



Denver District Attorney Candidate 2016 Voter Guide

Mark Your Calendars!



- ❖ **Primary Election Day - Tues June 28th**
(Polls open 7am-7pm)
- ❖ **General Election Day- Tues Nov 8th**
(Polls open 7am- 7pm)
- ❖ Deadline to register to vote by mail or online and receive a ballot by mail:
For Primary Election: Mon. June 20th
For General Election: Mon. Oct 31st
- ❖ To register to vote on-line go to:
www.sos.state.co.us
Click on *Elections & Voting* and then
Click on *Voters*

On election day, you can register and vote on the same day at a Voter Service and polling Center.

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 four candidates running for District Attorney in Denver, which makes up the 2nd Judicial District. Three candidates are Democrats, namely Kenneth Boyd, Michael Carrigan, and Beth McCann. These three will be running against each other in the Primary Election to be held on June 28, 2016. The winner of the Primary Election will face Independent candidate Helen Morgan in the General Election which will be held on November 8, 2016.

CCJRC submitted a written candidate questionnaire to all four of the candidates running for Denver DA. The candidates' responses are reprinted verbatim and in their entirety. They are presented in alphabetical order. We greatly thank the candidates for their participation.

Kenneth Boyd (D)	page 3
Michael Carrigan (D)	page 11
Beth McCann (D)	page 17
Helen Morgan (I)	page 23

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

Kenneth Boyd (D)

The following biographical information was provided by Mr. Boyd. For additional information, you can go to <http://www.kennethboydda.com/>



Kenneth Boyd was born and raised in Aurora. He learned the value of hard work and integrity while watching his parents build the family business. From the time he was old enough to carry his dad's hammer, he spent his summers and school breaks roofing houses throughout the metro area.

Currently, Kenneth is a senior deputy district attorney in the Denver District Attorney's Office. As a prosecutor, Kenneth handles hundreds of cases a year, specializing in the investigation and prosecution of white-collar crime and crimes involving the financial exploitation of senior citizens. Previously he prosecuted crimes involving domestic violence and crimes against children in the Family Violence Unit.

As District Attorney, Kenneth will modernize the District Attorney's Office by focusing on prevention, intervention and treatment to keep non-violent offenders from becoming hardened criminals and offer help for those suffering from mental illness. He will work to rebuild trust and increase transparency by instituting a Public Fact Finding Review in cases involving police related deaths and increase the use of cutting edge technology and forensic science to protect the innocent, convict the guilty and keep our families safe.

Kenneth and his wife Erika, a full time worker and mom, live in north Denver with their two boys who attend Denver Public Schools. Their furry family members include two pups, Daisy, a Beagle, and Henry, an Italian Greyhound.

Name of DA Candidate: Kenneth Boyd (D)

Judicial District Number: 2

Date: 4/21/16

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

If elected Denver District Attorney, my priorities will be to increase the public's trust in law enforcement through increased transparency, increase the involvement of the DA Office in our community, continue to modernize our criminal justice system through the use of cutting edge technology and forensic science, and focus on preventative efforts and the intersection of mental health and the criminal justice system.

Increasing trust between the community and law enforcement is critically important to the next Denver District Attorney. As DA, I will institute a public fact finding review in cases where anyone dies at the hands of law enforcement. I had the opportunity to meet with the Assistant District Attorney in Las Vegas, Nevada, who runs their fact finding review program, and I am the only candidate committed to bringing this process to Denver.

Further, I will open up the files of the DA's Office to an independent institution or university to allow them to research the use of our prosecutorial discretion, particularly in the areas of charging and plea bargains. Again, I was the first candidate who committed to this project, and it will, for the first time ever, give us data on whether our decision making is inadvertently contributing to racial disparities in the criminal justice system in Denver.

I will bring back our community prosecution program that Bill Ritter instituted while he was the Denver DA. It involved assigning prosecutors to different neighborhoods or areas of Denver so we can understand the diverse needs of Denver's neighborhoods through relationship building with the community, faith based, and political leaders of those areas.

Denver is blessed to have a world renowned crime lab and it will continue to play a significant role in helping us prosecute cases and assuring the fairness of our justice system. I will seek out ways in which we can utilize cutting-edge technology and forensic science such as body-worn cameras, shot-spotter and ballistics technology, forensic computing, and DNA. I am proud to be the only democratic candidate who has prosecuted cases involving DNA, including homicides and numerous cold case sex assaults. After raping multiple women, Christopher Parra will never rape another woman in Denver because I prosecuted him with the use of DNA technology. Science and technology not only help us to solve more cases, but their use allows us to exonerate innocent suspects and take a more targeted approach to solving crimes.

Finally, I will focus on prevention and mental health. I believe that understanding mental health will play a significant role in the future of the criminal justice system. As we learn more about how mental health affects people's behavior, we will change the way we treat those suffering from mental health issues when they intersect with the criminal justice system. The first step we can take will be establishing a mental health court in Denver.

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 bear out what anyone can see on a day to day basis in Denver’s courtrooms, and what I have seen during almost a decade working in Denver’s courtrooms. Racial disparity exists in the criminal justice system. There are a number of complex factors that play a role in causing this disparity including socioeconomic causes of crime, decision-making by criminal justice officials at various points throughout the system, and disproportionate offending and victimization in certain categories of crime to name a few. The real question is not whether a disparity exists, but which of the many factors are playing the most significant role in causing the disparity. The challenge for the next Denver District Attorney will be to help solve this complex issue.

I was the first and only candidate who committed to partnering with an independent institute or university to look for patterns that emerge in our charging decisions and plea bargains. I am particularly focused on these two areas of decision making because this is where prosecutors wield the most power.

I have already begun discussions with the Department of Sociology at the University of Colorado at Denver about becoming a partner on this project, and they are excited about the opportunity to conduct this research. This has never been done in the history of the Denver DA’s Office, and it is the critical first step that must be taken before we can put into place mitigation and accountability measures. And it can be done. I know this because I met with John Chisholm, the District Attorney of Milwaukee for two hours on this issue. He was one of the first DA’s in the nation to conduct a study like this. Without this critical information, putting into place meaningful mitigation and accountability measures will be virtually impossible.

Finally, I will assure my deputies are trained on implicit bias and inclusivity.

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.*)

Crime victims are an important part of the criminal justice system, and I am proud of the work I have done on behalf of victims in our city, particularly sexually abused children and seniors who have suffered physical abuse or financial exploitation. The Denver District Attorney’s Office is a national leader in advocating for victim’s rights, and I intend to continue that leadership role. In Denver, we are lucky to have great organizations that specialize in delivering services for not only crime survivors, but also for those individuals who have been through the criminal justice system and are now trying to get their life back on track.

Right now, the ability of our office to affect the delivery of services is directly tied to our ability to provide funding to non-profits that do the bulk of the work in this area. It is critical to continue our partnerships with community based services so they can provide the support that the District Attorney simply cannot.

In 1985, the Colorado Legislature created the Victim Assistance and Law Enforcement Program (VALE) to provide a mechanism to generate funds to provide services for crime victims. The Denver District Attorney's Office administers the fund within the 2nd judicial district, and in fact, two district attorney employees provide staffing for the Denver VALE board.

Currently, VALE funds 28 agencies, including many that support underserved communities including The Colorado Anti-Violence Program (LGBTQ community), the Asian Pacific Development Center, The Blue Bench, the Victim Services Intern Program for minorities, Latina Safehouse, Servicios de la Raza, Maria Droste Services of Colorado (serving low income families and individuals), as well as the Muslim Family Services to name a few. In addition, VALE has been instrumental in developing the Victim Services Network which is run out of the Denver DA's Office, as well as, supporting the Citizens Against Senior Exploitation project, Denver's Anti-trafficking Alliance, and the Sexual Assault Interagency Council.

As the elected District Attorney, I will continue the DA's commitment to providing services to crime victims. In order to make sure we are responding to the needs of underserved communities, I will remain actively engaged in gaining input from the various service providers on the perceived need for services for victims in our community. I will do this by assuring we actively engage our service providers in regular meetings where information can be provided to us and shared across all of the agencies.

Finally, Denver's ability to deliver services to crime victims, particularly those involved in domestic violence, is about to get a huge boost with the opening of the Rose Aandom Center. This Center creates one space where victims of crime can go to have all of their needs met under one roof. It will eliminate many barriers to providing services, particularly to low income victims relying on public transportation. I will make it a priority to have a prosecutor present in the Center on a part time basis at a minimum.

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?

The protection of crime victims and witnesses is an incredibly important responsibility of the Denver District Attorney. Victims and witnesses who are undocumented immigrants deserve a system that encourages reporting of crimes and continued cooperation throughout the criminal process. I believe strongly in the U-Visa program because it strengthens the ability of law enforcement to investigate and prosecute crimes by giving protection to undocumented immigrants who fear reporting and cooperation will lead to deportation. In addition, the U-Visa program helps foster positive relationships with Denver's vibrant immigrant communities by encouraging reporting and cooperation, increasing accountability within those communities, promoting public safety, and assuring the prosecution of serious cases, especially those involving domestic and sexual violence, and human trafficking.

The U nonimmigrant visa, commonly known as the U-Visa, was created by Congress through the passage of the Victims of Trafficking and Violence Protection Act in 2000. The U-Visa grants non-immigrant status or temporary status for victims of certain enumerated crimes who have been, are being, or are likely to be helpful in the investigation or prosecution of criminal activity.

It is important to understand that we, as state prosecutors, cannot confer this status upon undocumented immigrants that cooperate with our office. Rather, our role is to provide signed law enforcement certifications, known as I-918 Certifications, which are the first step to obtaining a U-Visa. In those certifications, we certify that victimization actually occurred, that the type of crime was a qualifying crime under the U-Visa program, that the undocumented immigrant was helpful and/or cooperated throughout the process, and that the crime was in violation of state or federal law.

Currently, Denver has an inter-agency agreement whereby Denver's law enforcement agencies, including the Denver District Attorney's Office, have agreed that I-918 Certifications be handled by one agency. Currently, that agency is the Denver Police Department. The DA's Office will also, on occasion, sign an I-918 certification without the involvement of the Denver Police Department, and I am proud of my strong track record of advocating for certifications on behalf of victims and witnesses in several of my cases involving domestic violence.

As DA, I will assure the protection of our undocumented immigrant victims through the use of a strong U-Visa program in Denver. First, I will review our inter-agency agreement to determine whether the current process is one that fulfills both the purposes of the U-Visa program and the goals of the Denver District Attorney's Office. If I believe that the current process is not fulfilling those vital purposes, then I will work to change the process by having our office take a more direct and active role in the certification process itself. In addition, I will see that all of our prosecutors, victim advocates, and investigators are well versed in the program and understand that it is an important program to the mission of our office.

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 strongly in the ability of our prosecutors to exercise their own discretion to pursue justice as they see fit. I believe that creating too many guidelines can interfere with the ability of prosecutors to exercise their discretion in a way that promotes justice and fairness. Too many guidelines could preclude prosecutors from considering the myriad of circumstances that each defendant's case presents. Excessive guidelines could also stifle creativity in the plea bargaining process by creating barriers to the sensible resolution of cases where none should exist. Fewer guidelines allow prosecutors to consider the unique circumstances of the individual before them, including any mitigation presented, victim input, collateral consequences, common sense, judicial economy, and simple fairness.

Nonetheless, I believe that guidelines are appropriate in three areas. First, in the context of county court, they can be helpful in providing guidance for younger, less experienced attorneys as they are learning how to use their discretion. Secondly, they can be helpful when adjusting ways in which we handle certain cases as our philosophies, goals, and treatment courts change. Finally, I believe guidelines are useful in determining when the most severe sanctions should be pursued such as habitual criminal sentences, as this assures that those severe sanctions are fairly and consistently applied across all of our cases.

As for publication, the decision making process of prosecutors is considered the "work product" of our attorneys and is subject to legal protections. If publication of our guidelines endangered the legal protections of our work product, I would not be willing to publish those guidelines to the public. However, I will always have an open door policy to the public defenders and defense

attorneys who work in Denver in order to discuss issues affecting their clients. In addition, I plan on making sure our office is engaged in the community and listening to the needs of our diverse neighborhoods.

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?

Just to put things in perspective, in Denver, there were 2,882 arrests for drug violations in 2014. Although that was almost double the amount of arrests in 2011 and 2012, it is roughly half the amount of drug arrests we saw in the mid 2000's and less than a third of what Denver experienced in the late 1990's when the arrest rate for drug violations was almost 7,000. The recent spike in filings and opiate overdose deaths is, I believe, linked, but the overdose deaths are not the only cause of the arrest spike. Specifically, as Colorado tries to deal with the heroin and opiate epidemic sweeping the nation, there is going to naturally be a law enforcement response to that effort as agencies try to curtail the heroin trade in Denver. All citizens should be concerned about the over prescription of opiates, and the fact that many prescription drug abusers are turning to heroin because it is cheaper.

I also attribute the recent spike in drug filings to the new development and redevelopment of some of our neighborhoods. As developments continue to push up against areas of town that were traditionally known for high rates of drug use and open air drug markets, new residents are increasingly turning to law enforcement to help curtail drug problems in their neighborhoods. When I spoke to the neighborhood association in Curtis Park, the residents voiced their concern with the increase in drug activity caused by the city's decision to fence off Triangle park. This decision has consequently moved some of the drug activity that normally took place in the park, further north into the streets around the Curtis Park neighborhood, causing an increase in call for police to do something to curb the drug activity in these communities.

I will address this issue through support of our treatment based courts and the establishment of a mental health court in Denver. In addition, I will support the efforts of the city and non-profit agencies who are doing all they can to address this issue with innovative programs like PHASE which assists probationers and parolees who are dealing with chronic homelessness, substance abuse, and mental health issues. Further, I am a supporter of efforts to make naloxone available to counteract overdose deaths.

Finally, I believe it is time for the nation to have a discussion about whether we want to continue to address drug addiction through a criminal justice model, or whether we would be better served to address it through a public health model.

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 should be a part of the plea bargaining process and I will make it my office's policy that deputies should take those potential consequences into consideration when determining what the fair and just result is on a case by case basis.

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?

Over the last 30 years, the nation has seen dramatic increases in prison populations. Even though Colorado has seen five consecutive years of decreases in prison population from its peak in 2009, we should always be doing more to lower incarceration rates. Determining who the right person is to incarcerate is, of course, the most important question and the difficult challenge faced on a daily basis by judges, prosecutors, defense attorneys, probation officers, and parole officers.

Certainly, the policy that we could mass incarcerate our way out of drug addiction was a failed policy. Mental health is one of the biggest drivers to the criminal justice system, and it is time we address this issue so we can begin to prevent people struggling with mental health issues from intersecting with the criminal justice system. As the elected DA, I will seek to reduce incarceration rates by continuing our commitment to treatment based courts. In addition, I am in favor of extending our juvenile diversion program to adults and believe we should be an active participant in the work that is being done to address Colorado's high recidivism rates both at the legislature and locally through non-profits.

Denver is also currently addressing bond reform, and I believe that it is unfair for poor people to have to sit in jail while defendants with resources can be released on monetary bonds. I am in favor of a system where risk is determined for each individual through an evidence based model that is constantly being updated as more data is collected. This will allow us to make better decisions on who should be locked up awaiting trial, who should be released, and what conditions may be appropriate for pretrial supervision. This is another area where advances in technology, like GPS and alcohol monitoring, can be utilized to mitigate a person's risk to the community.

As mentioned above, I am committed to data collection and applied research by an independent institute or university which will bring with it the potential to drive down incarceration rates as well. In addition, I am committed to performing a top down review of all of our Federal grants to insure they are not driving over incarceration, and I will also insure we apply our forfeiture laws equitably and only in cases involving a conviction.

Finally, the continued use of technology will help us to bring a more targeted approach to solving crimes. For instance, in response to shootings, our shot spotter system identifies where shootings occur so that casings may be collected from the scene. These casings are then taken to our crime lab to be analyzed and matched to other casings found at other crimes scenes. Detectives can then work to match those crimes to individuals involved in multiple shootings, thereby targeting only those individuals involved in the shootings, and thus, reducing the need to do general sweeps of neighborhoods where high rates of gun violence occur.

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?

The elected District Attorney should be aware of the collateral consequences that criminal convictions can have on people in the criminal justice system. The primary focus must be on what the direct consequences are for criminal behavior as determined by the legislature. However, similar to immigration consequences, potential collateral consequences are part of a individual's story and can sometimes play a role in determining what the just outcome is in a particular case. I understand the importance of this issue, because I have a friend who was denied the opportunity to pursue his dream of teaching due to an extremely poor decision he made during his college years.

As District Attorney, I will support the use of deferred judgments for first time offenders which will allow them the opportunity to keep felony convictions off of their records. In addition, I support extending our juvenile diversion program to adults, in certain cases which will prevent a criminal conviction when a person successfully completes the diversion program. Furthermore, I will continue to utilize innovative programs such as Denver's Bad Check Program which diverts individuals who have written bad checks from being charged with Fraud by Check, a class six felony, and instead enrolls them in classes and a restitution program.

Finally, I am open to hosting regular expungement/record sealing clinics so people can learn how to go about having their convictions expunged or their records sealed altogether.

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 believe that the role of committees like the CCJJ should be to advise elected leaders on changes that can be made to improve the criminal justice system. Committees such as these have the ability to eliminate political rhetoric from clouding important public safety policy decisions. They also allowing experts in the field to conduct a more thorough analysis of issues over a longer period of time.

The biggest strength of these committees is the opportunity for the various stakeholders to come together to research, review, and collaborate on ways to solve the complex issues facing the criminal justice system at every level. These committees provide a voice to everyone involved in any potential change. However, the greatest strength of these committees is also its greatest weakness, since the various stakeholders can have widely differing viewpoints on how to effect meaningful change. Thus, it can be difficult to pass recommendations, bringing about change is slowed by the process, and there is a question as to whether such committees can indeed tackle tougher, more complex issues.

That said, I continue to believe that the success or failure of these committees in large part depends upon the committee members themselves. I still believe that great things can come about when we put our best and brightest together at a table to discuss complex issues. And yet, every committee member must understand that they will rarely accomplish everything they set out to change. The true value of these committees is realized when the committee members themselves have the foresight and expertise to identify where the compromises are that can help overcome barriers to progress.

Michael Carrigan (D)

The following biographical information is provided by Mr. Carrigan. For additional information, you can go to <http://michaelcarrigan.com/>



Michael Carrigan is a Colorado native and nationally recognized attorney. He is a former prosecutor, criminal defense attorney who is now a partner in Colorado's largest law firm. Michael has been consistently ranked as a Colorado "Super Lawyer" and in "America's Best Lawyers."

Since 2004, Michael has represented Denver on the CU Board of Regents, which oversees CU's \$3.5 billion budget. He believes that, under new leadership from the Denver D.A.'s office, our city can become a national model in criminal justice reform through proper use of programs to divert youth offenders and address substance abuse and mental health issues. Michael's commitment to bringing a smart and modern approach to Denver's criminal justice system had earned him broad community support from throughout Denver.

Name of DA Candidate: Michael Carrigan (D)

Judicial District Number: 2

Date: April 21, 2016

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 believe we are at a unique juncture in history, both locally and nationally, with an opportunity to bring about meaningful criminal justice reform. I am running because I don't want to lose this opportunity to make Denver a national model for such reforms. To reach that goal, I will focus on the following areas (most of which are detailed in response to other questions):

- Breaking the school to jail pipeline that is devastating so many lives.
- Using established or new programs to proactively shift from the current mindset of arresting members of our community who suffer from substance abuse, mental health issues and homelessness.
- Reforming our bail system to stop punishing people for being poor.
- Restoring trust in law enforcement by prosecuting officers who break the law and use excessive force, and being much more transparent when decisions are made to not prosecute such cases.
- Expanding the office's community engagement, by requiring deputy DAs to be actively involved in neighborhood organizations, non-profits and other groups.
- Revamping the hiring and evaluation processes to increase diversity among the ranks of prosecutors.

These and other reforms will not happen overnight or even in four years. For this reason, I see my candidacy as a long-term commitment to the Denver DA's office.

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?

Our criminal justice system disproportionately affects our minority communities and I will address those racial disparities and unfair treatment of those in poverty. If elected DA, I will work to break the school-to-jail pipeline by creating programs to keep our youth out of the system in the first place and offer diversion programs to low-level offenders. I also support expanding bail bond reform to help low-level offenders from being incarcerated because of their financial status. It is my commitment to these priorities that have already earned me the support from the Greater Metro Denver Ministerial Alliance.

As the only candidate with experience on both sides of the courtroom – as a former prosecutor and defense attorney – and representing clients in a contemporary law firm, I am uniquely qualified to bring a smart, modern approach to managing the DA's office. I will support expanding data collection from every part of the criminal justice system to better address the racial disparities; the use of technology will help identify where these racial disparities occur. In addition to using modern technology; as Denver DA, I will hold annual reviews with all attorneys under my

supervision, to evaluate their performance and determine promotions based on qualifications rather than seniority. These evaluations will include the review of feedback from judges, juries, opposing counsel, crime victims, unrepresented defendants, peers, and staff; plus, I will evaluate their cases tried, plea bargains, merit dismissals, and level of community engagement.

If elected, I will collaborate with other city officials to implement a comprehensive tracking system to monitor demographics from stop to sentence. By studying such data, we can identify and address the major problem areas, whether it be police, charging decisions, plea bargain offers, sentences or other junctures.

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 the only elected public safety official in Denver, the District Attorney must be a voice for crime victims and underserved communities. I believe that we need greater collaboration and coordination of programs to support crime survivor services. Instead of being greeted with a rainbow of pamphlets and phone numbers, crime victims should be referred to a central place to identify their individual needs and the resources that can serve them. Every crime is different and every victim has different needs. Through such services, those in underserved communities can be connected with the best programs to help them through their time of crisis.

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 intend to follow the model established in Boulder by having a unit dedicated to crimes against immigrants. The reality is that criminals target those in immigrant communities because of their vulnerability and status. By making it a priority to prosecute such predators, we can bring their victims out of the shadows.

Further, if elected Denver DA, I would use U-Visa certifications. U-Visas are an important and powerful law enforcement tool to protect undocumented victims of crime while they work to cooperate with police and prosecutors.

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?

The next Denver DA must do a better job increasing equality and transparency in our criminal justice system. If elected I would address this problem in several ways. First, I would increase the use of “vertical prosecution”; meaning, wherever possible, prosecutors would file their own cases. As a consequence, prosecutors will then be more accountable for outcomes and concerns about overcharging.

Alongside this reform, I would develop broad guidelines for plea-bargain processes. These guidelines would be part of the guided decision-making by individual deputy DA, and where

appropriate, exceptions can be made. This will both promote consistency in offers and but also allow treating unique cases based on their distinctive facts where appropriate.

As a public law office, these guidelines should absolutely be made publicly available.

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?

The opiate overdose epidemic is a national crisis and is not unique to Colorado. The causes are complex and complicated, from medical companies supplying new drugs, to doctors failing to exercise proper discretion. This epidemic has had tragic consequences and our citizens often move to heroin and other drugs to feed the addiction born out of the use of legally prescribed medications.

I don't believe we can arrest our way out of this crisis. The U.S. has tried for decades to fight substance abuse with incarceration and it hasn't worked. While there should be consequences for drug dealers who prey on those battling addictions, I support a new approach, involving comprehensive partnerships with stakeholders to address underlying behavioral health issues, to steer those with substance abuse issues away from the criminal justice system and into treatment. We need Denver to adopt the "LEAD" program (Law Enforcement Assisted Diversion). With this tool, and the many others at our disposal, we can send those in need to facilities that will treat the disease, not the symptom.

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?

While consistency in offers is important, the unique circumstances facing individual defendants should be taken into account. Immigration status is one of those circumstances. I know first-hand how important it is that it be considered. I previously represented a refugee from Uganda who was charged with a non-violent felony, and even a deferred judgment would have meant certain deportation and possibly death for him. I was able to explain his situation in a very conservative jurisdiction (not Denver) and they agreed to give him a misdemeanor plea that was more severe in other conditions. Deputy DAs in Denver should be empowered to make similar decisions.

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?

The main job for the District Attorney is ensuring that our homes, schools, and businesses are safe. However, I believe the key to that safety is rarely incarceration, and I agree we have far too many people behind bars and on supervision. I plan to have a multi-level approach to addressing this problem.

First, I will use the bully-pulpit as DA to follow the example set by former Adams County District Attorney Don Quick, who created the Adams County Youth Initiative. This umbrella group brought together school districts, non-profits and community organizations to recognize that supportive youth programs have a direct impact on public safety. At the end of his 8 year term as DA, juvenile filings under Don Quick were down by more than 50%. Addressing the school to prison pipeline is a top priority for me—it is the source of way too much injustice in our community.

Second, for those who come in contact with law enforcement, I support implementation of LEAD programs (see response to Question 6), and expanded use of diversion programs - both for juveniles and adults. Many jurisdictions have adult diversion programs, and I support creating one focused on young adults. I believe it is time we recognize the modern science regarding brain development and accept the facts that youthful mistakes at the age of 19 and through the early 20s should not have life-long consequences.

Third, I plan on increasing and broadening bail reform in Denver. An average of 15% of the inmates in the Denver County Jail are there on pre-trial detention bonds of \$1,000 or less. The size of their bond reflects the alleged crime at issue, generally a non-violent offense, and far too many are there because they have missed a court date. Denver can and must, use modern technology to reduce the FTA rate which will, in turn, lower the jail population.

Fourth, we will evaluate who we are sending to prison and why. Certainly, violent and repeat offenders are serious threats to public safety and should face serious consequences. However, with a new perspective, we can consider whether prison is the right alternative for many other cases.

Fifth, for the sake of our diverse community, we must address the racial disparities that are a stain on our criminal justice system and I plan to do so as addressed in response to Question 2.

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?

I absolutely agree with that statement. Throughout my campaign, I have discussed how the best way to fight crime is to fight poverty. (Which is why I have been an active supporter of the “Fight for 15,” to ensure that everyone in our community has a living wage.) I would begin by inviting community groups to speak to the entire DA staff about the long-term consequences on criminal convictions, something I was never educated about when I served as a Deputy DA. Unfortunately too many prosecutors don’t realize or don’t take into consideration that the plea offers accepted will follow defendants long after they have completed their sentence or probation.

Strategies I support to address these consequences include broader use of deferred judgments and legislation regarding expungement of convictions. As prosecutors can oppose specific instances of expungement and sealing of records, I will ensure that any opposition to such a request is absolutely justified.

Once again, as the only candidate in private practice, I bring a unique experience to this issue. I have represented innocent clients who had to get their arrest record expunged and helped seal the records of those who had convictions which followed them for years hindering their employability.

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 co-chair of Denver's Crime Prevention and Control Commission, and an active participant in the monthly Justice Coordinating Committee meeting, which involves many stakeholder voices. While both groups need to have more community voices, we have many rigorous discussions about what is working and not working in our criminal justice system.

If elected DA, I would ensure that the office is much more engaged in the CPCC and the JCC and partner with stakeholder groups. I believe they are very valuable in bringing diverse voices to the table and giving the DA's office a broader understanding of the community and its concerns.

The biggest weakness in such groups is that it can be very difficult for them to bring about change with their broad diversity of opinions and consensus. However, I see great value in various stakeholders sitting at the same table and having conversations that can reduce perceptions of adversity and nurture a sense of partnership.

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)

Judicial District Number: 2

Date:

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 Anom 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 cooperate 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 an 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.

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

Date: April 21, 2016

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 the 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.

Helen Morgan , con't

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