mail
- ❖ **Tues Nov. 8th:** General Election Day (Polls open 7am- 7pm)
- ❖ To register to vote on-line go to: www.sos.state.co.us
Click on *Elections & Voting*
Click on *Voters*

On Election Day, you can register and vote on the same day at a Voter Service and Polling Center.



Be Sure To Vote



CHECK IT OUT

Adam Foss "A Prosecutor's Vision for a Better Justice System" Ted Talk (Feb 2016)

https://www.ted.com/talks/adam_foss_a_prosecutor_s_vision_for_a_better_justice_system?utm_source=tedcomshare&utm_medium=email&utm_campaign=tedsread

The District Attorney (DA) is one of the most powerful players in the criminal justice system and very politically influential! In Colorado, the District Attorney has a lot of decision-making authority and responsibility. They are also elected officials but oftentimes too little information is known about DA candidates or decisions s/he makes once elected.

In 2016, CCJRC launched its KNOW YOUR DA campaign to help voters be more educated about DA candidates around the state. This campaign will continue beyond the election cycle to promote more community engagement to improve transparency, accountability and relationship with elected District Attorneys. Go to www.ccjrc.org to learn more and get involved.

DID YOU KNOW

DA's have decision-making power to determine:

- Whether or not to file criminal charges
- Plea- bargaining
- Whether or not a diversion program is implemented
- Whether or not the death penalty is sought
- Services, compensation and funding for victims of crime

DA's have power and influence beyond the courtroom!

- Public policy at the state and local level
- State and local budgets
- Public opinion on safety, equity, and justice issues
- Other government and elected officials

In 2016, there are two candidates running for District Attorney in Denver, which makes up the 2nd Judicial District. Beth McCann won the Democratic Primary Election and faces Independent candidate Helen Morgan in the General Election which will be held on November 8, 2016.

CCJRC submitted a written candidate questionnaire to each of the candidates and their responses are reprinted verbatim and in their entirety. They are presented in alphabetical order. We greatly thank the candidates for their participation.

Beth McCann (D)	page 3
Helen Morgan (I)	page 12

CCJRC publishes this Denver District Attorney Voter Guide for educational purposes only. The views expressed by the candidates do not necessarily reflect the perspective of CCJRC nor does CCJRC endorse any candidate.

The power of the state to punish for crimes is profound, and the prosecutor directs this awesome power. How might 'We the People' control the choices of such a pivotal public servant?

Ronald F. Wright -Professor at Wake Forest University

Beth McCann (D)

The following biographical information is provided by Ms. McCann. For additional information, you can go to <http://mccannfordenverda.com/>



Beth McCann doesn't just talk about standing up for justice; she has spent her lifetime doing it. In the legislature, she stood up to the NRA to pass gun safety legislation, she stood up to the big banks to pass foreclosure reform, and she stood up to the DAs to provide due process for juveniles.

As Deputy and Chief Deputy District Attorney in Denver, she prosecuted hundreds of cases, including child abuse and murders. She was Denver's first female Manager of Safety in the early 1990s under Mayor Wellington Webb. She then became Chief Deputy Attorney General in the Colorado Attorney General's office where she supervised over 30 trial lawyers.

Beth is currently completing her fourth term representing House District 8 in east-central Denver. There, she has been the leader in healthcare reform and criminal justice matters. She served on the task force that examined Colorado's involuntary mental health commitment process.

In 2014, Beth passed legislation to help struggling Coloradans experiencing foreclosure stay in their homes and sponsored a bill to strengthen Colorado's human trafficking laws and assist vulnerable Coloradans who are subjected to this devastating activity.

Beth earned her law degree at Georgetown University Law School. She graduated magna cum laude from Wittenberg University in Springfield, Ohio, with a B.A. in American studies. She and her husband, Christopher, have two children — a son, Chris, who graduated from East High School in 2007, and a daughter, Lizzy, a 2010 East grad. Both graduated from Amherst College in Amherst, MA.

Name of DA Candidate: Beth McCann (D)

1. If elected DA, what will be the priorities for your administration and identify what areas for improvement will you focus on, if any?

I have several priorities and areas for improvement for the Denver District's Attorney's office:

- **Improve the juvenile justice system** – engage young people through community and school-based early intervention; use restorative justice and other alternatives to jail
- **Address mass incarceration - particularly disproportionate incarceration of people of color** – change approach to promote justice for all
- **Rebuild trust between law enforcement and community** - hold law enforcement accountable; establish open and transparent communication with community representatives
- **Increase transparency and involvement of the office in the community** – require attendance at community meetings by members of the office and by the District Attorney
- **Reduce recidivism rates** – provide better mental health and substance abuse treatment in prisons; support services to reintegrate people into the community
- **Strengthen public safety** - work with communities to prevent and reduce crime
- **Prioritize prosecution of predators** - prioritize the prosecution of child abuse, domestic violence, elder abuse, sexual assault, and human trafficking
- **Establish a Veteran's Court in Denver** – examine alternatives for those who have served the country and have brushes with the law.

When it comes to improving the DA's office, my approach will be one of transparency. The public should be informed about the basis for decisions. I will have advisory councils with whom I can discuss the status of cases and from whom I will receive valuable input. As D.A., should the public have questions, I will answer them directly and to the best of my abilities.

2. What is your perspective on racial disparity in the criminal justice system, in general and specifically, what tracking measure would you put in place to monitor prosecutorial practices, and what mitigation and accountability measures would you put in place to address racial disparity?

Racial disparity exists in our criminal justice system, and there is over-representation of people of color in our jails and prisons. I plan to have a sheet in every file on which a deputy will mark the race, sexual orientation, and gender of the defendants so we can track what is happening within the office. There are several critical decisions during the course of a criminal case: will there be a charge brought, what will the charge be, what kind of plea bargain will be offered, and what sentencing recommendations will be made? Are we treating people of different races differently at any one of these stages for the same crime?

I will not tolerate racial disparity in the office. If we find that there are disparities, we will work together as an office to address the issues, educate and train our employees to recognize bias, conscious or unconscious. If I discover an individual continues to practice racial disparity despite training and discussion, he or she will be disciplined up to and including termination.

I plan to have sessions on cultural competency and awareness; I have someone in mind who is very good at this training. I also would like to bring in the Vera Institute to evaluate the way lower level crimes are being handled and make recommendations for improvement.

3. What is your perspective on the delivery system of crime survivor services, in general, and specifically what steps would you take to better meet the needs of underserved crime survivors? (By underserved, we mean low-income, people of color, men, LGBTQ, and crime survivors who also have a criminal background.)

Generally, I think the DA's office does a good job of assisting crime survivors. The Victims' Assistance Unit is staffed by experienced and trained personnel who work with victims and their families as a case moves through the process. This is critically important for the well being of the victims. I support the Victims Rights Amendment in the Constitution and statute which requires that victims be consulted at every critical stage of a case. I sponsored a bill (that passed) to allow victims to speak at Community Corrections hearings so that their voices are heard.

At the Capitol, I worked with the Colorado Coalition against Domestic Violence when I sponsored a bill to provide more resources for victims of domestic violence. The bill passed. I also worked with the Colorado Organization for Victim Advocates and the Colorado Coalition against Sexual Assault in passing bills that provide services for survivors. I received an award from the Domestic Violence Coalition and from CCSA for my work on behalf of victims in the legislature. I will continue my relationships with these groups as we work to assist survivors of crime.

We put together a large stakeholder group to work on a major human trafficking bill I sponsored which established a human trafficking council, a statewide group to work on human trafficking issues, including finding funding for survivors. The Council meets monthly and is composed of representatives from throughout the state. These contacts and relationships will be critical for me as the next Denver District Attorney

We need to increase the resources available to crime survivors. I am excited about the opening of the Rose Aodom Center where victims of domestic violence can get all the services they need under one roof. I will continue to work for the funding of services for survivors and the relationships I have formed as I worked on these issues will be critical to successful work in the future.

4. Crime survivors who are undocumented immigrants are often afraid to report the crime out of fear of being deported. What policies and procedures, if any, would you implement to protect undocumented crime survivors from deportation should they cooperate with police and prosecutors?

I believe that the district attorney's office should be involved in the approval of applications for U Visas for victims of crimes who are undocumented. It is my understanding that the Denver District Attorney's office is not involved at this time; this responsibility is being handled by the Denver Police Department. This is a critical procedure to allow crime victims to report crimes and co-operate with the police, and I anticipate more involvement in this issue by the district attorney's office. We must support those victims so that they are not fearful of reporting crimes.

I have several friends who practice immigration law, and I will consult with them as we work together to encourage reporting of crime by immigrants, documented and undocumented. They are entitled to the protection of our laws and to be safe in our communities. I will educate the deputy district attorneys and establish policies that make it clear that crimes against undocumented folks are to be taken just as seriously as crimes against citizens. Those that prey on the vulnerable will be prosecuted.

5. What is your perspective on guided decision-making for prosecutors, in general, and specifically would you develop written guidelines regarding plea bargain practices and, if so, would you permit those guidelines to be available to the public?

In general, I favor discretion on the part of judges as well as prosecutors. I would expect any deputies I hired and trained to have the skills and confidence to go to trial if necessary but, more importantly, to have the good judgment to evaluate all the circumstances of a case and do what is

right in those circumstances. It would be easier to have a one size fits all policy but that is not the way criminal justice should work. Each case has its own unique set of facts and circumstances.

I will have guidelines for deputies but they will not be hard and fast. Each deputy has a chief deputy district attorney whose job it is to consult and guide attorneys. I would expect to rely on the deputy him or herself and also on the chief deputies.

If I do adopt guidelines, they would be available to the public

6. Recently, Colorado has seen both a dramatic increase in felony drug filings and opiate overdose deaths. What do you attribute these dynamics to and what strategies would you support, both inside and outside the criminal justice system, to address them?

I became very familiar with this issue when I attended a conference of the National Conference of State Legislatures during which information was shared regarding the shocking number of deaths and injuries in Colorado from prescription drug overdose. As a result, I sponsored a bill with Sen. Aguilar to strengthen our Prescription Drug Monitoring Program here in Colorado. This is the program that requires pharmacists to report to providers when a patient is filling multiple prescriptions for narcotic drugs. I have also participated in the task force organized by the Governor to address prescription drug overdose issues in Colorado. I will continue to support the PDMP and the efforts of the task force to educate the public about these risks and to prevent the overprescribing of narcotic drugs.

I was also the prime sponsor of the bill that expanded the use of naloxone (Narcan), a drug that saves the lives of those in the crisis of overdose. Our emergency responders are now using this drug to save lives. I worked with the Harm Reduction Center to get that bill passed and I support the work the group does.

Unfortunately, what is happening in Colorado is that those who are addicted to prescription drugs have been moving to heroine because it is less expensive and more easily accessible. I participated in the establishment of Denver's drug court when I was the Manager of Safety for Denver and continue to support it. I am a strong supporter of providing treatment and services to those who are addicted to substances rather than sending them to jail (depending on the severity of any crimes committed). I will prosecute those who deal in drugs as I view them as predators. I will continue to work with our community partners and law enforcement to prosecute drug traffickers and to provide services to those who are addicted.

7. Many immigrants, including legal residents, young "dreamers" with DACA status, and those who fled persecution abroad, often face devastating immigration consequences for minor criminal convictions. Given the Supreme Court's recognition that consideration of immigration consequences should be a part of the plea bargaining process, what policies and procedures, if any, would you implement to promote the consideration of immigration consequences on a case-by-case basis?

I believe that immigration consequences must be considered when deputies are considering appropriate disposition of criminal cases. As indicated, I favor discretion among well-trained deputies. I plan to establish policies that will outline factors to be considered such as length of time in the state, family connections, employment situation, severity of crime, circumstances of criminal activity, etc. Chief deputies supervise the line deputies so the chief deputies will be responsible for reviewing plea dispositions and can consult with me on troublesome cases.

8. In general, what is your perspective on whether Colorado has too many people that are incarcerated and/or under some form of criminal justice supervision and specifically, what, if any, efforts would you lead or join regarding specific reforms regarding incarceration in jail or state prison and pretrial detention?

There are too many individuals incarcerated in Colorado. I plan to conduct a study of the way we are handling lower level non-violent crimes in the office so we may develop appropriate alternatives to prison for non-violent offenders. There are certainly many dangerous individuals who need to be incarcerated as do many who continually violate our laws. However, others could benefit from treatment and alternative programs. One such approach is introducing restorative justice programs that work with defendants, victims and the community to restore harm. These programs have shown to be successful in other counties, and I look forward to bringing them into practice in Denver.

The school to prison pipeline is another area that needs to be addressed. Many juveniles enter the system because of school based altercations or offenses. As DA, I will partner with schools to encourage school-based programs such as restorative justice and teen courts in addressing school based criminal activity. I was the first director of the Safe City program in Denver which put resources into community based programs to help keep our kids out of gangs, drugs, and violence. I am a big believer in prevention as well as prosecution.

Pre-trial incarceration is also plaguing our detention system. Too many individuals remain incarcerated because of the inability to pay their bonds or bail or for technical parole violations. I have supported our bills in the legislature to reform bond practices. I also sponsored and passed a bill this year to change our purposes of parole to be more rehabilitation oriented than punishment. This year, I am sponsoring the “ban the box” bill in a effort to help those who have served their time obtain productive employment so they won’t commit further crimes

9. People with a criminal conviction can face long-term barriers to housing, employment and other collateral consequences as a result of having a criminal record. What, if any, strategies would you support that could mitigate unnecessary collateral consequences and do you think elected District Attorneys should be concerned about collateral consequences?

District Attorneys should absolutely be concerned about collateral consequences . It is a matter of public safety. When you provide people with hope and a future to anticipate, they are much less likely to re-offend. I am sponsoring legislation this year that prevents employers from asking about a past criminal history on a job application. It is critical to our public safety that previous offenders be given a chance at becoming productive members of society. When we build ladders of opportunity for individuals they are more likely to succeed.

As District Attorney I will proudly work with the Department of Corrections to help former felons obtain opportunity and employment. I support the DOC movement toward more rehabilitative efforts by parole officers. I am on the Re-entry Task Force of the CCJJ which is developing strategies to keep our offenders from re-offending, and I look forward to continuing that work as the Denver District Attorney.

10. Many local jurisdictions have some form of criminal justice planning committee and the state created the Colorado Commission on Criminal & Juvenile Justice. What is your perspective on the role, efficacy and both strengths and weaknesses of these type of multi-stakeholder planning groups?

I am currently a member of the Colorado Criminal and Juvenile Justice Commission, and I attended meetings and participated in one of the committees before I became a member. My impression is that the Commission was aggressive and effective during its first few years. Many recommendations were made regarding sentencing reform which were then turned into legislation. Other legislative recommendations were adopted.

However, the Commission has not been as effective over the last few years. Perhaps the easy issues were addressed and now the broader more difficult issues remain. My experience has been that such groups tend to do a lot of work upfront but do not necessarily tackle the more difficult issues as they move along. A strength is that they do provide a forum for important discussions. A weakness can be if the leadership does not focus the group on achievable objectives.

In general, I think these commissions are worthwhile. Even if they don't accomplish as much as might have been hoped when they were established, building relationships is always helpful, and the commissions provide a forum for dialogue which is important and generally helpful for future actions. The more we can listen to each other, the more we will learn about and from each other.

11. In the big picture, what do you think are the most effective ways to advance community health and safety?

A healthy and safe community is one that puts resources into creating an environment in which young children can thrive, supports people with mental health and substance abuse issues, and encourages police officers to build relationships in the communities they serve.

As a community, we need to commit to putting more resources upfront for children who are struggling and who are exposed to toxic environments at young ages. Investing in early childhood education, increasing support for new mothers, providing interesting after school programs, and encouraging effective mentoring programs will prevent young people from becoming involved in the criminal justice system and keep them healthy.

When I was the Director of the Safe City program, we supported smaller community-based programs that were very effective in helping young people make good choices. Mentoring and after-school programs were most effective. I would like to see a similar effort made by Denver to provide financial support for these types of programs. The D.A.'s office can participate in strengthening and supporting these efforts.

For those with health concerns (both mental and physical), our crisis response systems and community clinics are providing much needed relief but more needs to be done. We are woefully short of long-term bed space for those with severe mental health needs. The city of Denver is beginning to take significant steps to address homelessness, but for the sake of the health and safety of our community, we must continue to work on solutions that provide housing and services to this vulnerable population.

The more we support neighborhoods and folks getting to know each other, the more we will see communities support their members and improve their physical environments. Many groups in Denver are working very hard on these efforts like LiveWell Colorado, My Brothers' Keeper, and Denver Days. Continued support for these efforts is key to keeping our neighborhoods strong, safe, and healthy.

A good relationship between the police and community members is also vital to keeping our city safe. The more officers know community members, the better able they are to serve the community.

12. There is very little information available to the public about the decision-making and outcomes of the DAs office. What would you do to improve transparency of the DAs office including what data would you make available to the public, what method would you use to inform the public and what formal opportunities would you put in place to receive community input?

I am a firm believer in transparency and accessibility. As Manager of Safety and Director of Excise and Licensing, I attended many neighborhood meetings regarding a variety of issues ranging from prevention of burglaries to liquor licenses in neighborhoods. As a state representative, I have walked throughout our neighborhoods, visited with folks in their homes and businesses, and held

many town hall meetings. It is through this type of community contact that I learn what people are thinking, what they are concerned about, and how I might be able to help them improve their lives.

As the next Denver District Attorney, I will continue to meet with neighborhood groups, and I will require the deputy district attorneys to attend neighborhood association meetings so that we can establish and build working relationships within the communities we are serving. Residents should know who represents them in the district attorney's office and feel comfortable reaching out for assistance.

I am a strong believer in returning every phone call and responding to every email. Prompt response to community inquiries will be a requirement for my employees. My office will make available all data that can be released without jeopardizing a particular investigation, including initial police reports, detectives' investigative reports, statements of witnesses, and court records. Certainly when a case is concluded, all data will be available to the public that is allowed by law.

In order to inform the public, we will use press releases, press conferences, meetings with interested parties, public meetings, and written communication. I will be available to meet with people who are interested in receiving more information. As mentioned, I will attend neighborhood and community meetings and answer questions from the public.

I am exploring the possibility of holding a public fact review process following decisions regarding excessive force cases. In such a process, a detective or police official would explain the facts that were gathered in the investigation so that the public understands the basis for a decision. Questions will be taken and answered.

I intend to have community advisory councils with whom I will meet regularly so that we are always in communication about issues in the community, and I can receive valuable input and suggestions. I will talk with community leaders about issues as they arise, and I want community members to be able to call me if they hear of something about which they have a concern.

13. There is a growing sense of mistrust in some communities about the criminal justice system including law enforcement, prosecutors, and other criminal justice agencies. What would you do to improve trust and repair relationships with disaffected communities, particularly communities of color?

Rebuilding trust between law enforcement officers and the community is one of the most challenging issues facing our city and our nation today. I have several thoughts regarding ways to improve these relationships.

- Continue the dialogue that is currently taking place in meetings throughout the community between police officers and community members. We need to involve the line officers who patrol the streets, not just their superiors. The more the officers who patrol a given community get to know the residents, business owners, and leaders of the community, the more improvement we will see in the relationship.
- Increase the number of police officers. I have already talked to the Mayor and some City Council members about this, and I understand they are moving in that direction. The number of officers is not back to where it was before the recession and yet our population has grown enormously. Officers are stretched thin and don't have the resources to be in the community as much as they should.
- Expand training for sheriffs' deputies and police officers regarding de-escalating situations instead of initially approaching a situation to "take control". While the DA's office doesn't have authority over the Denver Police Department, the office participates in training at the police academy and can certainly work with the Police Chief to assist in obtaining resources for increased training.

- Consult with the police administration to develop an effective way to retrain or weed out officers who continue to have excessive force complaints and stay in communication with the administration about officers not being truthful or failing to show up in court.
- Communicate with the Office of the Independent Monitor more and take advantage of its work and resources. I hope to expand the input of the OIM in the decision making process regarding excessive force complaints and whether criminal cases should be filed. I also plan to expand the review of these cases within the office so that I receive input from others regarding filing cases. There may be instances when a special prosecutor would be in order.
- Establish community advisory councils of interested parties, particularly from communities of color. I will meet regularly with these groups to make sure the lines of communication are open. I plan to pick up the phone when issues arise and be accessible to community members when they have concerns. I plan to communicate controversial issues to community leaders before they hit the press so that we can talk them through. As a state representative, my door has always been open, and I talk and email with my constituents regularly. I try to respond quickly and effectively to issues that are raised and will continue to do so.
- Attend neighborhood and community meetings and events. The DA's office will attend the Mayor's Cabinet in the Community meetings. I will continue to attend neighborhood meetings and will require the deputy district attorneys to do so as well.

14. What changes, if any, would you make regarding charging, plea bargaining, and sentence recommendation practices among prosecutors in the DA's office that would reduce the number of people with mental illness who are involved in the criminal justice system and what would you do to better address their mental health treatment needs?

The criminal justice system is struggling to address the needs of people with mental health issues. I am on the Colorado Commission of Criminal and Juvenile Justice task force on mental health in the system and we are exploring solutions. Unfortunately, we are warehousing many folks with mental illness in our jails and prisons, which is not the proper place for them.

I will work to establish pre-charging diversion programs for those who commit minor non-violent crimes so that we identify those with mental health needs before they are charged with a criminal offense. This is being done in some jurisdictions so that the individual can be directed to services rather than the criminal system. There are some exciting programs taking place in our state. The EDGE program in Boulder allows mental health professionals to listen to the dispatch calls and go with officers on calls that appear to be mental health related. The mental health professional is then able to assess the situation and suggest alternatives to the criminal justice system. The officers are very pleased with the program. Denver has a more limited program in which mental health professionals may accompany officers. These programs could be expanded.

Through my work in the state legislature, I have developed relationships with many leaders in the mental health field in Denver, particularly the Mental Health Center of Denver. There are great opportunities for more cooperation and development of treatment options for those in the Denver criminal justice system.

Denver needs more resources directed toward services, particularly long term care. The Affordable Care Act requires that insurance companies cover mental health care on parity with physical health care so I hope we will see more hospitals willing to take mental health patients and more long-term care options.

I was on the task force established by the legislature to review involuntary 72-hour mental health holds. We were able to get some legislation passed to simplify and clarify some of these procedures although issues remain. This is a very frustrating area for officers because they are often called when someone is having a psychotic episode and they take the person to an emergency room, but the person is

released shortly thereafter only to repeat the behavior the next day. Rural sheriffs often do not have any locations to use because the local hospital isn't certified to receive mental health patients so the person ends up in the local jail. The task force I am currently on with CCJJ is examining how we better address these situations.

As for the DA's office, I want to use pre-charge diversion programs to the extent possible so people do not end up with criminal records. On the other hand, sometimes the motivation provided by a pending criminal charge can be effective in keeping people in and cooperative with treatment. So, individual cases will need to be examined. When a person is charged with a non-violent crime or even a minor violent crime, we will assess the situation to determine if mental health treatment versus a jail sentence is a good option. Sentencing recommendations would need to be commensurate with the circumstances of the case.

I am also interested in looking at the possibility of establishing a mental health court in Denver as well as a veteran's court to handle cases of people struggling with mental health and substance abuse problems who get involved in the criminal justice system. Such courts exist in other parts of the state and offer examples of innovative ways of treating folks who really shouldn't be in the system.

Helen Morgan (D)

The following biographical information is provided by Ms. Morgan. For additional information, you can go to <http://www.helenmorganforda.com/>



Helen Morgan earned her B.A. in political science and Spanish from the College of St. Thomas in St. Paul, Minnesota in 1986. After teaching Spanish for two years she attended the University of Minnesota Law School, graduating in 1991. Helen worked as a law clerk for the Honorable John Sommerville before leaving Minnesota for Colorado in 1993.

Helen joined the Denver District Attorney's Office as a deputy district attorney in 1994. Early in her career Helen served as a community prosecutor in the Globeville and Capitol Hill neighborhoods. She was the first woman to try cases in the gang unit. District Attorney Bill Ritter promoted Helen to Chief Deputy District Attorney in 2001. In 2003 Helen began a five year statewide prosecution of a white supremacist prison gang, the first such collaboration in Colorado. Starting in 2006 Helen oversaw the reconfiguration of Denver's Drug Court, which was reestablished in 2007. Recently Helen configured the Restart Court, a treatment court for offenders charged with felony DUI. Helen has tried virtually every type of felony as a prosecutor, including 20 homicide cases.

Helen is currently the Chief of County Court, which means she supervises deputy district attorneys, victim advocates, investigators and support staff who handled over 12,000 cases in 2015.

Helen served on the statewide drug task force. She is currently the Chairperson of the Colorado Traumatic Brain Injury Board and a board member of the Toni Connection.

Helen is running as an Independent candidate for Denver District Attorney.

Name of DA Candidate: Helen Morgan (I)

Judicial District Number: 2nd Judicial District

1. If elected DA, what will be the priorities for your administration and identify what areas for improvement will you focus on, if any?

Community outreach and engagement will be one of my first priorities as District Attorney. In my first years in the District Attorney's Office, I worked as a community prosecutor in Globeville and Capitol Hill. I have seen first-hand that the District Attorney's Office works best when it collaborates with, and listens to, the wider Denver community, including neighborhood organizations, public health professionals, potential employers and other stakeholders. This must mean more than simply sending deputy District Attorneys and staff members to community meetings. I want to hear the very real concerns of groups within our community and respond to questions, criticism and inquiry in a consistently transparent manner. As an office we must provide education in the community as to the role of our office and the manner in which we make decisions in cases of particular interest to the public, such as police shootings.

I recognize that many people in the community, especially within communities of color, do not trust that the District Attorney's Office makes fair and fact-based decisions when it comes to fatal police shootings, in-custody deaths and allegations of police misconduct. As District Attorney I will immediately establish a new protocol for reviewing allegations of police misconduct that do not involve fatalities. A team of professionals within my office will review cases presented to us for filing consideration. In cases involving sustained allegations of serious bodily injury we will institute a double refusal system, as we currently do in sexual assault cases. In those cases, two deputy District Attorneys will conduct *independent* reviews, and if we decline to prosecute, we will issue a letter with the reasons for that decision if requested either by a complaining party or an officer. We will also issue letters or opinions in cases of particular interest to the broader public. At the end of each year, we will issue a report detailing the number of cases reviewed, the types of allegations made, and the decisions regarding filing. In cases of in-custody deaths and fatal police shootings, while I will ultimately make the decision whether or not any charges will be filed, I will engage an independent group to concurrently review the discovery in each case to ensure that my office is not engaging in unrecognized bias or favoritism because of our working relationship with the Denver Police Department and the Denver Sheriff Department.

As District Attorney I will expect that all of my staff will continue my practice of treating each and every victim with the respect and dignity the victim deserves.

Finally, we must ensure that defendants receive the treatment and resources they need to succeed. For too long we have incarcerated people as a response to addiction and mental health challenges. As I did when I reformulated our drug court in 2007, I look forward to working with professionals in the field to expand our existing problem-solving courts and create new ones based on the needs of persons engaged in the system.

2. What is your perspective on racial disparity in the criminal justice system, in general and specifically, what tracking measure would you put in place to monitor prosecutorial practices, and what mitigation and accountability measures would you put in place to address racial disparity?

The statistics are clear that racial minorities are over-represented within the criminal justice system. As a community we all suffer when a particular group or groups of people experience barriers to success. Therefore, my office would work actively to address this disparity for the benefit of all of us living and working in Denver. This will start with office education. While many of us who work within the office are acutely aware, for example, of what being a convicted

felon means for a person's future, we have never once had a training session on this topic. Until we, as an office, look at the facts we cannot begin to meaningfully effectuate change where it is needed.

As District Attorney I look forward to collaborating with other agencies at every phase where decisions are made that impact who does or does not enter the criminal justice system and what treatment that person receives once a decision is made to involve the person in the system.

At the **pre-arrest level** I will work with not only the Denver Police Department but other agencies to formulate optimal responses to 911 calls and other calls for service that may traditionally result in arrest but may be better served by an alternative solution to incarceration, such as the placement of a person in a facility especially equipped to address the needs of a person with a mental health crisis. A variety of non-arrest models have been implemented nationwide and we must create a model for Denver that best suits our population and resources.

At **intake** I will insist upon a robust process that considers not only if a crime has occurred and if there is a reasonable belief that we can prove the case beyond a reasonable doubt, but also is justice best served by charging a crime. We must pay particular attention to the filing of juvenile offenses. We know that involvement in the criminal justice system for a juvenile can have devastating lifetime consequences.

As we consider **dispositions**, I will emphasize a system that broadly considers what an appropriate outcome may be in any particular case. As prosecutors we are not clinicians. We often make decisions on outcomes based on our "sense" of what consequence is appropriate as opposed to a defendant's risks and needs. So, a person with a lengthy criminal history may receive a harsher penalty than someone without such a history, even though that defendant may be no more likely to re-offend than someone without the same history when given the appropriate treatment and services. Dispositions must be structured based in part on validated assessments designed to answer the question, "What can we do as a system to assure this person does not re-offend."

At every phase we must track outcomes. I will consult with organizations, such as the Center for Court Innovation, with whom I have worked in the past, to establish an optimal model for tracking what role race may play at each phase of the system.

3. What is your perspective on the delivery system of crime survivor services, in general, and specifically what steps would you take to better meet the needs of underserved crime survivors? (By underserved, we mean low-income, people of color, men, LGBTQ, and crime survivors who also have a criminal background.)

As a 22-year veteran of the District Attorney's Office I know that supporting crime survivors through a criminal prosecution is one the most important functions of our office. I also know that we cannot be satisfied by our services if all we do is explain the system and receive input on potential dispositions. The Denver District Attorney's Office has led the state in its commitment to victims, with special services in areas such as elder abuse, sexual assault, domestic violence, human trafficking and drug-endangered children. However, that does not mean there is no room for improvement.

The mandate that every crime survivor shall be treated with dignity and respect must be meaningful. Therefore, as an office we must consistently train and be educated about the wide range of crime survivors we encounter. Some of most impactful sessions I have witnessed in the District Attorney's Office are when we have had the opportunity to listen to the experiences, struggles and challenges of people who have been victimized, especially when the presenter is someone whose life is in some way very different from our own. It was at one of these presentations, for example, that a victim talked about how difficult it was to come to our office, including the outrageous cost of parking. While to many of us this may be a small detail, a victim should never feel ignored because he or she cannot afford to see us. We must always be prepared, literally and metaphorically, to meet a victim wherever he or she is.

The victim advocates in my office are the people who deliver, or facilitate the delivery, of the majority of services for crime survivors. In many ways they have the most challenging job in the office as they consistently interact with people in crisis. As District Attorney I will empower the victim advocates to be as effective as possible in every case. Every victim advocate should routinely and regularly be trained on resources within the community that are available to assist persons in need, above and beyond services such as counseling. A sexual assault victim, for example, may benefit from counseling services, but if the victim does not have safe housing, counseling will have limited impact. I will support victim advocates as they further establish ties within community groups who work with underserved persons.

Like the rest of our office, our team of victim advocates should also reflect our community. We need to actively recruit potential victim advocates who will enable us to have a diverse group of committed professionals who are able, for example, to converse in a victim's first language.

4. Crime survivors who are undocumented immigrants are often afraid to report the crime out of fear of being deported. What policies and procedures, if any, would you implement to protect undocumented crime survivors from deportation should they cooperate with police and prosecutors?

I have seen that prosecutors are often reluctant to discuss the issue of U-visas and the process with crime survivors for fear of being seen to confer a benefit upon them in exchange for cooperation or testimony. However, we owe it to crime survivors who may otherwise be deported to fully explain the process and assist where appropriate in completing the necessary paperwork. As District Attorney I will continue working with the Denver Police Department to ensure that eligible victims are able to apply for the U visa program.

In a broader context, the message from the District Attorney's Office must consistently be that a person's status in the United States is irrelevant when it comes to crime prosecution. This means that we must engage with community groups who offer services and interact with populations likely to include undocumented immigrants to best communicate this message.

5. What is your perspective on guided decision-making for prosecutors, in general, and specifically would you develop written guidelines regarding plea bargain practices and, if so, would you permit those guidelines to be available to the public?

I believe that the challenge of balancing the goal of treating similarly situated persons similarly and yet accounting for aggravation and mitigation in each and every case is one of the most difficult things we do as prosecutors. In fact, when I started as Chief of County Court a year ago, where I supervise 12 deputies who handle 12,000 cases a year, one of the first things I did was to gather the prosecutors for a retreat where we discussed this very issue.

I have often thought about the issue of developing written guidelines regarding plea bargain practices, but in my experience there are too many potential variables in every case for such guidelines to be a meaningful predictor in any case. That being said, I do believe it is important to have guidelines for when habitual criminal charges should be considered. The public should know what my office's practice will be when we consider habitual charges.

For me, the most important way to ensure that prosecutors in the Denver District Attorney's Office are making plea offers that reflect our community's wish that defendants get the treatment and support they need, that victims are heard and respected and that decisions are made on risk and need, is to have Chief Deputy District Attorneys who embrace these goals and lead by example. I have been a Chief Deputy District Attorney for 15 years and while I have not had regular evaluations, I believe they are critical for leadership. As District Attorney I will selectively hire Chief Deputy District Attorneys, consistently review their performances and ensure they receive ongoing training. This practice will go a long way towards making sure that the leadership team in the office makes choices that reflect our community's mandate.

6. Recently, Colorado has seen both a dramatic increase in felony drug filings and opiate overdose deaths. What do you attribute these dynamics to and what strategies would you support, both inside and outside the criminal justice system, to address them?

Clearly our current system is not working. For example, we know that drug use is often a result of mental health challenges and yet we have more jail beds for people with mental illness than treatment beds. We also know that there is an inadequate supply of treatment options for people seeking assistance with addiction and other issues. Therefore it comes as no surprise that we routinely see groups of people who gather together to use and sell drugs in areas such as Capitol Hill. Business owners often put pressure on the police department to make arrests.

I first worked in a treatment court in 1995. I know that treatment works, and that a public health approach to treating addiction is consistently going to achieve better results than a criminal response. What that means as District Attorney is that at every stage of prosecution I will collaborate with public health professionals to provide the treatment so many people desperately need.

We must create a diversion program for suitable candidates to provide assistance to people with addiction and dependence issues instead of wasting valuable criminal justice resources on punishing a disease. We must also expand problem solving courts at both the felony and misdemeanor level to include not only persons charged with drug or alcohol offenses, but any person who can be safely monitored in the community and needs the additional assistance a problem solving court can provide.

As District Attorney I will consistently press for more access to treatment for everyone. On a weekly basis I am confronted with people in our judicial system who want help but can't afford to get it. Someone's ability to lead a clean and productive life should not be based on his or her pocket book.

Finally we must support agencies, such as the Harm Reduction Center, in their continued effort to increase outreach and services.

7. Many immigrants, including legal residents, young "dreamers" with DACA status, and those who fled persecution abroad, often face devastating immigration consequences for minor criminal convictions. Given the Supreme Court's recognition that consideration of immigration consequences should be a part of the plea bargaining process, what policies and procedures, if any, would you implement to promote the consideration of immigration consequences on a case-by-case basis?

As with any case, prosecutors should feel free to consider potential immigration consequences in determining what a suitable offer should be. If doing justice calls for a plea that would be different for someone without potential immigration consequences, then that plea should be offered.

One of the biggest challenges for prosecutors in these situations is determining what the possible immigration consequences for certain pleas actually are. We routinely get conflicting information from a variety of sources. As District Attorney I will ensure that every prosecutor receives accurate and up to date information regarding potential immigration consequences so that the prosecutor may make informed decisions in this area.

8. In general, what is your perspective on whether Colorado has too many people that are incarcerated and/or under some form of criminal justice supervision and specifically, what, if any, efforts would you lead or join regarding specific reforms regarding incarceration in jail or state prison and pretrial detention?

Yes, there are too many people incarcerated in Colorado and, importantly, often the wrong people incarcerated. Generally persons should be incarcerated based on their potential to re-offend and threaten public safety, not on other factors, such as financial status.

As District Attorney I will work with the probation departments and other agencies to ensure that a defendant is supervised, post-conviction, based on individual risks and needs, not on more subjective standards.

I believe in a bail, no bail standard. In other words, pre-trial defendants who can be safely supervised in the community pending the resolution of their case should be released with an appropriate level of supervision and those who cannot should be held. Ability to pay should not be a factor in who is released.

9. People with a criminal conviction can face long-term barriers to housing, employment and other collateral consequences as a result of having a criminal record. What, if any, strategies would you support that could mitigate unnecessary collateral consequences and do you think elected District Attorneys should be concerned about collateral consequences?

As I indicated above, all deputy District Attorneys need to first be educated about the real meaning of a criminal conviction. I absolutely believe that District Attorney's should be concerned about collateral consequences. We should consistently ask ourselves "what resolution to this case creates the highest likelihood that this defendant will not re-offend, but will instead lead a productive life that he or she can be proud of." That is what the community that we serve expects and is entitled to.

10. Many local jurisdictions have some form of criminal justice planning committee and the state created the Colorado Commission on Criminal & Juvenile Justice. What is your perspective on the role, efficacy and both strengths and weaknesses of these type of multi-stakeholder planning groups?

I served on the statewide Drug Task Force, a sub-committee of the Colorado Commission on Criminal and Juvenile Justice. I think such groups are vital when considering potential legislative changes. Although politics inevitably plays a role, they allow a more thoughtful and educated approach to policy changes than the normal legislative process. The more the stakeholders in any system meet together with a goal to achieve consensus, however difficult that may seem, the more the public will benefit. The biggest weakness I see in such groups is that some people are unwilling to change long-standing beliefs, despite evidence to the contrary, which lessens the possibility for real and needed changes in the criminal justice system.

In Denver we are fortunate to have the Crime Prevention and Control Commission and its various sub-committees. As District Attorney I look forward to personally serving on the Commission. I have productively worked with many of its members over the years, and together we can immediately begin to address some of the very real issues we have in Denver. The Denver District Attorney's Office cannot be a silo. As an organization we must collaborate, as I have spent my career doing, with people with whom we agree and with those we do not.

11. In the big picture, what do you think are the most effective ways to advance community health and safety?

As I stated in response to the earlier question about drug filings and opiate overdose deaths, we know that the criminal justice system is overburdened with people challenged by addiction and mental health issues. Until we embrace the notion that these issues are public health issues, and treat them accordingly by providing meaningful treatment, we will continue to see repeated criminal conduct by these offenders.

In addition, as prosecutors we must rid ourselves of the notion that we are the best judges of who will re-offend. As I indicated previously, we must structure dispositions around an offender's risk and needs, based on validated assessments. We should recognize that jailing an offender may make him more likely to re-offend in the long run as he may lose his job, then his housing, and ultimately his ability to support himself and his family.

In my 22-year career I have seen thousands of offenders. The vast majority can be safely supervised in the community and can be productive members of society given the right assistance. Then there are those who will consistently be a risk and threat to others. Recognizing the difference between the two is the key to advancing community health and safety.

12. There is very little information available to the public about the decision-making and outcomes of the DAs office. What would you do to improve transparency of the DAs office including what data would you make available to the public, what method would you use to inform the public and what formal opportunities would you put in place to receive community input?

As District Attorney I will publish an annual report, available online and in print, similar to the report currently prepared and distributed by the Independent Monitor. The report will include statistics regarding the numbers and types of cases presented for filing and the number and types of cases accepted. This will include cases presented to our office involving allegations of police misconduct. This is a relatively easy task as these statistics are readily accessible. I also commit to including in this report information regarding outcomes. As this will be a more challenging piece, I will engage professionals from outside the office in developing a way to track outcomes that is meaningful both to the public and to people in our office.

I was pleased to see that the Denver Police Department will be tracking racial data. I will explore how we might work together to provide a continuum of information about the impact of race in the criminal justice system.

One of the things I learned as a community prosecutor is that dictating to community members how we will be engaged in the community is meaningless. Therefore, as District Attorney I look forward to conversations with community members about structuring a system that allows everyone to have input into how their District Attorney's Office is run.

13. There is a growing sense of mistrust in some communities about the criminal justice system including law enforcement, prosecutors, and other criminal justice agencies. What would you do to improve trust and repair relationships with disaffected communities, particularly communities of color?

Repairing and rebuilding trust with disaffected communities will begin with having honest conversations with community members about how they see my office. Transparency will be another key piece in rebuilding relationships, providing information about decisions made and the decision-making process.

Until the entire community is satisfied that we make decisions in cases involving police officers based on facts, and not bias, we will make little headway. As I referenced earlier, starting on day one I will change the way my office makes charging decisions in fatality cases involving police officers. This change will most definitely include an independent review team.

As a white woman I will never understand what it is to be a person of color in America. I can read statistics and I can acknowledge the overrepresentation of people of color within the criminal justice system. But until everyone who is affected by the criminal justice system believes that I am committed to changing these realities, trust will remain elusive.

Finally, I know I do not have all the answers. One of my first questions as District Attorney must be to those who are wary of me and my office: What can we do to earn your respect?

14. What changes, if any, would you make regarding charging, plea bargaining, and sentence recommendation practices among prosecutors in the DA's office that would reduce the number of people with mental illness who are involved in the criminal justice system and what would you do to better address their mental health treatment needs?

Addressing an offender's mental health treatment needs is one of the most challenging aspects of my job as a prosecutor. I know that often the worst thing that can happen to someone in a mental health crisis is to be arrested. I take very seriously our role as gatekeeper to the criminal justice system. As I have indicated, as District Attorney I will work with other agencies, including the Denver Police Department and health providers, to develop a non-arrest model for the mentally ill that best suits our population and resources.

Similarly, at the intake stage I will insist that we accept cases only when justice is best served by charging a crime. If we know that an offender is legally incompetent and has no realistic opportunity to be restored, we must look for alternatives to keep the offender and the public safe. Jailing such an offender for a significant period of time is futile and inhumane.

As Chief of County Court, where we handle 12,000 cases a year, barely a day goes by when I am not talking with a deputy district attorney about what to do with an offender with significant mental health issues. Dispositions must be structured based in part on validated assessments designed to answer the question, "What can we do as a system to ensure that this person does not re-offend?" When that question is asked about an offender with mental health issues, the answer is generally to access mental health services.

For many years I have discussed with judges, defense lawyers and probation officers the need for a mental health court in both county court and district court. As I did when I reformulated drug court, I will collaborate with partners within the criminal justice system and public health agencies, such as the Mental Health Corporation of Denver and Denver Health. Together we can develop problem-solving courts that will address the specific needs of the mentally ill.

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